

1975
SESSION LAWS
OF THE
STATE OF WASHINGTON

REGULAR SESSION
FORTY-FOURTH LEGISLATURE
Convened January 13, 1975. Adjourned March 13, 1975.

1st EXTRAORDINARY SESSION
FORTY-FOURTH LEGISLATURE
Convened March 14, 1975. Adjourned June 9, 1975.



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RICHARD O. WHITE
Code Reviser



**PERTINENT FACTS CONCERNING THE WASHINGTON
SESSION LAWS**

1. EDITIONS AVAILABLE

- (a) *General information.* The session laws are printed successively in two editions;
 - (i) a temporary pamphlet edition consisting of a series of one or more paper bound pamphlets, which are published as soon as possible following the session, at random dates as accumulated; followed by
 - (ii) a bound volume edition containing the accumulation of all laws adopted in the legislative session. Both editions contain a subject index and tables indicating code sections affected.
- (b) *Temporary pamphlet edition—where and how obtained—price.* The temporary session laws may be ordered from the Statute Law Committee, Legislative Building, Olympia, Washington 98504 at one dollar per set, remittance to accompany order. (No sales tax required.)
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2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

Both editions of the session laws present the laws in the form in which they were adopted by the legislature. This style quickly and graphically portrays the current changes to existing law as follows:

- (a) In amendatory sections—
 - (i) underlined matter is new matter
 - (ii) ~~deleted matter is ((lined out and bracketed between double parentheses))~~
- (b) Complete new sections are prefaced by the words NEW SECTION.

3. PARTIAL VETOES

- (a) Vetoed matter is *printed in italics.*
- (b) Pertinent excerpts of the governor's explanation of partial veto are printed at the end of the chapter concerned.

4. EDITORIAL CORRECTIONS. Words and clauses inserted herein pursuant to the authority of RCW 44.20.060 are enclosed in brackets [].

5. EFFECTIVE DATE OF LAWS

- (a) The state Constitution provides that unless otherwise qualified, the laws of any session take effect ninety days after adjournment sine die. The Secretary of State has determined the pertinent date for the Laws of the 1975 regular session to be June 12, 1975 (midnight June 11). The pertinent date for the Laws of the 1975 1st Extraordinary Session is September 8, 1975 (midnight September 7).
- (b) Laws which carry an emergency clause take effect immediately upon approval by the Governor.
- (c) Laws which prescribe an effective date, take effect upon that date.

6. INDEX AND TABLES

An index of all laws published herein, and pertinent tables, may be found at the back of the book.

TABLE OF CONTENTS

	<i>Page</i>
LAWS, 1975 REGULAR SESSION	
Chapter 1, Regular Session (starts).....	1
Laws, 1975 1st EXTRAORDINARY SESSION	
Chapter 1, 1st Extraordinary Session (starts).....	135
INDEX AND TABLES FOR BOTH SESSIONS	
Tables:	
Cross reference; Bill No. to Chapter No.....	1355
RCW sections affected by 1975 Laws.....	1359
Session law sections affected by 1975 Laws.....	1378
Subject Index	1408
STATE MEASURES	
Text, Proposed Constitutional Amendments.....	1345
History of state measures (Supplementing 1973 Laws of Washington p. 1843)	1461

CHAPTER 1

[Engrossed Senate Bill No. 2033]

AMATEUR AND SCHOOL BOXING, WRESTLING
CONTESTANTS—PHYSICAL EXAMINATIONS,
WEIGHT CLASSIFICATION

AN ACT Relating to boxing and wrestling; and amending section 2, chapter 48, Laws of 1951 as amended by section 1, chapter 53, Laws of 1973 and RCW 67.08.015; and declaring an emergency.

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

Section 1. Section 2, chapter 48, Laws of 1951 as amended by section 1, chapter 53, Laws of 1973 and RCW 67.08.015, are each amended to read as follows:

The commission shall have power and it shall be its duty to direct, supervise, and control all boxing contests or sparring and wrestling matches or exhibitions conducted within the state and no such boxing contest, sparring or wrestling match or exhibition shall be held or given within this state except in accordance with the provisions of this chapter. The commission may, in its discretion, issue and for cause revoke a license to conduct, hold or give boxing, sparring and/or wrestling contests, matches, and exhibitions where an admission fee is charged by any club, corporation, organization, association, or fraternal society: **PROVIDED, HOWEVER,** That all boxing contests, sparring or wrestling matches or exhibitions which:

(1) Are conducted by any (high) common school, college, or university, whether public or private, or by the official student association thereof, whether on or off the school, college, or university grounds, where all the participating contestants are bona fide students enrolled in any (high) common school, college, or university, within or without this state; or

(2) Are entirely amateur events promoted on a nonprofit basis or for charitable purposes and where the gross admissions receipts are five hundred dollars or less; shall not be subject to the provisions of this chapter: **PROVIDED, FURTHER,** That every contestant in any boxing contest, sparring or wrestling match not conducted under the provisions of this chapter, prior to engaging in any such contest or match, shall be examined ((within eight hours prior to the contest)) by a practicing physician ((and that)) at least once in each calendar year or, where such contest is conducted by a common school, college or university as further described in this section, once in each academic year in which instance such physician shall also designate the maximum and minimum weights at which such contestant shall be medically certified to participate: PROVIDED FURTHER, That no contestant shall be permitted to participate in any such boxing contest, sparring or wrestling match or exhibition in any weight classification other than that or those for which he is certificated: **PROVIDED FURTHER,** That the organizations exempted by this section from the provisions of this chapter shall be governed by RCW 67.08.080 as said section applies to boxing contests, sparring or wrestling matches or exhibitions conducted by organizations exempted by this section from the general provisions of this chapter. No boxing contest or sparring or wrestling match or exhibition shall be conducted within the state except pursuant to a license issued in accordance with the provisions of this chapter and the rules and regulations of the commission except as hereinabove provided.

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 Senate January 24, 1975.

Passed the House January 23, 1975.

Approved by the Governor January 27, 1975.

Filed in Office of Secretary of State January 27, 1975.

CHAPTER 2

[House Bill No. 117]

TRANSPORTATION TAXING STRUCTURE STUDY
COMPLETION DATE

AN ACT Relating to the transportation and utilities committees; amending section 4, chapter 210, Laws of 1973 1st ex. sess. and RCW 44.40.110; and declaring an emergency.

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

Section 1. Section 4, chapter 210, Laws of 1973 1st ex. sess. and RCW 44.40.110 are each amended to read as follows:

The senate and house transportation and utilities committees are authorized to undertake a review of the total taxing structure for transportation programs and activities including:

(1) Alternative methods of taxing fuels and establishing license and road use fees;

(2) And the equity of the taxing structure, including but not limited to motor vehicle tonnage and excise taxes, between various classes of vehicles and users.

Said study shall be divided into two phases, a preliminary phase for the purpose of specifically defining the scope and guidelines of the study, and the major study phase for the conduct of the detailed study work.

The committees are authorized to employ a consultant to conduct the study and cooperate with state and federal government agencies in the conduct of said study.

The findings and recommendations of the study shall be submitted to the legislature prior to ~~((the convening of the 1975 regular legislative session))~~ June 30, 1975.

There is hereby appropriated from the motor vehicle fund the sum of five hundred thousand dollars or so much thereof as may be necessary to conduct the study. The committees are directed to seek federal participation and are authorized to receive federal funds for said purpose.

NEW SECTION. Sec. 2. This 1975 amendatory 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 January 22, 1975.

Passed the Senate January 15, 1975.

Approved by the Governor January 29, 1975.

Filed in Office of Secretary of State January 29, 1975.

CHAPTER 3

[House Bill No. 31]

URBAN RENEWAL—COUNTY AUTHORIZATION

AN ACT Relating to local government; and amending section 35.81.010, chapter 7, Laws of 1965 as amended by section 6, chapter 177, Laws of 1971 ex. sess. and RCW 35.81.010; and declaring an emergency.

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

Section 1. Section 35.81.010, chapter 7, Laws of 1965 as amended by section 6, chapter 177, Laws of 1971 ex. sess. and RCW 35.81.010 are each amended to read as follows:

The following terms wherever used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(1) "Agency" or "urban renewal agency" shall mean a public agency created by RCW 35.81.160.

(2) "Blighted area" shall mean an area which, by reason of the substantial physical dilapidation, deterioration, defective construction, material, and arrangement and/or age or obsolescence of buildings or improvements, whether residential or nonresidential, inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality; inappropriate or mixed uses of land or buildings; high density of population and overcrowding; defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness; excessive land coverage; insanitary or unsafe conditions; deterioration of site; diversity of ownership; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; improper subdivision or obsolete platting; or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime; substantially impairs or arrests the sound growth of the city or its environs, retards the provision of housing accommodations or constitutes an economic or social liability, and/or is detrimental, or constitutes a menace, to the public health, safety, welfare, and morals in its present condition and use.

(3) "Bonds" shall mean any bonds, notes, or debentures (including refunding obligations) herein authorized to be issued.

(4) "Clerk" shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.

(5) "Federal government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(6) "Local governing body" shall mean the council or other legislative body charged with governing the municipality.

(7) "Mayor" shall mean the chief executive of a city, town, or class AA county or the board of commissioners of any county.

(8) "Municipality" shall mean any incorporated city(;) or town, or any ((class AA)) county, in the state.

(9) "Obligee" shall include any bondholder, agent or trustees for any bondholders, or lessor demising to the municipality property used in connection with

an urban renewal project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(10) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or school district; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(11) "Public body" shall mean the state or any municipality, township, board, commission, district, or any other subdivision or public body of the state.

(12) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

(13) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

(14) "Redevelopment" may include (a) acquisition of a blighted area or portion thereof; (b) demolition and removal of buildings and improvements; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of this chapter in accordance with the urban renewal plan, and (d) making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with the urban renewal plan.

(15) "Rehabilitation" may include the restoration and renewal of a blighted area or portion thereof, in accordance with an urban renewal plan, by (a) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements; (b) acquisition of real property and demolition or removal of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of this chapter; and (d) the disposition of any property acquired in such urban renewal area (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with such urban renewal plan.

(16) "Urban renewal area" means a blighted area which the local governing body designates as appropriate for an urban renewal project or projects.

(17) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (a) shall conform to the comprehensive plan or parts thereof for the municipality as a whole; and (b) shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite

local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

(18) "Urban renewal project" may include undertakings or activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of blight, and may involve redevelopment in an urban renewal area, or rehabilitation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan.

NEW SECTION. Sec. 2. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions, and shall take effect immediately.

Passed the House January 29, 1975.

Passed the Senate January 30, 1975.

Approved by the Governor January 31, 1975.

Filed in Office of Secretary of State January 31, 1975.

CHAPTER 4

[Senate Bill No. 2199]

UNEMPLOYMENT COMPENSATION EXEMPTION—LEGISLATIVE EMPLOYEES

AN ACT Relating to the exemptions from the special coverage provisions of unemployment compensation; amending section 21, chapter 3, Laws of 1971 as amended by section 9, chapter 73, Laws of 1973 and RCW 50.44.040; and declaring an emergency.

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

Section 1. Section 21, chapter 3, Laws of 1971 as amended by section 9, chapter 73, Laws of 1973 and RCW 50.44.040 are each amended to read as follows:

The term "employment" as used in RCW 50.44.010, 50.44.020 and 50.44.030 shall not include service performed:

(1) In the employ of (a) a church or convention or association of churches, or (b) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(2) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(3) In the employ of a nongovernmental educational institution, approved or accredited by the state board of education, which is not an "institution of higher education"; or

(4) In a facility conducted for the purpose of carrying out a program of (a) rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or (b) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

(5) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by a federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work-relief or work-training; or

(6) For a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution; or

(7) In the employ of a hospital, if such service is performed by a patient of such hospital; or

(8) In the employ of a school, college, or university, if such service is performed (a) by a student who is enrolled and is regularly attending classes at such school, college, or university, or (b) by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that (i) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (ii) such employment will not be covered by any program of unemployment insurance; or

(9) By an individual under the age of twenty-two who is enrolled at a non-profit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employee, except that this subsection shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

(10) In the employ of the state or one of its instrumentalities or a political subdivision or one of its instrumentalities by an individual who is (a) occupying an elective office, or (b) who is compensated solely on a fee or per diem basis.

(11) In the employ of the legislature of the state of Washington by an individual who is compensated pursuant to an agreement which provides for a guaranteed rate of compensation for irregular hours worked.

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 Senate January 24, 1975.

Passed the House January 29, 1975.

Approved by the Governor January 31, 1975.

Filed in Office of Secretary of State January 31, 1975.

CHAPTER 5

[House Bill No. 226]

STATUTE LAW COMMITTEE—APPROPRIATIONS

AN ACT Relating to state government; making appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby appropriated from the state general fund, for the statute law committee, to carry out the provisions of section 6, chapter 257, Laws of 1953 and section 5, chapter 212, Laws of 1969 extraordinary session, salaries, wages and operations, the sum of one hundred sixty-six thousand two hundred thirty dollars (\$166,230) or so much thereof as is necessary, to pay additional costs related to preparing and drafting bills for the legislature and the legislative information system.

NEW SECTION. Sec. 2. There is hereby appropriated from the general fund to the statute law committee the sum of ninety-nine thousand four hundred forty-six dollars (\$99,446), or so much thereof as may be necessary, for the preparation, reproduction, printing and mailing of the session laws of the Washington state legislature.

NEW SECTION. Sec. 3. 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 February 4, 1975.

Passed the Senate February 27, 1975.

Approved by the Governor February 28, 1975.

Filed in Office of Secretary of State February 28, 1975.

CHAPTER 6

[House Bill No. 100]

PORT DISTRICTS, MUNICIPALITIES—BONDING AUTHORITY—POLLUTION
CONTROL, INDUSTRIAL DEVELOPMENT—SEPARATE
TRUST FUNDS—VALIDATION

AN ACT Relating to revenue financing for pollution control and industrial development; amending section 2, chapter 132, Laws of 1973 and RCW 70.95A.010; amending section 5, chapter 132, Laws of 1973 and RCW 70.95A.040; adding new sections to chapter 132, Laws of 1973 and to chapter 70.95A RCW; adding a new section to chapter 54, Laws of 1972 ex. sess. and to chapter 53.08 RCW; and declaring an emergency.

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

Section 1. Section 2, chapter 132, Laws of 1973 and RCW 70.95A.010 are each amended to read as follows:

The legislature finds:

- (1) That environmental damage seriously endangers the public health and welfare;
- (2) That such environmental damage results from air, water, and other resources pollution and from solid waste disposal, noise and other environmental problems;
- (3) That to abate or control such environmental damage antipollution devices, equipment, and facilities must be acquired, constructed and installed;
- (4) That the tax exempt financing permitted by section 103 of the Internal Revenue Code of 1954, as amended, and authorized by this chapter results in lower costs of installation of pollution control facilities;
- (5) That such lower costs benefit the public with no measurable cost impact;

(6) That the method of financing provided in this chapter is in the public interest and its use serves a public purpose in (a) protecting and promoting the health and welfare of the citizens of the cities, towns, counties, and port districts and of this state by encouraging and accelerating the installation of facilities for abating or controlling and preventing environmental damage and (b) in attracting and retaining environmentally sound industry in this state which reduces unemployment and provides a more diversified tax base.

(7) For the reasons set forth in subsection (6) of this section, the provisions of this chapter relating to port districts and all proceedings heretofore or hereafter taken by port districts pursuant thereto are, and shall be deemed to be, for industrial development as authorized by Article 8, section 8 of the Washington state Constitution.

This chapter shall be liberally construed to accomplish the intentions expressed in this section.

NEW SECTION. Sec. 2. There is added to chapter 132, Laws of 1973 and to chapter 70.95A RCW a new section to read as follows:

The proceeds of any bonds heretofore or hereafter issued in conformity with the authority of this chapter, together with interest and premiums thereon, and any revenues used to pay or redeem any of such bonds, together with interest and any premiums thereon, shall be separate trust funds and used only for the purposes permitted herein and shall not be considered to be money of the municipality. The services of the treasurer of a municipality, if such treasurer is or has been used, were and are intended to be for the administrative convenience of receipt and payment of nonpublic moneys only for which reasonable compensation may be charged by such treasurer or municipality.

Sec. 3. Section 5, chapter 132, Laws of 1973 and RCW 70.95A.040 are each amended to read as follows:

(1) All bonds issued by a municipality under the authority of this chapter shall be secured solely by revenues derived from the lease or sale of the facility. Bonds and interest coupons issued under the authority of this chapter shall not constitute nor give rise to a pecuniary liability of the municipality or a charge against its general credit or taxing powers. Such limitation shall be plainly stated upon the face of each of such bonds. The use of the municipality's name on revenue bonds authorized hereunder shall not be construed to be the giving or lending of the municipality's financial guarantee or pledge, i.e. credit to any private person, firm, or corporation as the term credit is used in Article 8, section 7 of the Washington state Constitution.

(2) The bonds referred to in subsection (1) of this section, may (a) be executed and delivered at any time and from time to time, (b) be in such form and denominations, (c) be of such tenor, (d) be in registered or bearer form either as to principal or interest or both, and may provide for conversion between registered and coupon bonds of varying denominations, (e) be payable in such installments and at such time or times not exceeding forty years from their date, (f) be payable at such place or places, (g) bear interest at such rate or rates as may be determined by the governing body, payable at such place or places within or without this state and evidenced in such manner, (h) be redeemable prior to maturity, with or without premium, and (i) contain such provisions not inconsistent herewith, as

shall be deemed for the best interest of the municipality and provided for in the proceedings of the governing body whereunder the bonds shall be authorized to be issued.

(3) Any bonds issued under the authority of this chapter, may be sold at public or private sale in such manner and at such time or times as may be determined by the governing body to be most advantageous. The municipality may pay all expenses, premiums and commissions which the governing body may deem necessary or advantageous in connection with the authorization, sale and issuance thereof from the proceeds of the sale of said bonds or from the revenues of the facilities.

(4) All bonds issued under the authority of this chapter, and all interest coupons applicable thereto shall be investment securities within the meaning of the uniform commercial code and shall be deemed to be issued by a political subdivision of the state.

(5) The proceeds from any bonds issued under this chapter shall be used only for purposes qualifying under Section 103(c)(4)(f) of the Internal Revenue Code of 1954, as amended.

NEW SECTION. Sec. 4. There is added to chapter 132, Laws of 1973 and to chapter 70.95A RCW a new section to read as follows:

All actions heretofore taken by any municipality in conformity with the provisions of this chapter and the provisions of this 1975 amendatory act hereby made applicable thereto relating to pollution control facilities, including but not limited to all bonds issued for such purposes, are hereby declared to be valid, legal and binding in all respects.

NEW SECTION. Sec. 5. There is added to chapter 54, Laws of 1972 ex. sess. and to chapter 53.08 RCW a new section to read as follows:

All actions heretofore taken by port districts in conformity with the provisions of this chapter, and the provisions of this 1975 amendatory act hereby made applicable thereto, relating to pollution control facilities or other industrial development, including, but not limited to, all bonds issued for such purposes, shall be deemed to have been taken pursuant to Article 8, section 8 of the Washington state Constitution and are hereby declared to be valid, legal and binding in all respects. All provisions of Title 53 RCW directly or indirectly relating to pollution control facilities or other industrial development are hereby found and declared to be legislation implementing the provisions of Article 8, section 8 of the Washington state Constitution.

NEW SECTION. Sec. 6. There is added to chapter 132, Laws of 1973 and to chapter 70.95A RCW a new section to read as follows:

This 1975 amendatory act shall be liberally construed to accomplish the intention expressed herein.

NEW SECTION. Sec. 7. There is added to chapter 132, Laws of 1973 and to chapter 70.95A RCW a new section to read as follows:

If any provision of this 1975 amendatory act or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this 1975 amendatory act which can be given effect

without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

NEW SECTION. Sec. 8. This 1975 amendatory 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 February 27, 1975.

Passed the Senate February 26, 1975.

Approved by the Governor March 6, 1975.

Filed in Office of Secretary of State March 6, 1975.

CHAPTER 7

[Engrossed Senate Bill No. 2097]

YOUTH DEVELOPMENT AND CONSERVATION CORPS

AN ACT Relating to state government; amending section 43.51.530, chapter 8, Laws of 1965 as amended by section 3, chapter 96, Laws of 1969 ex. sess. and RCW 43.51.530; amending section 43.51.540, chapter 8, Laws of 1965 and RCW 43.51.540; and amending section 43.51.570, chapter 8, Laws of 1965 as amended by section 85, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.51.570.

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

Section 1. Section 43.51.530, chapter 8, Laws of 1965 as amended by section 3, chapter 96, Laws of 1969 ex. sess. and RCW 43.51.530 are each amended to read as follows:

Composition of the corps shall consist of youths who are citizens of the United States and residents of the state of Washington of good character and health, and who are not more than twenty-one years of age. In order to enroll, an individual must agree to comply with rules and regulations promulgated by the commission. The period of enrollment shall be for thirty, sixty or ninety days or for such shorter period as determined by the commission. If permitted by the commission an individual may reenroll(~~(; but his total enrollment shall not exceed forty weeks)~~). Enrollment shall basically be allocated on a percentage basis to each of the forty-nine legislative districts on the basis of the ratio that the population of each district bears to the total population of the state of Washington, but the commission may also take into account problems of substantial unemployment in certain areas.

Sec. 2. Section 43.51.540, chapter 8, Laws of 1965 and RCW 43.51.540 are each amended to read as follows:

(1) The base compensation shall be at the rate of twenty-five dollars per week, except that up to an additional twenty-five dollars per week may be paid on the basis of assigned leadership responsibilities or special skills.

(2) Enrollees shall be furnished quarters, subsistence, medical and hospital services, transportation, equipment, as the commission may deem necessary and appropriate for their needs. Such quarters, subsistence, and equipment may be furnished by any governmental or public agency.

Sec. 3. Section 43.51.570, chapter 8, Laws of 1965 as amended by section 85, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.51.570 are each amended to read as follows:

The commission may, by agreement with an individual or company enroll and supervise additional young persons, who shall be furnished compensation, subsistence, quarters, supplies and materials by the cooperating private company or individual, to develop, maintain or improve natural and artificial recreational areas for the health and happiness of the general public. The corps shall not be engaged in the development, improvement or maintenance of a commercial recreational area or resort, and the individual or corporation entering such agreement with the commission shall make such improved areas available to the general public without cost for a period of at least ~~((forty))~~ five years. Private individuals may reserve the right to close the area during periods of fire hazard or during periods when excess damage would be caused by public use.

Passed the Senate January 30, 1975.

Passed the House March 3, 1975.

Approved by the Governor March 10, 1975.

Filed in Office of Secretary of State March 10, 1975.

CHAPTER 8

[Senate Bill No. 2163]

OFFICIAL STATE GEM—PETRIFIED WOOD

AN ACT Relating to the designation of an official state gem; and adding a new section to chapter 1.20 RCW.

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

NEW SECTION. Section 1. There is added to chapter 1.20 RCW a new section to read as follows:

Petrified wood is hereby designated as the official gem of the state of Washington.

Passed the Senate February 10, 1975.

Passed the House March 5, 1975.

Approved by the Governor March 12, 1975.

Filed in Office of Secretary of State March 12, 1975.

CHAPTER 9

[Substitute House Bill No. 111]

SUPPLEMENTAL BUDGET

AN ACT Relating to expenditures by state agencies; adopting a supplemental budget for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; making other appropriations; amending section 11, chapter 197, Laws of 1974 (uncodified); and declaring an emergency.

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

NEW SECTION. Section 1. That a supplemental budget as set forth in sections 2 through 20 of this 1975 amendatory act is hereby adopted and subject to the provisions set forth in sections 2 through 20 of this 1975 amendatory act, the

several amounts specified in sections 2 through 20 of this 1975 amendatory act, or so much thereof as shall be sufficient to accomplish the purposes designated are hereby appropriated and authorized to be disbursed for salaries, wages and other expenses of the designated agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1973 and ending June 30, 1975, except as otherwise provided, out of the several funds of the state hereinafter named.

NEW SECTION. Sec. 2. FOR THE GOVERNOR-SPECIAL APPROPRIATIONS

<p>General Fund Appropriation: To provide effective March 1, 1975, sufficient general fund appropriations as are necessary to implement the salary increase for state classified and higher education classified employees as contained in the State Personnel Board and Higher Education Personnel Board July 1974 Salary Survey and for comparable increases for state employees who are exempt from the classified service: PROVIDED, That an additional sum of \$15 per month above the 1974 salary surveys is added for each employee in range 13 and below under the 1974 State Personnel Board classifications as of March 1, 1975 and for each employee in range 21 and below under the 1974 Higher Education Personnel Board classifications as of March 1, 1975: PROVIDED FURTHER, That \$2,102,445 of this amount shall be from federal sources</p>	<p>\$ 12,014,981</p>
<p>General Fund Appropriation: To provide effective March 1, 1975, for faculty and exempt employees, excluding student employees not under the jurisdiction of the State Personnel Board or the Higher Education Personnel Board classification systems, of the four year units of higher education and the Community College System, an average salary increase of twelve percent: PROVIDED, That the twelve percent average salary increase shall include both incremental increases and general salary increases granted previously within the individual institutions in fiscal year 1975: PROVIDED FURTHER, That \$781 of this amount shall be from federal sources</p>	<p>\$ 6,478,570</p>
<p>General Fund Appropriation: To provide effective March 1, 1975, sufficient general fund appropriations as are necessary to implement a 6% salary increase for commissioned members of the Washington State Patrol: PROVIDED, That \$4,444 of this amount shall be from federal sources</p>	<p>\$ 11,109</p>

<p>Special Fund Salary Increase Revolving Fund Appropriation: To facilitate payment of state employee salary increases from special funds, the State Treasurer is hereby directed to transfer sufficient revenue from each special fund to the Special Fund Salary Increase Revolving Fund, in accordance with schedules provided by the Office of Program Planning and Fiscal Management, as required to implement effective March 1, 1975, the salary increase for state employees as contained in the State Personnel Board and Higher Education Personnel Board July 1974 Salary Survey and for comparable increases for state employees who are exempt from the classified service: PROVIDED, That an additional sum of \$15 per month above the 1974 salary surveys is added for each employee in range 13 and below under the State Personnel Board classifications as of March 1, 1975 and for each employee in range 21 and below under the Higher Education Personnel Board classifications as of March 1, 1975</p>	\$ 6,433,258
<p>Special Fund Salary Increase Revolving Fund Appropriation: To facilitate payment of salary increases from special funds, the State Treasurer is hereby directed to transfer sufficient revenue from each special fund to the Special Fund Salary Increase Revolving Fund, in accordance with schedules provided by the Office of Program Planning and Fiscal Management, as required to implement effective March 1, 1975, the salary increase for faculty and exempt personnel at the four year institutions of higher education and the community college system.....</p>	\$ 10,056
<p>Special Fund Salary Increase Revolving Fund Appropriation: To facilitate payment of a 6% salary increase from special funds for the Washington State Patrol, the State Treasurer is hereby directed to transfer sufficient revenue from each special fund to the Special Fund Salary Increase Revolving Fund, in accordance with schedules provided by the Office of Program Planning and Fiscal Management, as required to implement effective March 1, 1975, the salary increase for commissioned members of the Washington State Patrol.....</p>	\$ 250,638
<p><u>NEW SECTION.</u> Sec. 3. FOR THE SUPERIOR COURT JUDGES</p>	
<p>General Fund Appropriation</p>	\$ 42,255

NEW SECTION. Sec. 4. FOR THE SECRETARY OF STATE

General Fund Appropriation \$ 480,498

NEW SECTION. Sec. 5. FOR THE OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT

General Fund Appropriation: For improvements to the state accounting, payroll, and management information systems: **PROVIDED**, That if federal funds become available for these purposes, an amount of state funds equal to the federal funds received shall not be expended \$ 125,000

NEW SECTION. Sec. 6. FOR THE ATTORNEY GENERAL

General Fund Appropriation: For legal expenses attendant to anti-trust cases to which the state is a party \$ 120,000

NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation: For transfer to the General Fund—General Contingency Forest Fire Suppression Account, as needed, for the payment of forest fire suppression costs \$ 300,000

General Fund—General Contingency Forest Fire Suppression Account Appropriation \$ 600,000

NEW SECTION. Sec. 8. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

It is the intent of the legislature that of the General Fund Appropriations totaling \$20,525,000 contained in this section, \$10,150,000 shall be from state funds and \$10,375,000 shall be from federal and local funds: **PROVIDED**, That the Department of Social and Health Services shall construe eligibility requirements for all of its programs so as to achieve maximum practical economy and cost containment in expenditures for such programs including potential reductions in exceptions granted and more stringent imposition of and control of priority standards in all programs and in particular the Income Maintenance and Medical Assistance programs: **PROVIDED FURTHER**, That the Department of Social and Health Services is authorized with approval of the Ways and Means Committees of the Legislature if in session or the Legislative

Budget Committee if the Legislature is not in session to shift funds from other programs within the Department of Social and Health Services or apply unanticipated receipts to reduce expenditures against state funds appropriated in this section: PROVIDED FURTHER, That the Department of Employment Security shall give priority consideration to the allocation of Comprehensive Employment and Training Act jobs made available to the state as a prime sponsor or from other prime sponsors in the state to the Department of Social and Health Services which shall utilize the maximum number of positions from those made available to reduce AFDC and GA caseloads.

General Fund Appropriation
 For Income Maintenance \$ 900,000

General Fund Appropriation
 For Medical Assistance: PROVIDED, That so much as may be necessary of this appropriation shall be applied toward outstanding 1971-73 obligations for medical services, supplies, and hospital adjustments \$ 16,600,000

General Fund Appropriation
 For Community Social Services \$ 2,800,000

General Fund Appropriation
 For Administration and Supporting Services: PROVIDED, That this appropriation shall be expended to expedite the cost savings programs resulting from increased audit and management control activities including increased quality control and performance improvement programs \$ 225,000

NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Administration Facilities and Services Revolving Fund Appropriation \$ 132,115

General Fund Appropriation: For the maintenance of Northern State Hospital in saleable condition through June 30, 1975 \$ 79,000

NEW SECTION. Sec. 10. FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation \$ 28,051

NEW SECTION. Sec. 11. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation \$ 25,000

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation: For watermaster services in Walla Walla County..... \$ 2,500

NEW SECTION. Sec. 13. FOR THE WASHINGTON FUTURE PROGRAM

Appropriated to:
DEPARTMENT OF ECOLOGY

General Fund—State and Local Improvement Revolving Account—Water Supply Facilities:

Appropriated pursuant to the provisions of Chapter 128, Laws of 1972 ex. sess., (Referendum 27), relating to municipal and industrial water supply projects: PROVIDED, That (1) the state portion of municipal and industrial water supply projects may be as much as fifty percent; (2) the state may provide one hundred percent of the costs, other than construction, necessary to meet the conditions required to receive federal funds; and (3) the state may loan one hundred percent of the eligible costs of preconstruction activities \$ 5,000,000

NEW SECTION. Sec. 14. FOR THE STATE BOARD FOR COMMUNITY COLLEGES

General Fund Appropriation: PROVIDED, That this appropriation shall be used for the independent development of standards of effectiveness and efficiency that will be used to support future budget requests of the community college system and to evaluate the performance of the community college system: PROVIDED FURTHER, That the standards shall represent what is determined to be reasonable and fair for the work in question while recognizing the elements of program effectiveness and operating efficiency: PROVIDED FURTHER, That the criteria to be utilized in developing the standards shall be subject to the review and approval of the legislative budget committee: PROVIDED FURTHER, That the development of the standards shall proceed in accordance with the following schedule:

<u>Task</u>	<u>Completion</u> <u>Date</u>
(1) Establish criteria that	

will be utilized in developing standards	March 31, 1975	
(2) Select independent consultant	April 30, 1975	
(3) Present progress report of the independent consultant to the legislative budget committee	October 31, 1975	
(4) Present final recommendations of the independent consultant to the legislative budget committee	April 30, 1976.....\$	90,000

***NEW SECTION. Sec. 15. FOR THE STATE TREASURER-TRANSFERS**

General Fund—Investment Reserve Account Appropriation: For transfer to the General Fund on or before June 29, 1975, pursuant to Chapter 50, Laws of 1969, in addition to amounts appropriated in Section 89, Chapter 137, Laws of 1973 1st ex. sess.	\$	5,500,000
General Fund Appropriation: For transfer to General Administration Facilities and Services Revolving Fund for Messenger, Archival, Parking and Buildings and Grounds Services provided to the Senate, House of Representatives, and legislative committees through June 30, 1975.....	\$	160,000

***NEW SECTION. Sec. 16. FOR THE LEGISLATURE**

<i>General Fund Appropriation: For the Legislative Budget Committee: PROVIDED, That this appropriation shall be held as a contingency fund for the Department of Social and Health Services and shall be released as determined necessary by the Legislative Budget Committee to support the Income Maintenance, Medical Assistance, and Community Social Services programs in the event the Department of Social and Health Services is unable to manage caseloads or program costs within the amounts appropriated by law for the 1973-75 biennium</i>	\$	13,200,000
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*Sec. 16. was vetoed; see message at end of chapter.

NEW SECTION. Sec. 17. FOR THE LEGISLATURE

General Fund Appropriation: There is hereby appropriated, in equal amounts to the Senate and House of Representatives, the following sum, or so much thereof as may be necessary, for the purposes of, but not to be limited to, completion of the current joint pension study, continuation of present Public Service Broadcasting Television coverage of legislative activity and events, and for continued funding of the Joint Legislative Evaluation and Accountability Project: PROVIDED, That of this amount \$150,000 shall be used to retain a qualified consulting firm who shall, in conjunction with the State Personnel Board and Higher Education Personnel Board, and participation by employee organizations, complete a salary survey by December 1, 1975: PROVIDED, That such survey shall include, but not be limited to, current procedures as used by the Higher Education Personnel Board and State Personnel Board, and shall also include and establish acceptable methodology designed to implement the survey findings, considering fringe benefits, including the pro rata employer/employee contributions as part of that salary survey: PROVIDED FURTHER, That the consulting firm shall review the overall survey, in conjunction with the State Personnel Board and Higher Education Personnel Board, and shall recommend to the Legislature not later than January 1, 1976, any new methodology necessary which will improve the present methods used \$

835,000

NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF MOTOR VEHICLES

Highway Safety Fund Appropriation: For filing and service of process costs incurred by counties in habitual traffic offender cases \$

332,605

NEW SECTION. Sec. 19. FOR THE DEPARTMENT OF EMPLOYMENT SECURITY

General Fund Appropriation: PROVIDED, That this amount shall be used to contract with private training schools for the delivery of training and placement services to persons applying at Neighbors in Need Food Banks: PROVIDED, That contracts for services shall be based on performance criteria: PROVIDED, That contractors will be selected by the department: PROVIDED FURTHER, That the department shall report the combined results of this project as well as the prior project carried out under

section 22, chapter 197, Laws of 1974 ex. sess., to the legislature in January, 1976 \$ 75,000

NEW SECTION. Sec. 20. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation: To be added to federal grant of \$2,000 for printing and publication of handbook for parents of special education students as prepared by S.P.I. task force \$ 4,000

Sec. 21. Section 11, chapter 197, Laws of 1974 ex. sess. (uncodified) is amended to read as follows:

FOR THE TEACHERS' RETIREMENT SYSTEM

Teachers' Retirement Fund Appropriation \$ 79,683

General Fund Appropriation: PROVIDED, That this amount shall be used for the implementation of Chapter ((-)) 193, Laws of 1974, ((3rd)) ex. sess. (((3d-SHB-1274))) \$ 2,200,000

NEW SECTION. Sec. 22. This 1975 amendatory 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 March 13, 1975.
- Passed the Senate March 11, 1975.
- Approved by the Governor March 17, 1975, with the exception of section 16 which is vetoed.
- Filed in Office of Secretary of State March 17, 1975.

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

"I am returning herewith without my approval as to one section Substitute House Bill No. 111 entitled:

"AN ACT Relating to expenditures by state agencies; adopting a supplemental budget for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975."

Section 16 appropriates \$13,200,000 to the Legislative Budget Committee as a contingency fund, to be released as that committee deems necessary to support certain programs of the Department of Social and Health Services. I am not opposed to the idea of appropriating contingency funds to an administrative agency for expenditure or grant to another agency, pursuant to appropriate constitutional or legislative standards. However, for reasons I have stated on several previous occasions, I believe that the manner in which the legislature has attempted to do so in this case is questionable.

In the first place, the attempted appropriation is, in form, an appropriation to a legislative committee for functions which are clearly executive and administrative. I have stated my opposition to that idea in several previous messages on the ground that it is inconsistent with the doctrine of separation of powers and, at best, violates the fundamentals of good government by interposing legislative interference in the administrative process. (See for example, section 3, chapter 210, Laws of 1973, 1st Ex. Sess.; also sections 21, 24, 25 and 26, chapter 197, Laws of 1974, 1st Ex. Sess.)

Second, I am advised that the delegation of such a function in this case would transform the Legislative Budget Committee into a "civil office" within the meaning of Article II, section 13 of the Washington State Constitution. This would prohibit any member of the legislature from being appointed to serve on that vital committee from the effective date of the appropriation to the end of the 1973-1975 biennium. I

am certain the legislature did not intend that result and I would feel obliged to veto the section for that reason, if for no other.

Finally, I have some doubt that section 16 would be upheld as a valid appropriation, if it were attacked on constitutional grounds. Section 16 in its present form would delegate to a legislative committee, in its sole discretion, the function of determining whether or not to "release" all or any part of the \$13,200,000 in question. Considering the nature of appropriation measures as legislation, and the traditional constitutional role of the legislative process, I question whether section 16 would be viewed as a completed appropriation, or whether it would instead be viewed as an improper attempt to delegate legislative power to a committee.

I would propose that the legislature consider as an alternative to section 16 as written an appropriation to the Department of Social and Health Services in contingency funds to be expended only upon certification by that agency to the Legislative Budget Committee and to the Office of Program Planning and Fiscal Management that there exists a need for those funds, and that funds previously appropriated which could have been used for the purposes stated have been exhausted prior to the use of the contingency funds. I believe such an appropriation would accomplish the desired purpose of the legislature in assuring that the funds are expended only upon the occurrence of certain contingencies.

With the exception of section 16, which I have vetoed for the foregoing reasons, the remainder of Substitute House Bill No. 111 is approved."

CHAPTER 10

[House Bill No. 124]

DEPARTMENT OF NATURAL RESOURCES LANDS— FIREWOOD CUTTING PERMITS

AN ACT Relating to the department of natural resources; amending section 1, chapter 97, Laws of 1945 and RCW 76.20.010; amending section 3, chapter 97, Laws of 1945 and RCW 76.20.030; adding a new section to chapter 97, Laws of 1945 and to chapter 76.20 RCW; and declaring an emergency.

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

Section 1. Section 1, chapter 97, Laws of 1945 and RCW 76.20.010 are each amended to read as follows:

The ~~((commissioner of public lands))~~ department of natural resources may issue ~~((annual))~~ licenses to residents of this state ~~((who are citizens of the United States or have declared their intention to become such))~~ to enter upon lands ~~((belonging to the state))~~ under the administration or jurisdiction of the department of natural resources for the purpose of removing therefrom ~~((dead))~~, standing or downed timber which is unfit for any purpose except to be used as firewood.

Sec. 2. Section 3, chapter 97, Laws of 1945 and RCW 76.20.030 are each amended to read as follows:

The application may be made to the ~~((commissioner of public lands or his duly qualified representative for that purpose))~~ department of natural resources, and if deemed proper, the license may be issued upon the payment of ~~((one dollar))~~ two dollars and fifty cents which shall be paid into the treasury of the state by the officer collecting the same and placed in the ~~((state general fund))~~ resource management cost account; the license shall be dated as of the date of issuance and authorize the holder thereof to remove between the dates ~~((of October 15th and February 15th of the following year))~~ so specified not more than ~~((twelve))~~ six cords of wood not fit for any use but as firewood for the use of himself and family

from the premises described in the license under such regulations as the ((~~commissioner of public lands~~)) department of natural resources may prescribe.

NEW SECTION. Sec. 3. There is added to chapter 97, Laws of 1945 and to chapter 76.20 RCW a new section to read as follows:

Whenever the department of natural resources determines that it is in the best interest of the state and there will be a benefit to the lands involved or a state program affecting such lands it may designate specific areas and authorize the general public to enter upon lands under its jurisdiction for the purposes of cutting and removing standing or downed timber for use as firewood for the personal use of the person so cutting and removing without a charge under such terms and conditions as it may require.

**NEW SECTION. Sec. 4. This 1975 amendatory 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.*

*Sec. 4. was vetoed; see message at end of chapter.

Passed the House February 11, 1975.

Passed the Senate March 6, 1975.

Approved by the Governor March 20, 1975, with the exception of Section 4 which is vetoed.

Filed in Office of Secretary of State March 20, 1975.

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

"I am returning herewith without my approval as to one section House Bill No. 124 entitled:

"AN ACT Relating to the department of natural resources."

Section 4 of the bill declares an emergency and provides for the act to take effect immediately. Our constitution states that bills shall take effect ninety days after adjournment of the legislative session at which it was enacted. The purpose for this is to allow the people to exercise their right of referendum. Only one exception to this is recognized: laws "necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions." Art. II(1)(b).

House Bill No. 124 does not meet the constitutional criteria required to take effect immediately and to remove thereby the right of referendum. In fact, I am advised by the department of natural resources that the emergency clause is unnecessary.

I would remind the legislature that our state constitution requires more circumspect use of emergency clauses.

With the foregoing exception, I have approved the remainder of House Bill No. 124."

CHAPTER 11

[House Bill No. 127]

TELEVISION RECEPTION IMPROVEMENT DISTRICTS—ANNUAL SET TAX

AN ACT Relating to television reception improvement districts; and amending section 10, chapter 155, Laws of 1971 ex. sess. and RCW 36.95.100.

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

Section 1. Section 10, chapter 155, Laws of 1971 ex. sess. and RCW 36.95.100 are each amended to read as follows:

The tax provided for in RCW 36.95.090 and this section shall not exceed (~~ffteen~~) twenty-five dollars per year per television set, and no person shall be taxed for more than one television set, except that a motel or hotel or any person owning in excess of five television sets shall pay at a rate of one-fifth of the annual tax rate imposed for each of the first five television sets and one-tenth of such rate for each additional set thereafter. An owner of a television set within the district shall be exempt from paying any tax on such set under this chapter: (1) If either (a) his television set does not receive at least a class grade B contour signal retransmitted by the television translator station or other similar device operated by the district, as such class is defined under regulations of the Federal Communications Commission as of August 9, 1971, or (b) he is currently subscribing to and receiving the services of a community antenna system (CATV) to which his television set is connected; and (2) if he filed a statement with the board claiming his grounds for exemption. Space for such statement shall be provided for in the tax notice which the treasurer shall send to taxpayers in behalf of the district.

Passed the House February 4, 1975.

Passed the Senate March 6, 1975.

Approved by the Governor March 20, 1975.

Filed in Office of Secretary of State March 20, 1975.

CHAPTER 12

[House Bill No. 142]

ADMINISTRATIVE PROCEEDINGS—CONTESTED CASES—ADVERSE RULINGS

AN ACT Relating to administrative procedures; and amending section 12, chapter 234, Laws of 1959 and RCW 34.04.120.

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

Section 1. Section 12, chapter 234, Laws of 1959 and RCW 34.04.120 are each amended to read as follows:

Every decision and order adverse to a party to the proceeding, rendered by an agency in a contested case, shall be in writing or stated in the record and shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of each fact found upon each contested issue of fact. Parties to the proceeding shall be notified of the decision and order in person or by mail. A copy of the decision and order and accompanying findings and conclusions shall be delivered or mailed to each party (~~(or)~~) and to his attorney of record, if any.

Passed the House January 30, 1975.

Passed the Senate March 6, 1975.

Approved by the Governor March 20, 1975.

Filed in Office of Secretary of State March 20, 1975.

CHAPTER 13

[Substitute House Bill No. 24]
STATE SOLDIERS' AND VETERANS'
HOMES—ADMISSIONS

AN ACT Relating to the state soldiers' and veterans' homes; amending section 72.36.030, chapter 28, Laws of 1959 and RCW 72.36.030; amending section 72.36.080, chapter 28, Laws of 1959 as amended by section 104, chapter 154, Laws of 1973 1st ex. sess. and RCW 72.36.080; and declaring an emergency.

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

Section 1. Section 72.36.030, chapter 28, Laws of 1959 and RCW 72.36.030 are each amended to read as follows:

All honorably discharged soldiers, sailors and marines who have served the United States government in any of its wars, and members of the state militia disabled while in the line of duty, may be admitted to the state soldiers' home at Orting under such rules and regulations as may be adopted by the department: **PROVIDED**, That such applicants have been actual bona fide citizens of this state ~~((for a period of three years))~~ at the time of their application, and are indigent and unable to support themselves: **PROVIDED**, Further that sufficient facilities and resources are available to accommodate such applicant.

Sec. 2. Section 72.36.080, chapter 28, Laws of 1959 as amended by section 104, chapter 154, Laws of 1973 1st ex. sess. and RCW 72.36.080 are each amended to read as follows:

All of the following persons who have been actual bona fide residents of this state ~~((for a period of three years))~~ at the time of their application, and who are indigent and unable to earn a support for themselves and families may be admitted to the Washington veterans' home under such rules and regulations as may be adopted by the director: **PROVIDED**, That sufficient facilities and resources are available to accommodate such person:

(1) All honorably discharged veterans of the armed forces of the United States who have served the United States in any of its wars, and members of the state militia disabled while in the line of duty, and the spouses of such veterans, and members of the state militia: **PROVIDED**, That such spouse was married to and living with such veteran on or before three years prior to the date of application for admittance, or, if married to him or her since that date, was also a member of a soldiers' home or colony in this state or entitled to admission thereto.

(2) The spouses of all soldiers, sailors, and marines and members of the state militia disabled while in the line of duty, who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death, and spouses of all such soldiers, sailors, and marines and members of the state militia, who would have been entitled to admission to a soldiers' home or colony in this state at the time of death but for the fact that they were not indigent and unable to earn a support for themselves and families, which spouses have since the death of their husbands or wives, become indigent and unable to earn a support for themselves: **PROVIDED**, That such spouses are not less than fifty years of age and were married and living with their husbands or wives on or before three years prior to the date of their application, and have not been married since the decease

of their husbands or wives to any person not a member of a soldiers' home or colony in this state or entitled to admission thereto.

NEW SECTION. Sec. 3. This 1975 amendatory 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 February 6, 1975.
Passed the Senate March 5, 1975.
Approved by the Governor March 20, 1975.
Filed in Office of Secretary of State March 20, 1975.

CHAPTER 14
[House Bill No. 1]
IRRIGATION DISTRICTS—DIRECTORS' INSURANCE

AN ACT Relating to irrigation districts; and amending section 1, chapter 125 [159], Laws of 1951 and RCW 87.03.160.

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

Section 1. Section 1, chapter 159, Laws of 1951 and RCW 87.03.160 are each amended to read as follows:

The board of directors of irrigation districts shall have the authority and power to contract for and to pay the premium upon group life, health and accident insurance upon its employees (~~and pay the premium therefor~~); and to make all such insurance available to its directors, subject to payment by the directors of all costs of insurance for directors.

Passed the House February 12, 1975.
Passed the Senate March 7, 1975.
Approved by the Governor March 21, 1975.
Filed in Office of Secretary of State March 21, 1975.

CHAPTER 15
[House Bill No. 160]
MUTUAL SAVINGS BANKS—CERTIFICATES
OF DEPOSIT—MATURITY PERIOD

AN ACT Relating to mutual savings banks; amending section 32.08.150, chapter 13, Laws of 1955 as last amended by section 1, chapter 55, Laws of 1969 and RCW 32.08.150; and declaring an emergency.

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

Section 1. Section 32.08.150, chapter 13, Laws of 1955 as last amended by section 1, chapter 55, Laws of 1969 and RCW 32.08.150 are each amended to read as follows:

(1) A savings bank shall not purchase, deal or trade in any goods, wares, merchandise, or commodities whatsoever except such personal property as may be necessary for the transaction of its authorized business.

(2) Such bank shall not make or issue any certificate of deposit payable either on demand or at a fixed day, except the bank may issue savings certificates of deposit in such form as the bank may determine upon the following terms:

(a) The certificates may provide for the payment of interest at a rate fixed in advance by the bank, provided certificates carrying a fixed rate shall mature in a period not exceeding ((five)) six years from the date of issuance;

(b) The certificates may be payable at a fixed future time not less than thirty days after the date of issuance or may contain provisions requiring thirty or more days' notice of demand for payment;

(c) The certificates may be issued at a discount instead of stipulating a rate of interest, or interest thereon may be deferred to be paid at maturity or other stipulated date.

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 January 28, 1975.

Passed the Senate March 7, 1975.

Approved by the Governor March 21, 1975.

Filed in Office of Secretary of State March 21, 1975.

CHAPTER 16

[House Bill No. 276]

LOCAL GOVERNMENTS—OFFICERS, EMPLOYEES—LIABILITY INSURANCE

AN ACT Relating to local government; adding a new section to Title 36 RCW.

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

NEW SECTION. Section 1. There is added to Title 36 RCW a new section to read as follows:

Any board of commissioners, council, or board of directors or other governing board of any county, city, town, school district, port district, public utility district, sewer district, water district, irrigation district, or other municipal corporation or political subdivision is authorized to purchase insurance to protect and hold personally harmless any of its commissioners, council members, directors, or other governing board members, and any of its other officers, employees, and agents from any action, claim, or proceeding instituted against the foregoing individuals arising out of the performance, purported performance, or failure of performance, in good faith of duties for, or employment with, such institutions and to hold these individuals harmless from any expenses connected with the defense, settlement, or monetary judgments from such actions, claims, or proceedings. The purchase of such insurance for any of the foregoing individuals and the policy limits shall be discretionary with the municipal corporation or political subdivision, and such insurance shall not be considered to be compensation for these individuals.

The provisions of this section are cumulative and in addition to any other provision of law authorizing any municipal corporation or political subdivision to purchase liability insurance.

Passed the House February 26, 1975.

Passed the Senate March 7, 1975.

Approved by the Governor March 21, 1975.

Filed in Office of Secretary of State March 21, 1975.

CHAPTER 17

[House Bill No. 406]

TEACHERS' RETIREMENT—HEALTH CARE
BENEFITS—DEDUCTIONS

AN ACT Relating to teachers' retirement; and amending section 4, chapter 147, Laws of 1972 ex. sess. and RCW 41.32.680.

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

Section 1. Section 4, chapter 147, Laws of 1972 ex. sess. and RCW 41.32.680 are each amended to read as follows:

Participants in a health care benefit plan approved pursuant to RCW 28A.58-.420 and RCW 41.05.020 who are retired or any group of not less than one hundred retired members may authorize the deduction from their retirement allowances, of the amount or amounts of their subscription payments, premiums, or contributions to any person, firm or corporation furnishing or providing medical, surgical and hospital care or other health care insurance upon the approval by the board of trustees of an application for such deduction on the prescribed form, and the treasurer of the state shall duly and timely draw and issue proper warrants directly to and in favor of the person, firm, or corporation, or organization named in the authorization for the total amount authorized to be deducted.

Passed the House February 26, 1975.

Passed the Senate March 7, 1975.

Approved by the Governor March 21, 1975.

Filed in Office of Secretary of State March 21, 1975.

CHAPTER 18

[House Bill No. 456]

WATER SUPPLY BOND ISSUE—
FEDERAL AGENCIES

AN ACT Relating to water supply bond issue; and amending section 5, chapter 128, Laws of 1972 ex. sess. and RCW 43.83B.050.

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

Section 1. Section 5, chapter 128, Laws of 1972 ex. sess. and RCW 43.83B.050 are each amended to read as follows:

As used in this chapter, the term "water supply facilities" shall mean municipal, industrial, and agricultural water supply and distribution systems including, but not limited to, all equipment, utilities, structures, real property, and interests

in and improvements on real property, necessary for or incidental to the acquisition, construction, installation, or use of any municipal, industrial, or agricultural water supply or distribution system.

As used in this chapter, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

Passed the House February 28, 1975.

Passed the Senate March 7, 1975.

Approved by the Governor March 21, 1975.

Filed in Office of Secretary of State March 21, 1975.

CHAPTER 19

[Senate Bill No. 2049]

STATE BOARD OF EDUCATION—ELECTIONS

AN ACT Relating to the state board of education; amending section 28A.04.060, chapter 223, Laws of 1969 ex. sess. as amended by section 25, chapter 238, Laws of 1969 ex. sess. and RCW 28A.04.060; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW a new section to read as follows:

Any common school district board member eligible to vote for a candidate for membership on the state board of education or any candidate for the position, within ten days after the state superintendent of public instruction's certification of election, may contest the election of the candidate for any of the following causes:

(1) For malconduct on the part of the state superintendent of public instruction or any member of the election board with respect to such election;

(2) Because the person whose right is being contested was not eligible for membership on the state board of education at the time the person was certified as elected;

(3) Because the person whose right is being contested gave a bribe or reward to a voter or to an inspector, judge or clerk of the election for the purpose of procuring the person's election, or offered to do so;

(4) On account of illegal votes.

An action contesting an election pursuant to this section shall be conducted in compliance with RCW 29.65.020 and RCW 29.65.040 through RCW 29.65.120, as now or hereafter amended.

Sec. 2. Section 28A.04.060, chapter 223, Laws of 1969 ex. sess. as amended by section 25, chapter 238, Laws of 1969 ex. sess. and RCW 28A.04.060 are each amended to read as follows:

Each member of the state board of education shall be elected by a majority of the electoral points accruing from all the votes cast at the election for all candidates for the position. All votes shall be cast by mail addressed to the superintendent of public instruction and no votes shall be accepted for counting if postmarked after the sixteenth day of October following the call of the election. The superintendent of public instruction and an election board comprised of three persons appointed by the state board of education shall count and tally the votes and the electoral points accruing therefrom not later than the twenty-fifth day of October in the following manner: Each vote cast by a school director shall be accorded as many electoral points as there are enrolled students in that director's school district as determined by the enrollment reports forwarded to the state superintendent of public instruction for apportionment purposes for the month of September of the year of election: **PROVIDED**, That school directors from a school district which has more than five directors shall have their electoral points based upon enrollment recomputed by multiplying such number by a fraction, the denominator of which shall be the number of directors in such district, and the numerator of which shall be five; the electoral points shall then be tallied for each candidate as the votes are counted; and it shall be the majority of electoral points which determines the winning candidate. If no candidate receives a majority of the ((possible)) electoral points cast, then, not later than the first day of November, the superintendent of public instruction shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of electoral points accruing from such votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of November and the votes shall be counted as hereinabove provided on the twenty-fifth day of November. The candidate receiving a majority of electoral points accruing from the votes at any such second election shall be declared elected. In the event of a tie in such second election, the candidate elected shall be determined by a chance drawing of a nature established by the superintendent of public instruction. Within ten days following the count of votes in an election at which a member of the state board of education is elected, the superintendent of public instruction shall certify to the secretary of state the name or names of the persons elected to be members of the state board of education.

NEW SECTION. Sec. 3. If any provision of this amendatory 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 January 28, 1975.

Passed the House March 5, 1975.

Approved by the Governor March 21, 1975.

Filed in Office of Secretary of State March 21, 1975.

CHAPTER 20

[Senate Bill No. 2081]

MUNICIPAL PURCHASES—SHELTERED WORKSHOPS ETC., PRODUCTS AND SERVICES

AN ACT Relating to municipal purchases; adding a new chapter to Title 39 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. It is the intent of the legislature to encourage municipalities to purchase products and/or services manufactured or provided by sheltered workshops and programs of the department of social and health services which operate facilities serving the handicapped and disadvantaged.

NEW SECTION. Sec. 2. As used in sections 1 and 3 of this act the term "sheltered workshops" shall have the meaning ascribed to it by RCW 82.04.385 and "programs of the department of social and health services" shall mean the group training homes and day training centers defined in RCW 72.33.800 and "municipality" shall have the meaning ascribed to it by RCW 39.04.010.

NEW SECTION. Sec. 3. Municipalities are hereby authorized to purchase products and/or services manufactured or provided by sheltered workshops and programs of the department of social and health services. Such purchases shall be at the fair market price of such products and services as determined by a municipality. To determine the fair market price a municipality shall use the last comparable bid on the products and/or services or in the alternative the last price paid for the products and/or services. Upon the establishment of the fair market price as provided for in this section a municipality is hereby empowered to negotiate directly with sheltered workshops or officials in charge of the programs of the department of social and health services for the purchase of the products or services.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act shall constitute a new chapter in Title 39 RCW.

NEW SECTION. Sec. 5. 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 Senate March 11, 1975.

Passed the House March 7, 1975.

Approved by the Governor March 21, 1975.

Filed in Office of Secretary of State March 21, 1975.

CHAPTER 21

[Engrossed Senate Bill No. 2128]
**COIN PAY TELEPHONES—FREE
 CALLS TO OPERATOR**

AN ACT Relating to public utilities; and adding a new section to chapter 80.36 RCW.

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

NEW SECTION. Section 1. There is added to chapter 80.36 RCW a new section to read as follows:

No later than December 31, 1980, all telephone companies doing business in this state and utilizing coin pay telephones shall provide a system whereby calls may be made to the operator without charge and without requiring the insertion

of any coins into such pay telephone: PROVIDED, That the commission may grant an extension of time on a showing of unjust and unreasonable hardship.

Passed the Senate March 7, 1975.

Passed the House March 6, 1975.

Approved by the Governor March 21, 1975.

Filed in Office of Secretary of State March 21, 1975.

CHAPTER 22

[Engrossed Senate Bill No. 2041]

VACATED COUNTY ROADS—EASEMENTS

AN ACT Relating to counties; and adding a new section to chapter 36.87 RCW.

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

NEW SECTION. Section 1. There is added to chapter 36.87 RCW a new section to read as follows:

Whenever a county road or any portion thereof is vacated the legislative body may include in the resolution authorizing the vacation a provision that the county retain an easement in respect to the vacated land for the construction, repair, and maintenance of public utilities and services which at the time the resolution is adopted are authorized or are physically located on a portion of the land being vacated: PROVIDED, That the legislative body shall not convey such easement to any public utility or other entity or person but may convey a permit or franchise to a public utility to effectuate the intent of this section. The term "public utility" as used in this section shall include utilities owned, operated, or maintained by every gas company, electrical company, telephone company, telegraph company, and water company whether or not such company is privately owned or owned by a governmental entity.

Passed the Senate March 11, 1975.

Passed the House March 7, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 23

[Senate Bill No. 2051]

ENGINEERS AND LAND SURVEYORS—CERTIFICATES—
RENEWALS—FEES

AN ACT Relating to business and professions; and amending section 11, chapter 283, Laws of 1947 as last amended by section 1, chapter 126, Laws of 1965 ex. sess. and RCW 18.43.080.

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

Section 1. Section 11, chapter 283, Laws of 1947 as last amended by section 1, chapter 126, Laws of 1965 ex. sess. and RCW 18.43.080 are each amended to read as follows:

Certificates of registration, and certificates of authorization and renewals thereof shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. It shall

be the duty of the administrator of the division of professional licensing to notify every person, firm or corporation registered under this chapter, of the date of the expiration of his certificate and the amount of the renewal fee that shall be required for its renewal for one year. Such notice shall be mailed at least thirty days before the end of December of each year. Renewal may be effected during the month of December by the payment of a fee of ~~((seven))~~ fifteen dollars ~~((and fifty cents))~~ for professional engineer, professional engineer and land surveyor, and ~~((seven))~~ fifteen dollars ~~((and fifty cents))~~ for land surveyor. In case any professional engineer and/or land surveyor registered under this chapter shall fail to pay the renewal fee hereinabove provided for, within ninety days from the date when the same shall become due, the renewal fee shall be the current fee plus an amount equal to one year's fee.

Passed the Senate February 27, 1975.

Passed the House March 10, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 24

[Senate Bill No. 2055]

MOTOR VEHICLES—~~ODOMETER REPLACEMENT~~—COURT COSTS, ATTORNEY'S FEES

AN ACT Relating to odometers; amending section 7, chapter 112, Laws of 1969 and RCW 46.37.590; and repealing section 6, chapter 112, Laws of 1969 and RCW 46.37.580.

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

Section 1. Section 7, chapter 112, Laws of 1969 and RCW 46.37.590 are each amended to read as follows:

In any suit brought by the purchaser of a motor vehicle against the seller of such vehicle, the purchaser shall be entitled to recover his court costs and a reasonable attorney's fee fixed by the court, if: (1) the suit or claim is based substantially upon the purchaser's allegation that the odometer on such vehicle has been tampered with contrary to RCW 46.37.540 and 46.37.550 or replaced contrary to RCW 46.37.560; and (2) it is found in such suit that the seller of such vehicle or any of his employees or agents knew or had reason to know that the odometer on such vehicle had been so tampered with or replaced and failed to disclose such knowledge to the purchaser prior to the time of sale.

NEW SECTION. Sec. 2. Section 6, chapter 112, Laws of 1969 and RCW 46.37.580 are each hereby repealed.

Passed the Senate March 3, 1975.

Passed the House March 10, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 25

[Engrossed Senate Bill No. 2078]
MOTOR VEHICLES—OWNERSHIP AND
REGISTRATION—LICENSING

AN ACT Relating to motor vehicles; amending section 46.04.270, chapter 12, Laws of 1961 and RCW 46.04.270; amending section 46.04.380, chapter 12, Laws of 1961 and RCW 46.04.380; amending section 46.04.460, chapter 12, Laws of 1961 and RCW 46.04.460; amending section 46.12.010, chapter 12, Laws of 1961 as last amended by section 1, chapter 140, Laws of 1967 and RCW 46.12.010; amending section 46.12.020, chapter 12, Laws of 1961 as amended by section 7, chapter 32, Laws of 1967 and RCW 46.12.020; amending section 46.12.030, chapter 12, Laws of 1961 as last amended by section 1, chapter 128, Laws of 1974 ex. sess. and RCW 46.12.030; amending section 46.12.050, chapter 12, Laws of 1961 as amended by section 9, chapter 32, Laws of 1967 and RCW 46.12.050; amending section 46.12.060, chapter 12, Laws of 1961 as amended by section 1, chapter 36, Laws of 1974 ex. sess. and RCW 46.12.060; amending section 46.12.120, chapter 12, Laws of 1961 as last amended by section 3, chapter 99, Laws of 1972 ex. sess. and RCW 46.12.120; amending section 46.12.160, chapter 12, Laws of 1961 and RCW 46.12.160; amending section 46.12.170, chapter 12, Laws of 1961 as amended by section 4, chapter 140, Laws of 1967 and RCW 46.12.170; amending section 46.12.230, chapter 12, Laws of 1961 as amended by section 13, chapter 32, Laws of 1967 and RCW 46.12.230; amending section 2, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.040; amending section 1, chapter 18, Laws of 1963 and RCW 46.16.079; amending section 46.16.080, chapter 12, Laws of 1961 and RCW 46.16.080; amending section 46.16.100, chapter 12, Laws of 1961 as last amended by section 10, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.100; amending section 46.16.230, chapter 12, Laws of 1961 and RCW 46.16.230; and creating new sections.

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

Section 1. Section 46.04.270, chapter 12, Laws of 1961 and RCW 46.04.270 are each amended to read as follows:

"Legal owner" means a ~~((mortgagee or owner of the legal title to a vehicle))~~ person having a security interest in a vehicle perfected in accordance with chapter 46.12 RCW or the registered owner of a vehicle unencumbered by a security interest or the lessor of a vehicle unencumbered by a security interest.

Sec. 2. Section 46.04.380, chapter 12, Laws of 1961 and RCW 46.04.380 are each amended to read as follows:

"Owner" means a person who ~~((holds a title of ownership of a vehicle, or in the event the vehicle is subject to an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then any such conditional vendee or lessee, or mortgagor having a lawful right of possession or use and control for a period of ten or more successive days))~~ has a lawful right of possession of a vehicle by reason of obtaining it by purchase, exchange, gift, lease, inheritance or legal action whether or not the vehicle is subject to a security interest and means registered owner where the reference to owner may be construed as either to registered or legal owner.

Sec. 3. Section 46.04.460, chapter 12, Laws of 1961 and RCW 46.04.460 are each amended to read as follows:

"Registered owner" means ~~((a person who holds a certificate of ownership of a vehicle, or in the event the vehicle is subject to an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then any such conditional vendee or lessee, or mortgagor having a~~

lawful right of possession or use and control for a period of ten or more successive days)) the person whose lawful right of possession of a vehicle has most recently been recorded with the department.

NEW SECTION. Sec. 4. There is added to chapter 46.04 RCW a new section to read as follows:

The term "department" shall mean the department of motor vehicles unless a different department is specified.

NEW SECTION. Sec. 5. There is added to chapter 46.04 RCW a new section to read as follows:

The term "director" shall mean the director of motor vehicles unless the director of a different department of government is specified.

Sec. 6. Section 46.12.010, chapter 12, Laws of 1961 as last amended by section 1, chapter 140, Laws of 1967 and RCW 46.12.010 are each amended to read as follows:

It shall be unlawful for any person to operate any vehicle in this state under a certificate of license registration of this state without securing and having in full force and effect a certificate of ownership therefor that contains the name of the registered owner exactly as it appears on the certificate of license registration and it shall further be unlawful for any person to sell or transfer any vehicle without complying with all the provisions of this chapter relating to certificates of ownership and license registration of vehicles: PROVIDED, No certificate of title need be obtained for a vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing and demonstration, or a vehicle used by a manufacturer solely for testing: PROVIDED, That a security interest in a vehicle held as inventory by a manufacturer or dealer shall be perfected in accordance with RCW 62A.9-302(1) and no endorsement on the certificate of title shall be necessary for perfection: AND PROVIDED FURTHER, That nothing in this title shall be construed to prevent any person entitled thereto from securing a certificate of ownership upon a vehicle other than a travel trailer or camper without securing a certificate of license registration and vehicle license plates, when, in the judgment of the director of motor vehicles, it is proper to do so.

Sec. 7. Section 46.12.020, chapter 12, Laws of 1961 as amended by section 7, chapter 32, Laws of 1967 and RCW 46.12.020 are each amended to read as follows:

No vehicle license number plates or certificate of license registration, whether original issues or duplicates, shall be issued or furnished by the ((director)) department unless the applicant therefor shall at the same time make satisfactory application for a certificate of ownership or shall present satisfactory evidence that such a certificate of ownership covering such vehicle has been previously issued.

Sec. 8. Section 46.12.030, chapter 12, Laws of 1961 as last amended by section 1, chapter 128, Laws of 1974 ex. sess. and RCW 46.12.030 are each amended to read as follows:

The application for certificate of ownership shall be upon a blank form to be furnished by the ((director)) department and shall contain:

(1) A full description of the vehicle, which said description shall contain the proper vehicle identification number, the number of miles indicated on the odometer at the time of delivery of the vehicle, and any distinguishing marks of identification;

(2) ~~((A statement of the nature and character of the applicant's ownership, and the character of any and all encumbrances other than statutory liens upon said vehicle))~~ The name and address of the person who is to be the registered owner of the vehicle and, if the vehicle is subject to a security interest, the name and address of the secured party;

(3) Such other information as the ~~((director))~~ department may require: PROVIDED, That the ~~((director))~~ department may in any instance, in addition to the information required on said application, require additional information and a physical examination of the vehicle or of any class of vehicles, or either: PROVIDED FURTHER, That a physical examination of the vehicle is mandatory if it previously was registered in any other state or country. The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the foreign title and registration certificate. If the vehicle is from a jurisdiction that does not issue titles, the inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the registration certificate. The inspection must also confirm that the license plates on the vehicle are those assigned to the vehicle by the jurisdiction in which the vehicle was previously licensed. The inspection must be made by a member of the Washington state patrol or other person authorized by the ~~((director))~~ department to make such inspections.

Such application shall be subscribed by the ~~((applicant))~~ registered owner and be sworn to by ~~((him))~~ that person before a notary public or other officer authorized by law to take acknowledgments of deeds, or other person authorized by the director to certify to the signature of the applicant upon such application.

Sec. 9. Section 46.12.050, chapter 12, Laws of 1961 as amended by section 9, chapter 32, Laws of 1967 and RCW 46.12.050 are each amended to read as follows:

The ~~((director))~~ department, if satisfied from the statements upon the application that the applicant is the legal owner of the vehicle or otherwise entitled to have the certificate of ownership thereof in ~~((his))~~ the applicant's name, shall thereupon issue an appropriate certificate of ownership, over ~~((his))~~ the director's signature, authenticated by seal, and a new certificate of license registration if certificate of license registration is required.

Both the certificate of ownership and the certificate of license registration shall contain upon the face thereof, the date of ~~((issue))~~ application, the registration number assigned to the registered owner and to the vehicle, the name and address of the registered owner and legal owner, the ~~((motor number or proper))~~ vehicle identification number, ~~((if the certificate is for a motor vehicle, or the serial number, if the certificate is for a trailer,))~~ and such other description of the vehicle and facts as the ~~((director))~~ department shall require, and in addition thereto, if the vehicle described in such certificates shall have ever been licensed and operated as an exempt vehicle or a taxicab, or if it is less than four years old and has been

rebuilt after having been totaled out by an insurance carrier, such fact shall be clearly shown thereon.

A blank space shall be provided on the face of the certificate of license registration for the signature of the registered owner.

Upon issuance of the certificate of license registration and certificate of ownership and upon any reissue thereof, the ~~((director))~~ department shall deliver the certificate of license registration to the registered owner and the certificate of ownership to the legal owner, or both to the person who is both the registered owner and legal owner.

Sec. 10. Section 46.12.060, chapter 12, Laws of 1961 as amended by section 1, chapter 36, Laws of 1974 ex. sess. and RCW 46.12.060 are each amended to read as follows:

Before the ~~((director))~~ department shall issue a certificate of ownership, or reissue such a certificate, covering any vehicle, the identification number of which has been altered, removed, obliterated, defaced, omitted, or is otherwise absent, the registered owner of the vehicle shall file an application with the ~~((director))~~ department, accompanied by a fee of five dollars, upon a form provided, and containing such facts and information as shall be required by the ~~((director))~~ department for the assignment of a special number for such vehicle. Upon receipt of such application, the ~~((director))~~ department, if ~~((he is))~~ satisfied the applicant is entitled to the assignment of an identification number, shall designate a special identification number for such vehicle, which shall be noted upon the application therefor, and likewise upon a suitable record of the authorization of the use thereof, to be kept by ~~((and in the office of))~~ the ~~((director))~~ department. This assigned identification number shall be placed or stamped in a conspicuous position upon the vehicle in such manner and form as may be prescribed by the ~~((director))~~ department. Upon receipt by the ~~((director))~~ department of a certificate by an officer of the Washington state patrol, or other person authorized by the ~~((director))~~ department, that ~~((he has inspected such vehicle))~~ the vehicle has been inspected and that the identification number or the special number plate, has been stamped or securely attached in a conspicuous position upon the vehicle, accompanied by an application for a certificate of ownership or application for reissue of such certificate and the required fee therefor, the ~~((director))~~ department shall use such number as the numerical or alpha-numerical identification marks for the vehicle in any certificate of license registration or certificate of ownership ~~((he))~~ that may thereafter ((issue)) be issued therefor.

Sec. 11. Section 46.12.120, chapter 12, Laws of 1961 as last amended by section 3, chapter 99, Laws of 1972 ex. sess. and RCW 46.12.120 are each amended to read as follows:

If the purchaser or transferee is a dealer he shall, on selling or otherwise disposing of the vehicle, promptly execute the assignment and warranty of title, in such form as the director shall prescribe, including recording on the application the odometer reading as recorded by the previous owner on the title at the time the dealer obtained the vehicle or, if the previous owner failed to record the mileage on the title, the dealer shall attach a signed statement attesting to the odometer reading as it appeared on the vehicle at the time the vehicle was obtained by the dealer. Such assignment and warranty shall show any secured party holding a

security interest created or reserved at the time of resale (~~and the date of his security agreement~~), to which shall be attached the assigned certificates of ownership and license registration received by the dealer, and mail or deliver them to the department with the transferee's application for the issuance of new certificates of ownership and license registration: PROVIDED, That the title certificate issued for a (~~motor~~) vehicle possessed by a dealer and subject to a security interest shall be delivered to the secured party who upon request of the dealer's transferee shall, unless the transfer was a breach of his security agreement, either deliver the certificate to the transferee for transmission to the department, or upon receipt from the transferee of the owner's bill of sale or sale document, the transferee's application for a new certificate and the required fee, mail or deliver to the department: AND PROVIDED FURTHER, That failure of a dealer to deliver the title certificate to the secured party does not affect perfection of the security interest.

Sec. 12. Section 46.12.160, chapter 12, Laws of 1961 and RCW 46.12.160 are each amended to read as follows:

If the director determines at any time that an applicant for certificate of ownership or for a certificate of license registration for a vehicle is not entitled thereto, he may refuse to issue such certificate or to license the vehicle and he may, for like reason, after notice, and in the exercise of discretion, cancel license registration already acquired or any outstanding certificate of ownership. The notice shall be served personally or sent by (~~registered~~) certified mail return receipt requested. It shall then be unlawful for any person to remove, drive, or operate the vehicle until a proper certificate of ownership or license registration has been issued and any person removing, driving, or operating such vehicle after the refusal of the director to issue certificates or the revocation thereof shall be guilty of a gross misdemeanor.

Sec. 13. Section 46.12.170, chapter 12, Laws of 1961 as amended by section 4, chapter 140, Laws of 1967 and RCW 46.12.170 are each amended to read as follows:

If, after a certificate of ownership is issued, a security agreement is placed on the vehicle described therein, the registered owner or secured party shall, within ten days thereafter, present (~~his~~) an application to the (~~director~~) department, signed by the registered owner and the secured party, to which shall be attached the certificate of license registration and the certificate of ownership last issued covering the vehicle, which application shall be upon a form provided by the (~~director~~) department and shall be accompanied by a (~~money order, bank draft, or certified bank check for~~) fee of one dollar. The (~~director~~) department, if (~~he is~~) satisfied that there should be a reissue of the certificates, shall note such change upon (~~his~~) the vehicle records and issue to the registered owner a new certificate of license registration and to the secured party a new certificate of ownership.

Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value, the secured party must assign the certificate of ownership to the debtor or the debtor's assignee and transmit the certificate to the department with an accompanying fee of one dollar. The department shall then issue a new certificate of ownership and transmit it to

the owner. If the affected secured party fails to either assign or transmit the certificate of ownership to the debtor within ten days after proper demand, ~~((he))~~ that secured party shall be liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by such failure.

Sec. 14. Section 46.12.230, chapter 12, Laws of 1961 as amended by section 13, chapter 32, Laws of 1967 and RCW 46.12.230 are each amended to read as follows:

Any licensed wrecker in possession of a motor vehicle ten years old or older, and ownership of which or whose owner's residence is unknown, may apply to the ~~((director))~~ department for a permit to junk or wreck such motor vehicle, or any part thereof. Upon such application, a permit may be issued by the ~~((director))~~ department, upon receipt of a fee of one dollar, in a form to be prescribed by the ~~((director))~~ department to authorize such wrecker to wreck or junk such vehicle, or any part thereof.

Sec. 15. Section 2, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.040 are each amended to read as follows:

Application for original vehicle license shall be made on form furnished for the purpose by the ~~((director))~~ department. Such application shall be made by the owner of the vehicle or ~~((his))~~ duly authorized agent over the signature of such owner or agent, and ~~((he))~~ the applicant shall certify that the statements therein are true to the best of ~~((his))~~ the applicant's knowledge. The application must show:

(1) Name and address of the owner of the vehicle and, if the vehicle is subject to a security agreement, the name and address of the secured party;

(2) Trade name of the vehicle, model, year, type of body, the ~~((motor number or))~~ identification number thereof ~~((if such vehicle be a motor vehicle, or the serial number thereof if such vehicle be a trailer));~~

(3) The power to be used—whether electric, steam, gas or other power;

(4) The purpose for which said vehicle is to be used and the nature of the license required;

(5) The maximum gross license for such vehicle which in case of for hire vehicles and auto stages shall be the maximum adult seating capacity thereof, exclusive of the operator, and in cases of motor trucks, truck tractors, trailers and semitrailers shall be the maximum gross weight declared by the applicant pursuant to the provisions of RCW 46.16.111;

(6) The weight of such vehicle, if it be a motor truck or trailer, which shall be the shipping weight thereof as given by the manufacturer thereof unless another weight is shown by weight slip verified by a certified weighmaster, which slip shall be attached to the original application;

(7) Such other information as shall be required upon such application by the director.

Sec. 16. Section 1, chapter 18, Laws of 1963 and RCW 46.16.079 are each amended to read as follows:

The licensee of any fixed load vehicle equipped for lifting or towing any disabled, impounded, or abandoned vehicle or part thereof, may pay a fee of twenty-

five dollars in lieu of the additional fees provided in RCW 46.16.070 (~~or 46.16.072~~).

Sec. 17. Section 46.16.080, chapter 12, Laws of 1961 and RCW 46.16.080 are each amended to read as follows:

In lieu of the additional fee provided in RCW 46.16.070 (~~or 46.16.072~~) there shall be collected a fee of five dollars on any motor truck, truck tractor, trailer or semitrailer used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, wrecker, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such motor truck, trailer, or semitrailer: PROVIDED, That no additional fee shall be collected under this section or under RCW 46.16.070 (~~or 46.16.072~~) on any ~~(house)~~ travel trailer: PROVIDED FURTHER, That for each vehicle used exclusively in the transportation of circus, carnival, and show equipment and in the transportation of supplies used in conjunction therewith, there shall be charged in addition to other fees provided for the licensing of vehicles, an annual capacity fee in the amount of ten dollars.

Sec. 18. Section 46.16.100, chapter 12, Laws of 1961 as last amended by section 10, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.100 are each amended to read as follows:

When any vehicle subject to license is to be moved upon the public highways of this state from one point to another, the ~~((director))~~ department may issue a special permit therefor upon an application presented ~~((to him))~~ in such form as shall be approved by the ~~((director))~~ department and upon payment therefor of a fee of ten dollars. Such permit shall be for one transit only between the points of origin and destination as set forth in the application: ~~PROVIDED, ((That for each vehicle used exclusively in the transportation of circus, carnival, and show equipment and in the transportation of supplies used in conjunction therewith, there shall be charged in addition to other fees provided for the licensing of vehicles, an annual capacity fee in the amount of ten dollars. PROVIDED FURTHER;))~~ That a special permit or one-transit permit shall be issued for movement of a mobile home as defined in RCW 46.04.085 pursuant to RCW 46.16.105.

Sec. 19. Section 46.16.230, chapter 12, Laws of 1961 and RCW 46.16.230 are each amended to read as follows:

The director shall furnish to all persons making satisfactory application for vehicle license as provided by law, two identical vehicle license number plates each containing the vehicle license number to be displayed on such vehicle as by law required: PROVIDED, That if the vehicle to be licensed is a trailer, semitrailer or motorcycle only one vehicle license number plate shall be issued for each thereof. The number and plate shall be of such size and color and shall contain such symbols indicative of the registration period for which the same is issued and of the state of Washington, as shall be determined and prescribed by the director. Any vehicle license number plate or plates issued to a dealer shall contain thereon a sufficient and satisfactory indication that such plates have been issued to a dealer in vehicles. All vehicle license number plates ~~((shall))~~ may be obtained by the director from the metal working plant of the state penitentiary at Walla

Walla(~~(, if available therefrom)~~) or from any source in accordance with existing state of Washington purchasing procedures.

Notwithstanding the foregoing provisions of this section, the director may, in his discretion and under such rules and regulations as he may prescribe, adopt a type of vehicle license number plates whereby the same shall be used as long as legible on the vehicle for which issued, with provision for tabs or emblems to be attached thereto or elsewhere on the vehicle to signify renewals, in which event the term "vehicle license number plate" as used in any enactment shall be deemed to include in addition to such plate the tab or emblem signifying renewal except when such plate contains the designation of the current year without reference to any tab or emblem. Renewals shall be effected by the issuance and display of such tab or emblem.

Passed the Senate March 11, 1975.

Passed the House March 6, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 26

[Senate Bill No. 2107]

JUDGMENTS AGAINST STATE OR LOCAL GOVERNMENTS—INTEREST

AN ACT Relating to judgments; and adding a new section to chapter 4.56 RCW.

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

NEW SECTION. Section 1. There is added to chapter 4.56 RCW a new section to read as follows:

Judgments founded on the tortious conduct of the state of Washington or of the political subdivisions, municipal corporations, and quasi municipal corporations of the state, whether acting in their governmental or proprietary capacities, shall bear interest at the rate of eight percent per annum from the date of entry thereof: PROVIDED, That in any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

Passed the Senate March 11, 1975.

Passed the House March 6, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 27

[Engrossed Senate Bill No. 2147]

HERBICIDE USE—SPECIAL PROGRAMS—FEES

AN ACT Relating to the use of herbicides; adding a new section to chapter 17.21 RCW; and providing for the expiration thereof.

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

NEW SECTION. Section 1. There is added to chapter 17.21 RCW a new section to read as follows:

For the purpose of implementing special programs necessary to eliminate problems created by the use or misuse of any one or all formulations of herbicides restricted under the provisions of RCW 17.21.030, the director of the department of agriculture is authorized to establish fees necessary to carry out such special programs. The director shall hold a public hearing on or before May 1 of each year to determine the need for such special programs and the assessment for the following fiscal year. On or after the effective date of this act the director may immediately initiate hearing procedures to implement this section. The pesticide advisory board shall review, each year, the need for such special programs prior to the public hearing and advise the director of its findings as provided in RCW 17.21.250. To carry out the purposes of this section the director may enter into agreements with other government agencies and research entities, including institutions of higher learning. Fees collected pursuant to this section shall be paid by the first distributor of said herbicides in the state of Washington and shall be limited to a maximum of ten cents per pound of active ingredient. The first distributor of said herbicides shall pay a minimum fee of five dollars per six month reporting period as established by regulation of the department.

The provisions of this section shall expire on July 1, 1980, and thereafter be of no further force and effect whatsoever.

Passed the Senate March 7, 1975.

Passed the House March 5, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 28

[Engrossed Senate Bill No. 2170]

CRIMES—INJURY TO PROPERTY

AN ACT Relating to crimes and punishment; and amending section 1, page 30, Laws of 1862 as last amended by section 5, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.040; and declaring an emergency.

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

Section 1. Section 1, page 30, Laws of 1862 as last amended by section 5, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.040 are each amended to read as follows:

Every person who shall wilfully—

(1) Cut down, destroy or injure any wood, timber, grain, grass or crop, standing or growing, or which has been cut down and is lying upon the lands of another, or of the state; or,

(2) Cut down, girdle or otherwise injure a fruit, shade or ornamental tree standing on the land of another or of the state, or in any road or street; or,

(3) Dig, take or carry away without lawful authority or consent, from any lot or land in any city, or town, or from any lands included within the limits of a street or avenue in such city or town, any earth, soil or stone; or,

(4) Enter without the consent of the owner or occupant, any orchard, garden or vineyard, with intent to take, injure or destroy anything there grown or growing; or,

(5) Cut down, destroy or in any way injure any shrub, tree, vine or garden produce grown or growing within any such orchard, garden or vineyard, or any framework or erection therein; or,

(6) Damage or deface any building or part thereof, or throw any stone or other missile at any building or part thereof; or,

(7) Destroy or damage, with intent to prevent or delay the use thereof, any engine, machine, tool or implement intended for use in trade or husbandry; or,

(8) Untie, unfasten, or liberate, without authority, the horse (~~(or team)~~), cattle or sheep, of another; or lead, ride, or drive away, without authority, the horse (~~(; team, automobile or other vehicle of another)~~), cattle or sheep, from the place where left by the owner or person in charge thereof; or,

~~(9))~~ Kill, maim or disfigure any animal belonging to another, or expose any poisons or noxious substance with intent that it should be taken by such animal; or,

~~((+0))~~ (9) Take, carry away, interfere with or disturb any oysters or other shellfish of another in any river, bay, or other water of this state, or remove, pull up or destroy any stake or buoy used for designating any oyster bed; or,

~~((+1))~~ (10) Intrude or place any hovel, shanty or building upon or within the limits of any lot or piece of land within any city or town, without the consent of the owner, or within the boundaries of any street in such city or town; or,

~~((+2))~~ (11) Kill, wound or trap any animal or bird within the limits of any cemetery, park or pleasure ground, or remove therefrom or destroy the young of any such animal or the egg of any such bird; or,

~~((+3))~~ (12) Injure, destroy or tamper with any rope, line, cable or chain with which any vessel, scow, boom, beacon or buoy shall be anchored or moored, or the steering gear, bell gear, engine, machinery, lights or other equipment of any vessel; or,

~~((+4))~~ (13) Place upon or affix to any real property or any rock, tree, wall, fence or other structure thereupon, without the consent of the owner thereof, any word, character or device designed to advertise any article, business, profession, exhibition, matter or event; or,

~~((+5))~~ (14) Suffer any animal to go upon the enclosed right-of-way of any railway company, or leave open any gate or bars so that an animal might stray upon such right-of-way;

Shall be guilty of a misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of property destruction and shall incur the penalties set forth in RCW 9.61.070.

NEW SECTION. Sec. 2. This 1975 amendatory 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 Senate March 11, 1975.

Passed the House March 7, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 29

[Senate Bill No. 2177]

**MUNICIPAL COURTS, CITIES OVER 400,000—
ASSESSMENT OF PUNISHMENT**

AN ACT Relating to justice courts; and amending section 7, chapter 110, Laws of 1965 ex. sess. and RCW 3.66.065.

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

Section 1. Section 7, chapter 110, Laws of 1965 ex. sess. and RCW 3.66.065 are each amended to read as follows:

If a defendant is found guilty, a justice holding office pursuant to chapters 3.30 through 3.74, or chapter 35.20 RCW, and not the jury, shall assess his punishment, notwithstanding the provisions of RCW 10.04.100. If such justice determines that the punishment he is authorized to assess is inadequate to the gravity of the offense he may order such defendant to enter recognizance to appear in the superior court of the county and may also recognize the witnesses and shall proceed as a committing magistrate.

Passed the Senate February 21, 1975.

Passed the House March 7, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 30

[Engrossed Senate Bill No. 2182]

CLERKS OF SUPERIOR COURTS—FEES

AN ACT Relating to fees; and amending section 1, chapter 38, Laws of 1973 as amended by section 1, chapter 16, Laws of 1973 and RCW 36.18.020.

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

Section 1. Section 1, chapter 38, Laws of 1973 as amended by section 1, chapter 16, Laws of 1973 and RCW 36.18.020 are each amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of thirty-two dollars.

(2) Any party filing the first or initial paper on an appeal from justice court or on any civil appeal, shall pay, when said paper is filed, a fee of thirty-two dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a justice court in the county of issuance, shall pay at the time of filing, a fee of five dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of twenty-five dollars; if the demand is for a jury of twelve the fee shall be fifty dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional twenty-five dollar fee will be required of the party demanding the increased number of jurors. ~~((In the event that the case is settled out of court and the court is notified not less than twenty-four hours prior to the time that such case is called to be heard upon trial, such fee shall be returned to such party by the clerk.))~~

(6) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in his office for which no other charge is provided by law, the clerk shall collect two dollars.

(7) For preparing, transcribing or certifying any instrument on file or of record in his office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(8) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(9) For the filing of an affidavit for garnishment, a fee of five dollars shall be charged.

(10) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(11) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of thirty-two dollars: PROVIDED, HOWEVER, A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated.

(12) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, there shall be paid a fee of thirty-two dollars.

(13) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(14) For the preparation of a passport application there shall be a fee of ~~((two))~~ three dollars.

(15) Upon conviction or plea of guilty or upon failure to prosecute his appeal from a lower court as provided by law, a defendant in a criminal case shall be liable for a fee of thirty-two dollars.

(16) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July

1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(17) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.36.010.

Passed the Senate March 11, 1975.

Passed the House March 7, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 31

[Senate Bill No. 2220]

CLAIMS AGAINST COUNTIES—ISSUANCE OF WARRANTS

AN ACT Relating to county warrants; and amending section 36.22.050, chapter 4, Laws of 1963 as amended by section 1, chapter 87, Laws of 1969 ex. sess. and RCW 36.22.050.

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

Section 1. Section 36.22.050, chapter 4, Laws of 1963 as amended by section 1, chapter 87, Laws of 1969 ex. sess. and RCW 36.22.050 are each amended to read as follows:

For claims allowed by the county commissioners, and also for cost bills and other lawful claims duly approved by the competent tribunal designated by law for their allowance, he shall draw a warrant on the county treasurer, made payable to the claimant or his order, bearing date from the time of and regularly numbered in the order of their issue (~~but no warrant shall be issued within less than ten days after the date of its allowance~~). If there is not sufficient cash in the county treasury to cover such claims or cost bills, or if a claimant requests, the auditor may issue a number of smaller warrants, the total principal amounts of which shall equal the amount of said claim or cost bill.

Passed the Senate February 11, 1975.

Passed the House March 7, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 32

[Engrossed Senate Bill No. 2233]

DISSOLUTION OF MARRIAGE, ETC.—PROCEEDINGS

AN ACT Relating to domestic relations; amending section 1, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.010; amending section 4, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.040; amending section 6, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.060; and amending section 28, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.280.

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

Section 1. Section 1, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.010 are each amended to read as follows:

(1) Except as otherwise specifically provided herein, the practice in civil action shall govern all proceedings under this chapter, except that trial by jury is dispensed with.

(2) A proceeding for dissolution of marriage, legal separation or a declaration concerning the validity of a marriage shall be entitled "In re the marriage of -----and-----." Such proceeding may be filed in the superior court of the county where the petitioner resides.

(3) In cases where there has been no prior proceeding in this state involving the marital status of the parties or custody or support obligations, a separate custody or support proceeding shall be entitled "In re the (custody) (support) of -----"

(4) The initial pleading in all proceedings for dissolution of marriage under this chapter shall be denominated a petition. A responsive pleading shall be denominated a response. Other pleadings, and all pleadings in other matters under this chapter shall be denominated as provided in the civil rules for superior court.

(5) In this chapter, "decree" includes "judgment".

(6) A decree of dissolution, of legal separation, or a declaration concerning the validity of a marriage shall not be awarded to one of the parties, but shall provide that it affects the status previously existing between the parties in the manner decreed.

Sec. 2. Section 4, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.040 are each amended to read as follows:

(1) While both parties to an alleged marriage are living, and at least one party is resident in this state or a member of the armed service and stationed in the state, a petition to have the marriage declared invalid may be ~~((brought))~~ sought by:

(a) Either or both parties, or the guardian of an incompetent spouse, for any cause specified in subsection (4) of this section; or

(b) Either or both parties, the legal spouse, or a child of either party when it is alleged that the marriage is bigamous.

(2) If the validity of a marriage is denied or questioned at any time, either or both parties to the marriage may petition the court for a judicial determination of the validity of such marriage. ~~((The petitioner in such action shall be the person or entity denying or questioning the validity of the marriage.))~~

(3) In a proceeding to declare the invalidity of a marriage, the court shall proceed in the manner and shall have the jurisdiction, including the authority to provide for maintenance, custody, visitation, support, and division of the property of the parties, provided by this chapter.

(4) After hearing the evidence concerning the validity of a marriage, if both parties to the alleged marriage are still living, the court:

(a) If it finds the marriage to be valid, shall enter a decree of validity;

(b) If it finds that:

(i) The marriage should not have been contracted because of age of one or both of the parties, lack of required parental or court approval, a prior undissolved marriage of one or both of the parties, reasons of consanguinity, or because a party lacked capacity to consent to the marriage, either because of mental incapacity or because of the influence of alcohol or other incapacitating substances, or

because a party was induced to enter into the marriage by force or duress, or by fraud involving the essentials of marriage, and that the parties have not ratified their marriage by voluntarily cohabiting after attaining the age of consent, or after attaining capacity to consent, or after cessation of the force or duress or discovery of the fraud, shall declare the marriage invalid as of the date it was purportedly contracted;

(ii) The marriage should not have been contracted because of any reason other than those above, shall upon motion of a party, order any action which may be appropriate to complete or to correct the record and enter a decree declaring such marriage to be valid for all purposes from the date upon which it was purportedly contracted;

(c) If it finds that a marriage contracted in a jurisdiction other than this state, was void or voidable under the law of the place where the marriage was contracted, and in the absence of proof that such marriage was subsequently validated by the laws of the place of contract or of a subsequent domicile of the parties, shall declare the marriage invalid as of the date of the marriage.

(5) Any child of the parties born or conceived during the existence of a marriage of record is legitimate and remains legitimate notwithstanding the entry of a declaration of invalidity of the marriage.

Sec. 3. Section 6, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.060 are each amended to read as follows:

(1) In a proceeding for:

(a) Dissolution of marriage, legal separation, or a declaration of invalidity; or

(b) Disposition of property or liabilities, maintenance, or support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse; either party may move for temporary maintenance or for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring him to notify the moving party of any proposed extraordinary expenditures made after the order is issued;

(b) Molesting or disturbing the peace of the other party or of any child;

(c) Entering the family home or the home of the other party upon a showing of the necessity therefor;

(d) Removing a child from the jurisdiction of the court.

(3) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(4) The court may issue a temporary restraining order or preliminary injunction and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances.

(5) A temporary order ((σ)), temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final decree is entered or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed.

Sec. 4. Section 28, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.280 are each amended to read as follows:

Hereafter every action or proceeding to change, modify, or enforce any final order, judgment, or decree heretofore or hereafter entered in any dissolution or legal separation or declaration concerning the validity of a marriage, whether under this chapter or prior law, in relation to the care, custody, control, or support((; ~~or maintenance~~)) of the minor children of the marriage may be brought in the county where said minor children are then residing, or in the court in which said final order, judgment, or decree was entered, or in the county where the parent or other person who has the care, custody, or control of the said children is then residing.

Passed the Senate March 11, 1975.

Passed the House March 7, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 33

[Engrossed Senate Bill No. 2250]

CITIES, 400,000 OR OVER—CLASSIFICATION

AN ACT Relating to cities and towns; amending section 39, chapter 299, Laws of 1961 and RCW 3.46.050; amending section 100, chapter 299, Laws of 1961 as last amended by section 6, chapter 149, Laws of 1974 ex. sess. and RCW 3.28.010 [3.58.010]; amending section 35.20.010, chapter 7, Laws of 1965 and RCW 35.20.010; amending section 35.20.900, chapter 7, Laws of 1965 and RCW 35.20.900; amending section 13, chapter 274, Laws of 1947 as last amended by section 2, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.120; creating new sections; adding a new section to chapter 35.21 RCW.

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

NEW SECTION. Section 1. There is added to chapter 35.21 RCW a new section to read as follows:

On and after the effective date of this 1975 amendatory act, every law and rule or regulation of the state or any agency thereof which immediately prior to the effective date of this 1975 amendatory act related to cities of five hundred thousand population or over shall be deemed to be applicable to cities of four hundred thousand population or over.

Sec. 2. Section 39, chapter 299, Laws of 1961 and RCW 3.46.050 are each amended to read as follows:

Each city may select its full time municipal judge or judges by election, or by appointment in such manner as the city legislative body determines: PROVIDED, That in cities having a population in excess of ((five)) four hundred thousand, the municipal judges shall be elected.

Sec. 3. Section 100, chapter 299, Laws of 1961 as last amended by section 6, chapter 149, Laws of 1974 ex. sess. and RCW 3.58.010 are each amended to read as follows:

The annual salary of each full time justice of the peace shall be twenty-three thousand two hundred and fifty dollars: PROVIDED, That in cities having a population in excess of ((five)) four hundred thousand, the city which pays the salary may increase such salary of its municipal judges to an amount not more than the salary paid the superior court judges in the county in which the court is located: PROVIDED FURTHER, That no full time justice of the peace shall perform any civil marriage between 8:00 a.m. and 5:00 p.m. Monday through Friday.

Sec. 4. Section 35.20.010, chapter 7, Laws of 1965 and RCW 35.20.010 are each amended to read as follows:

There is hereby created and established in each incorporated city of this state having a population of more than ((five)) four hundred thousand inhabitants, as shown by the federal or state census, which ever is the later, a municipal court, which shall be styled "The Municipal Court of _____ (name of city)," hereinafter designated and referred to as the municipal court, which court shall have jurisdiction and shall exercise all the powers by this chapter declared to be vested in such municipal court, together with such powers and jurisdiction as is generally conferred in this state either by common law or statute.

Sec. 5. Section 35.20.900, chapter 7, Laws of 1965 and RCW 35.20.900 are each amended to read as follows:

The provisions of RCW 35.22.420, 35.22.430, 35.22.440, 35.22.450, 35.22.460, 35.22.480, 35.22.490, 35.22.510, 35.22.520, 35.22.530, 35.22.540, 35.22.550 and 35.22.560, in so far as inconsistent with the provisions of this chapter shall apply only to cities of the first class having a population of less than ((five)) four hundred thousand inhabitants.

Sec. 6. Section 13, chapter 274, Laws of 1947 as last amended by section 2, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers as defined in this chapter who have served at least six months without interruption or who are employed, appointed or elected on or after July 1, 1965, with the following exceptions:

- (1) Persons in ineligible positions;
- (2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership and to be accepted by the action of the retirement board, such application for those taking elective office for the first time after May 21, 1971 shall be submitted within eight years of the beginning of their initial term of office: AND PROVIDED FURTHER, That any such persons previously denied service credit because of any prior laws excluding membership which have subsequently been repealed, shall nevertheless be allowed to recover or regain such service credit denied or lost because of the previous lack of authority: AND PROVIDED FURTHER, That any persons holding elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership and be accepted by action of the retirement board, to be effective during such term or terms of office, and shall be allowed to recover or regain the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee and employer contributions therefor by the employer or employee: AND PROVIDED FURTHER, That any person who was an elected official eligible to apply for membership pursuant to this subsection, who failed to exercise that option while holding such elected office and who is now a member of the retirement system, shall have the option to recover service credit for such elected service upon payment to the retirement system of the employee and employer contributions which would have been made had the person been a member during the period of such elective service;

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the state employees' retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits as secondary payee under the optional retirement allowances as provided by RCW 41.40.190 or 41.40.185;

(5) Patient and inmate help in state charitable, penal and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer or contract basis or as an incident to the private practice of a profession;

(10) Persons appointed after April 1, 1963 by the liquor control board as agency vendors.

(11) Employees of a labor guild, association, or organization: **PROVIDED**, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership and to be accepted by the action of the retirement board.

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: **PROVIDED**, That if such employees are employed for more than six months in an eligible position they shall become members of the system.

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: **PROVIDED**, That any member elected or appointed to an elective office on or after April 1, 1971 shall have the option of continuing his membership in this system in lieu of becoming a member of the city system. A member who so elects to maintain his membership shall make his contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter.

Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over ~~((five))~~ four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system.

NEW SECTION. Sec. 7. If any provision of this 1975 amendatory 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 February 14, 1975.

Passed the House March 7, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 34

[Engrossed Substitute Senate Bill No. 2259]

EMPLOYEE BENEFIT PLANS—CONTRIBUTIONS—LIENS

AN ACT Relating to employee benefit plans; amending section 1, chapter 307, Laws of 1927 and RCW 49.52.010; amending section 2, chapter 307, Laws of 1927 and RCW 49.52.020; amending section 1, chapter 24, Laws of 1893 as last amended by section 2, chapter 94, Laws of 1971 ex. sess. and RCW 60.04.010; amending section 3, chapter 24, Laws of 1893 as last amended by section 3, chapter 94, Laws of 1971 ex. sess. and RCW 60.04.040; amending section 4, chapter 24, Laws of 1893 as amended by section 4, chapter 279, Laws of 1959 and RCW 60.04.050; amending section 5, chapter 24, Laws of 1893 as last amended by section 1, chapter 94, Laws of 1971 ex. sess. and RCW 60.04.060; amending section 1, chapter 217, Laws of 1894 as amended by section 7, chapter 279, Laws of 1959 and RCW 60.04.067; amending section 10, chapter 24, Laws of 1893 as amended by section 9, chapter 279, Laws of 1959 and RCW 60.04.110; amending section 12, chapter 24, Laws of 1893 as last amended by section 129, chapter 81, Laws of 1971 and RCW 60.04.130; and amending section 2, chapter 47, Laws of 1973 1st ex. sess. and RCW 60.04.210.

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

Section 1. Section 1, chapter 307, Laws of 1927 and RCW 49.52.010 are each amended to read as follows:

All moneys collected by any employer from his or its employees and all money to be paid by any employer as his contribution for furnishing, either directly, or through contract, or arrangement with a hospital association, corporation, firm or individual, of medicine, medical or surgical treatment, nursing, hospital service, ambulance service, dental service, burial service, or any or all of the above enumerated services, or any other necessary service, contingent upon sickness, accident or death, are hereby declared to be a trust fund for the purposes for which the same are collected. The trustees (or their administrator, representative, or agent under direction of the trustees) of such fund are authorized to take such action as is deemed necessary to ensure that the employer contributions are made including, but not limited to filing actions at law, and filing liens against moneys due to the employer from the performance of labor or furnishing of materials to which the employees contributed their services. Such trust fund is subject to the provisions of chapter 48.52 RCW.

Sec. 2. Section 2, chapter 307, Laws of 1927 and RCW 49.52.020 are each amended to read as follows:

In case any employer collecting moneys from his employees or making contributions to any type of benefit plan for any or all of the purposes specified in RCW 49.52.010, shall enter into a contract or arrangement with any hospital association, corporation, firm or individual, to furnish any such service to its employees, the association, corporation, firm or individual contracting to furnish such services, shall have a lien upon such trust fund prior to all other liens except taxes. The lien hereby created shall attach from the date of the arrangement or contract to furnish such services and may be foreclosed in the manner provided by law for the foreclosure of other liens on personal property.

Sec. 3. Section 1, chapter 24, Laws of 1893 as last amended by section 2, chapter 94, Laws of 1971 ex. sess. and RCW 60.04.010 are each amended to read as follows:

Every person performing labor upon, furnishing material, or renting, leasing or otherwise supplying equipment, to be used in the construction, alteration or repair of any mining claim, building, wharf, bridge, ditch, dyke, flume, tunnel, well,

fence, machinery, railroad, street railway, wagon road, aqueduct to create hydraulic power or any other structure or who performs labor in any mine or mining claim or stone quarry, or trustees of any type of employee benefit plan, has a lien upon the same for the labor performed, contributions owed to the employee benefit plan on account of such labor performed, material furnished, or equipment supplied by each, respectively, whether performed, furnished, or supplied at the instance of the owner of the property subject to the lien or his agent; and every registered or licensed contractor, registered or licensed subcontractor, architect, or person having charge, of the construction, alteration or repair of any property subject to the lien as aforesaid, shall be held to be the agent of the owner for the purposes of the establishment of the lien created by this chapter: **PROVIDED**, That whenever any railroad company shall contract with any person for the construction of its road, or any part thereof, such railroad company shall take from the person with whom such contract is made a good and sufficient bond, conditioned that such person shall pay all laborers, mechanics, materialmen, and equipment suppliers, and persons who supply such contractors with provisions, all just dues to such person or to any person to whom any part of such work is given, incurred in carrying on such work, which bond shall be filed by such railroad company in the office of the county auditor in each county in which any part of such work is situated. And if any such railroad company shall fail to take such bond, such railroad company shall be liable to the persons herein mentioned to the full extent of all such debts so contracted by such contractor. Contractors or subcontractors required to be registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW shall be deemed the agents of the owner for the purposes of establishing the lien created by this chapter only if so registered or licensed. Persons dealing with contractors or subcontractors may rely, for the purposes of this section, upon a certificate of registration issued pursuant to chapter 18.27 RCW or license issued pursuant to chapter 19.28 RCW covering the period when the work or material shall be furnished, and lien rights shall not be lost by suspension or revocation of registration or license without their knowledge.

Sec. 4. Section 3, chapter 24, Laws of 1893 as last amended by section 3, chapter 94, Laws of 1971 ex. sess. and RCW 60.04.040 are each amended to read as follows:

Any person who, at the request of the owner of any real property, or his agent, clears, grades, fills in or otherwise improves the same, or any street or road in front of, or adjoining the same, and every person who, at the request of the owner of any real property, or his agents, rents, leases, or otherwise supplies equipment, or furnishes materials, including blasting powder, dynamite, caps and fuses, for clearing, grading, filling in, or otherwise improving any real property or any street or road in front of or adjoining the same, and every trustee of any type of employee benefit plan, has a lien upon such real property for the labor performed, contributions owed to the employee benefit plan on account of the labor performed, the materials furnished, or the equipment supplied for such purposes.

Sec. 5. Section 4, chapter 24, Laws of 1893 as amended by section 4, chapter 279, Laws of 1959 and RCW 60.04.050 are each amended to read as follows:

The liens created by this chapter are preferred to any lien, mortgage or other incumbrance which may attach subsequently to the time of the commencement of

the performance of the labor, the obligation to pay contributions to any type of employee benefit plan, the furnishing of the materials, or the supplying of the equipment for which the right of lien is given by this chapter, and are also preferred to any lien, mortgage or other incumbrance which may have attached previously to that time, and which was not filed or recorded so as to create constructive notice of the same prior to that time, and of which the lien claimant had no notice.

Sec. 6. Section 5, chapter 24, Laws of 1893 as last amended by section 1, chapter 94, Laws of 1971 ex. sess. and RCW 60.04.060 are each amended to read as follows:

No lien created by this chapter shall exist, and no action to enforce the same shall be maintained, unless within ninety days from the date the contributions to any type of employee benefit plan are due, of the cessation of the performance of such labor, the furnishing of such materials, or the supplying of such equipment, a claim for such lien shall be filed for record as hereinafter provided, in the office of the county auditor of the county in which the property, or some part thereof to be affected thereby, is situated. Such claim shall state, as nearly as may be, the date contributions to any type of employee benefit plan became due, the time of the commencement and cessation of performing the labor, furnishing the material, or supplying the equipment, the names of the trustees of the employee benefit plan, the name of the person who performed the labor, furnished the material, or supplied the equipment, the name of the person by whom the laborer was employed (if known), the name of the person required by agreement or otherwise to pay contributions to any type of employee benefit plan, or to whom the material was furnished, or equipment supplied, a description of the property to be charged with the lien sufficient for identification, the name of the owner, or reputed owner if known, and if not known, that fact shall be mentioned, the amount for which the lien is claimed, and shall be signed by the claimant, or by some person in his behalf, and be verified by the oath of the claimant, or some person in his behalf, to the effect that the affiant believes the claim to be just; in case the claim shall have been assigned the name of the assignee shall be stated; and such claim of lien may be amended in case of action brought to foreclose the same, by order of the court, as pleadings may be, insofar as the interests of third parties shall not be affected by such amendment. A claim of lien shall also state the address of the claimant. A claim of lien by trustees of any type of employee benefit plan shall state, as nearly as is known to the trustees, the names of all employees on whose behalf contributions are claimed. A claim for lien substantially in the following form shall be sufficient:

-----, claimant, vs. -----

Notice is hereby given that on the ----- day (date of commencement of performing labor or contributions to any type of employee benefit plan became due or furnishing material or supplying equipment) ----- at the request of ----- commenced to perform labor (or to furnish material or supply equipment to be used) upon ----- (here describe property subject to the lien) of which property the owner, or reputed owner, is ----- (or if the

owner or reputed owner is not known, insert the word "unknown"), the performance of which labor (or the furnishing of which material or supply of which equipment) ceased on the _____ day of _____; that said labor performed (the amount of contributions owed or material furnished or equipment supplied) was of the value of _____ dollars, for which labor (or contributions) (or material) (or equipment) the undersigned claims a lien upon the property herein described for the sum of _____ dollars. (In case the claim has been assigned, add the words "and _____ is assignee of said claim", or claims, if several are united.)

_____, Claimant.

(Address, city, and state of claimant)

STATE OF WASHINGTON, COUNTY OF _____, ss.
_____, being sworn, says: I am the claimant (or attorney of the claimant, or administrator, representative or agent of trustees of an employee benefit plan) above named; I have heard the foregoing claim read and know the contents thereof, and believe the same to be just.

Subscribed and sworn to before me this _____ day of _____

Any number of claimants may join in the same claim for the purpose of filing the same and enforcing their liens, but in such case the amount claimed by each original lienor, respectively, shall be stated: PROVIDED, It shall not be necessary to insert in the notice of claim of lien provided for by this chapter any itemized statement or bill of particulars of such claim.

Sec. 7. Section 1, chapter 217, Laws of 1949 as amended by section 7, chapter 279, Laws of 1959 and RCW 60.04.067 are each amended to read as follows:

Where such labor is performed, such contributions owed to any type of employee benefit plan, such materials are furnished, or such equipment is supplied in the construction of two or more separate residential units the time for filing claims of lien against each separate residential unit shall commence to run upon the cessation of the performance of such labor, the date contributions to any type of employee benefit plan became due, the furnishing of such materials, or the supplying of such equipment on each such residential unit as provided in this chapter. A separate residential unit is defined as consisting of one residential structure together with any garages or other outbuildings appurtenant thereto.

Sec. 8. Section 10, chapter 24, Laws of 1893 as amended by section 9, chapter 279, Laws of 1959 and RCW 60.04.110 are each amended to read as follows:

The contractor shall be entitled to recover upon the claim filed by him only such amount as may be due him according to the terms of his contract, after deducting all claims of other parties for labor performed, for contributions owed to any type of employee benefit plan, materials furnished, and equipment supplied;

and in all cases where a claim shall be filed under this chapter for labor performed, contributions owed to any type of employee benefit plan, materials furnished, or equipment supplied to any contractor, he shall defend any action brought thereupon at his own expense; and during the pendency of such action, the owner may withhold from the contractor the amount of money for which the claim is filed; and in case of judgment against the owner or his property, upon the lien, the owner shall be entitled to deduct from any amount due or to become due by him to the contractor, the amount of the judgment and costs, and if the amount of such judgment and costs shall exceed the amount due by him to the contractor or if the owner shall have settled with the contractors in full, he shall be entitled to recover back from the contractor the amount, including costs for which the lien is established in excess of any sum that may remain due from him to the contractor.

Sec. 9. Section 12, chapter 24, Laws of 1893 as last amended by section 129, chapter 81, Laws of 1971 and RCW 60.04.130 are each amended to read as follows:

In every case in which different liens are claimed against the same property, the court, in the judgment, must declare the rank of such lien or class of liens, which shall be in the following order:

- (1) All persons performing labor.
- (2) Contributions owed to employee benefit plans.
- (3) All persons furnishing material or supplying equipment.
- ~~((3))~~ (4) The subcontractors.
- ~~((4))~~ (5) The original contractors.

The proceeds of the sale of the property must be applied to each lien or class of liens in the order of its rank; and personal judgment may be rendered in an action brought to foreclose a lien, against any party personally liable for any debt for which the lien is claimed, and if the lien be established, the judgment shall provide for the enforcement thereof upon the property liable as in case of foreclosure of mortgages; and the amount realized by such enforcement of the lien shall be credited upon the proper personal judgment, and the deficiency, if any remaining unsatisfied, shall stand as a personal judgment, and may be collected by execution against the party liable therefor. The court may allow to the prevailing party in the action, whether plaintiff or defendant, as part of the costs of the action, the moneys paid for filing or recording the claim, and a reasonable attorney's fee in the superior court, court of appeals, and supreme court.

Sec. 10. Section 2, chapter 47, Laws of 1973 1st ex. sess. and RCW 60.04.210 are each amended to read as follows:

Any lender providing interim or construction financing where there is not a payment bond of at least fifty percent of the amount of construction financing shall observe the following procedures:

- (1) Draws against construction financing shall be made only after certification of job progress by the general contractor and the owner or his agent in such form as may be prescribed by the lender.
- (2) Any potential lien claimant who has not received a payment within twenty days after the date required by his contract, employee benefit plan agreement, or purchase order may within twenty days thereafter file a notice as provided herein

of the sums due and to become due, for which a potential lien claimant may claim a lien under chapter 60.04 RCW.

(3) The notice must be filed in writing with the lender at the office administering the interim or construction financing, with a copy furnished to the owner and appropriate general contractor. The notice shall state in substance and effect that such person, firm, trustee, or corporation is entitled to receive contributions to any type of employee benefit plan, has furnished labor, materials and supplies, or supplied equipment for which right of lien is given by this chapter, with the name of the general contractor, agent or person ordering the same, a common or street address of the real property being improved or developed, or if there be none the legal description of said real property, description of the labor, or material furnished, or equipment leased, or a brief statement describing the nature of the contributions owed to any type of employee benefit plan, the name, business address and telephone number of said lien claimant which notice shall be given by mailing the same by registered or certified mail, return receipt requested.

(4) After the receipt of such notice, the lender shall withhold from the next and subsequent draws such percentage thereof as is equal to that percentage of completion as certified in subsection (1) of this section, which is attributable to the potential lien claimant as of the date of the certification of job progress for the draw in question less contracted retainage. The percentage of completion attributable to the lien claimant shall be calculated from said certification of job progress, and shall be reduced to reflect any sums paid to or withheld for the potential lien claimant. Alternatively, the lender may obtain from the general contractor or borrower a payment bond for the benefit of the potential lien claimant in such sum.

(5) Sums so withheld shall not be disbursed by the lender except by the written agreement of the potential lien claimant, owner and general contractor in such form as may be prescribed by the lender, or the order of a court of competent jurisdiction.

(6) In the event a lender fails to abide by the provisions of subsections (4) or (5) of this section, then the mortgage, deed of trust or other encumbrance securing the lender will be subordinated to the lien of the potential lien claimant to the extent of the interim or construction financing wrongfully disbursed, but in no event in an amount greater than the sums ultimately determined to be due the potential lien claimant by a court of competent jurisdiction, or more than the sum stated in the notice, whichever is less.

(7) Any potential lien claimant shall be liable for any loss, cost or expense, including reasonable attorney fees, to the party injured thereby arising out of any unjust, excessive or premature notice of claim.

Passed the Senate February 26, 1975.

Passed the House March 10, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 35

[Senate Bill No. 2266]

BANKS AND TRUST COMPANIES—
DIRECTORS' ELECTIONS

AN ACT Relating to banks and trust companies; amending section 30.12.010, chapter 33, Laws of 1955 as last amended by section 8, chapter 136, Laws of 1969 and RCW 30.12.010; and declaring an emergency.

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

Section 1. Section 30.12.010, chapter 33, Laws of 1955 as last amended by section 8, chapter 136, Laws of 1969 and RCW 30.12.010 are each amended to read as follows:

Every bank and trust company shall be managed by not less than five directors, excepting that a bank having a capital of fifty thousand dollars or less may have only three directors. Directors shall be elected by the stockholders and hold office for one year and until their successors are elected and have qualified. In the first instance the directors shall be those named in the articles of incorporation and afterwards, those elected at the annual meeting of the stockholders to be held at least once each year on a day to be specified by the bank's or trust company's bylaws ((by)) but not later than ((March)) May 15th of each year. If for any cause no election is held at that time, it may be held at an adjourned meeting or at a subsequent meeting called for that purpose in the manner prescribed by the corporation's bylaws. The directors shall meet at least once each month and whenever required by the supervisor. A majority of the board of directors shall constitute a quorum for the transaction of business. At all stockholders' meetings, each share shall be entitled to one vote. Any stockholder may vote in person or by written proxy. Every director must own in his own right shares of the capital stock of the bank or trust company of which he is a director the aggregate par value of which shall not be less than four hundred dollars, unless the capital of the bank or trust company shall not exceed fifty thousand dollars, in which case he must own in his own right shares of such capital stock the aggregate par value of which shall not be less than two hundred dollars. Any director who ceases to be the owner of the required number of shares of the stock, or who becomes in any other manner disqualified, shall thereby vacate his place.

Immediately upon election, each director shall take, subscribe, swear to, and file with the supervisor an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of such corporation and will not knowingly violate or willingly permit to be violated any provision of law applicable to such corporation and that he is the beneficial owner in good faith of the number of shares of stock required by this section, and that the same is fully paid, is not hypothecated or in any way pledged as security for any loan or debt. Vacancies in the board of directors shall be filled by the board.

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 Senate February 17, 1975.

Passed the House March 7, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 36

[Senate Bill No. 2331]

METROPOLITAN MUNICIPAL CORPORATIONS—
WATER POLLUTION ABATEMENT

AN ACT Relating to metropolitan municipal corporations; and amending section 35.58.200, chapter 7, Laws of 1965 as last amended by section 6, chapter 70, Laws of 1974 ex. sess. and RCW 35.58.200.

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

Section 1. Section 35.58.200, chapter 7, Laws of 1965 as last amended by section 6, chapter 70, Laws of 1974 ex. sess. and RCW 35.58.200 are each amended to read as follows:

If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan water pollution abatement, it shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare a comprehensive water pollution abatement plan including provisions for waterborne pollutant removal, water quality improvement, sewage disposal, and storm water drainage ((plan)) for the metropolitan area.

(2) To acquire by purchase, condemnation, gift, or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of metropolitan facilities for water pollution abatement, including but not limited to, removal of waterborne pollutants, water quality improvement, sewage disposal and storm water drainage within or without the metropolitan area, including but not limited to trunk, interceptor and outfall sewers, whether used to carry sanitary waste, storm water, or combined storm and sanitary sewage, lift and pumping stations, pipelines, drains, sewage treatment plants, flow control structures together with all lands, property rights, equipment and accessories necessary for such facilities. Sewer facilities which are owned by a county, city, or special district may be acquired or used by the metropolitan municipal corporation only with the consent of the legislative body of the county, city, or special districts owning such facilities. Counties, cities, and special districts are hereby authorized to convey or lease such facilities to metropolitan municipal corporations or to contract for their joint use on such terms as may be fixed by agreement between the legislative body of such county, city, or special district and the metropolitan council, without submitting the matter to the voters of such county, city, or district.

(3) To require counties, cities, special districts and other political subdivisions to discharge sewage collected by such entities from any portion of the metropolitan area which can drain by gravity flow into such metropolitan facilities as may be provided to serve such areas when the metropolitan council shall declare by

resolution that the health, safety, or welfare of the people within the metropolitan area requires such action.

(4) To fix rates and charges for the use of metropolitan water pollution abatement facilities, and to expend the moneys so collected for authorized water pollution abatement activities.

(5) To establish minimum standards for the construction of local water pollution abatement facilities and to approve plans for construction of such facilities by component counties or cities or by special districts, which are connected to the facilities of the metropolitan municipal corporation. No such county, city, or special district shall construct such facilities without first securing such approval.

(6) To acquire by purchase, condemnation, gift, or grant, to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of facilities for the local collection of sewage or storm water in portions of the metropolitan area not contained within any city or special district operating local public sewer facilities and, with the consent of the legislative body of any such city or special district, to exercise such powers within such city or special district and for such purpose to have all the powers conferred by law upon such city or special district with respect to such local collection facilities: **PROVIDED**, That such consent shall not be required if the department of ecology certifies that a water pollution problem exists within any such city or special district and notifies the city or special district to correct such problem and corrective construction of necessary local collection facilities shall not have been commenced within (~~six months~~) one year after notification. All costs of such local collection facilities shall be paid for by the area served thereby.

(7) To participate fully in federal and state programs under the federal water pollution control act (86 Stat. 816 et seq., 33 U.S.C. 1251 et seq.) and to take all actions necessary to secure to itself or its component agencies the benefits of that act and to meet the requirements of that act, including but not limited to the following:

(a) authority to develop and implement such plans as may be appropriate or necessary under the act.

(b) authority to require by appropriate regulations that its component agencies comply with all effluent treatment and limitation requirements, standards of performance requirements, pretreatment requirements, a user charge and industrial cost recovery system conforming to federal regulation, and all conditions of national permit discharge elimination system permits issued to the metropolitan municipal corporation or its component agencies. Adoption of such regulations and compliance therewith shall not constitute a breach of any sewage disposal contract between a metropolitan municipal corporation and its component agencies nor a defense to an action for the performance of all terms and conditions of such contracts not inconsistent with such regulations and such contracts, as modified by such regulations, shall be in all respects valid and enforceable.

Passed the Senate February 26, 1975.

Passed the House March 10, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 37

[House Bill No. 17]

COUNTIES, SEVENTH AND EIGHTH
CLASS—LAW LIBRARIES

AN ACT Relating to county law libraries; amending section 3, chapter 94, Laws of 1925 ex. sess. as last amended by section 3, chapter 249, Laws of 1953 and RCW 27.24.090; and adding a new section to chapter 27.24 RCW.

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

NEW SECTION. Section 1. There is added to chapter 27.24 RCW a new section to read as follows:

In each county of the seventh and eighth class, there may be a county law library which shall be governed and maintained by the prosecuting attorney who shall also serve as trustee of such library without additional salary or other compensation.

The use of the county law library shall be free to the judges of the state, to state and county officials, and to members of the bar, and to such others as the prosecuting attorney may by rule provide.

Sec. 2. Section 3, chapter 94, Laws of 1925 ex. sess. as last amended by section 3, chapter 249, Laws of 1953 and RCW 27.24.090 are each amended to read as follows:

The collection of the fees directed in RCW 27.24.070 shall be discontinued whenever the board of trustees of a county library or the prosecuting attorney, as the case may be, files with the county clerk and clerks of the justice courts a written resolution to the effect that the county library fund in its county is sufficient for all present needs, which resolution shall remain effective until it is later rescinded. Upon its rescission, the county clerk and clerks of the justice courts shall resume the collection of such fees.

Passed the House March 11, 1975.

Passed the Senate March 5, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 38

[House Bill No. 63]

STOCK RESTRICTED AREAS—PENALTIES

AN ACT Relating to stock restricted areas; amending section 4, chapter 25, Laws of 1911 and RCW 16.24.040; and prescribing penalties.

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

Section 1. Section 4, chapter 25, Laws of 1911 and RCW 16.24.040 are each amended to read as follows:

Any person, or any agent, employee or representative of a corporation, violating any of the provisions of such order after the same shall have been published or posted as provided in RCW 16.24.030 or, violating any provision of this chapter, shall be guilty of a misdemeanor ~~(, and on conviction thereof shall be punished by a fine of not less than two dollars, nor more than ten dollars, for each~~

~~offense, and it shall be the duty of the prosecuting attorney of such county, on complaint of any resident or freeholder of said territory, to forthwith enforce the provisions of this section)).~~

Passed the House February 6, 1975.

Passed the Senate March 10, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 39

[Substitute House Bill No. 73]

FROZEN FOODS—RETAIL SALES—PACKAGE LABELS

AN ACT Relating to food; and adding a new section to chapter 69.04 RCW.

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

NEW SECTION. Section 1. There is added to chapter 69.04 RCW a new section to read as follows:

It shall be unlawful for any person to sell at retail or display for sale at retail any food fish or shellfish as defined in RCW 75.04.040 as now or hereafter amended, any meat capable of use as human food as defined in RCW 16.49A.150 as now or hereafter amended, or any meat food product as defined in RCW 16.49A.130 as now or hereafter amended which has been frozen subsequent to being offered for sale or distribution to the ultimate consumer, without having the package or container in which the same is sold bear a label clearly discernible to a customer that such product has been frozen and whether or not the same has since been thawed. No such food fish or shellfish, meat or meat food product shall be sold unless in such a package or container bearing said label: PROVIDED, That this section shall not include any of the aforementioned food or food products that have been frozen prior to being smoked, cured, cooked or subjected to the heat of commercial sterilization.

Passed the House February 11, 1975.

Passed the Senate March 10, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 40

[House Bill No. 106]

STATE ADMINISTRATIVE BOARD— TRANSFER OF DUTIES

AN ACT Relating to state government; amending section 1, chapter 79, Laws of 1921 and RCW 4.92.060; amending section 2, chapter 79, Laws of 1921 and RCW 4.92.070; amending section 24, chapter 122, Laws of 1963 and RCW 15.17.240; amending section 2, chapter 23, Laws of 1972 ex. sess. and RCW 28B.10.842; amending section 43.10.030, chapter 8, Laws of 1965 as amended by section 109, chapter 81, Laws of 1971 and RCW 43.10.030; amending section 43.17.100, chapter 8, Laws of 1965 and RCW 43.17.100; amending section 43.19.030, chapter 8, Laws of 1965 and RCW 43.19.030; amending section 43.19.1925, chapter 8, Laws of 1965 as amended by section 2, chapter 104, Laws of 1973 and RCW 43.19.1925; amending section 43.19.1935, chapter 8, Laws of 1965 and RCW 43.19.1935; amending section 4, chapter 74, Laws of 1967 and RCW 43.63A.040;

amending section 43.88.160, chapter 8, Laws of 1965 as last amended by section 1, chapter 104, Laws of 1973 and RCW 43.88.160; amending section 61, chapter 35, Laws of 1945 as amended by section 6, chapter 8, Laws of 1953 ex. sess. and RCW 50.16.020; adding a new section to chapter 43.19 RCW; repealing section 43.17.080, chapter 8, Laws of 1965 and RCW 43.17.080; and repealing section 43.17.090, chapter 8, Laws of 1965 and RCW 43.17.090.

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

Section 1. Section 1, chapter 79, Laws of 1921 and RCW 4.92.060 are each amended to read as follows:

Whenever an action or proceeding for damages shall be instituted against any state officer or employee for the performance of any official act, such officer or employee may request the ~~((administrative board))~~ attorney general to authorize the defense of said action or proceeding at the expense of the state.

Sec. 2. Section 2, chapter 79, Laws of 1921 and RCW 4.92.070 are each amended to read as follows:

If the ~~((administrative board))~~ attorney general shall find that said officer or employee acted in good faith and without negligence, ~~((it shall grant))~~ said request shall be granted, in which event the necessary expenses of the defense of said action or proceeding shall be paid from the appropriations made for the support of the department to which such officer or employee is attached. In such cases the attorney general shall appear and defend such officer or employee.

Sec. 3. Section 24, chapter 122, Laws of 1963 and RCW 15.17.240 are each amended to read as follows:

The inspectors-at-large in charge of such inspections shall collect the fees therefor and deposit them in the horticultural district fund in any bank in the district approved for the deposit of state funds. The inspectors-at-large shall expend fees deposited in the horticultural district fund to assist in defraying the expenses of inspections and they shall make payments from the horticultural district fund to the horticultural inspection trust fund in Olympia as authorized by the director in accordance with RCW 15.04.100. Inspectors-at-large shall furnish bonds to the state in amounts set by the ~~((administrative board, pursuant to RCW 43.17.090))~~ director of the department of general administration, pursuant to section 13 of this amendatory act, with sureties approved by the director of agriculture, conditioned upon the faithful handling of said funds for the purposes specified; and shall, on or before the tenth day of each month, render to the director of agriculture a detailed account of the receipts and disbursements for the preceding month.

Sec. 4. Section 2, chapter 23, Laws of 1972 ex. sess. and RCW 28B.10.842 are each amended to read as follows:

Whenever any action, claim, or proceeding is instituted against any regent, trustee, officer, employee, or agent of an institution of higher education or member of the governing body, officer, employee, or agent of an educational board arising out of the performance or failure of performance of duties for, or employment with such institution or educational board, the board of regents or board of trustees of the institution or governing body of the educational board may grant a request by such person that the attorney general be authorized to defend said claim, suit, or proceeding, and the costs of defense of such action shall be paid from the appropriation made for the support of the institution or educational

board to which said person is attached. If a majority of the members of a board of regents or trustees or educational board is or would be personally affected by such findings and determination, or is otherwise unable to reach any decision on the matter, the ~~((administrative board created by RCW 43.17.080, as now or hereafter amended;))~~ attorney general is authorized to grant a request. When a request for defense has been authorized, then any obligation for payment arising from such action, claim, or proceedings shall be paid from the tort claims revolving fund, notwithstanding the nature of the claim, pursuant to the provisions of RCW 4.92-.130 through 4.92.170, as now or hereafter amended: PROVIDED, That this section shall not apply unless the authorizing body has made a finding and determination by resolution that such regent, trustee, member of the educational board, officer, employee, or agent was acting in good faith.

Sec. 5. Section 43.10.030, chapter 8, Laws of 1965 as amended by section 109, chapter 81, Laws of 1971 and RCW 43.10.030 are each amended to read as follows:

The attorney general shall:

(1) Appear for and represent the state before the supreme court or the court of appeals in all cases in which the state is interested;

(2) Institute and prosecute all actions and proceedings for, or for the use of the state, which may be necessary in the execution of the duties of any state officer;

(3) Defend all actions and proceedings against any state officer or employee acting in his official capacity, in any of the courts of this state or the United States;

(4) Consult with and advise the several prosecuting attorneys in matters relating to the duties of their office, and when the interests of the state require, he shall attend the trial of any person accused of a crime, and assist in the prosecution;

(5) Consult with and advise the governor, members of the legislature, and other state officers, and when requested, give written opinions upon all constitutional or legal questions relating to the duties of such officers;

(6) Prepare proper drafts of contracts and other instruments relating to subjects in which the state is interested;

(7) Give written opinions, when requested by either branch of the legislature, or any committee thereof, upon constitutional or legal questions;

(8) Enforce the proper application of funds appropriated for the public institutions of the state, and prosecute corporations for failure or refusal to make the reports required by law;

(9) Keep in proper books a record of all cases prosecuted or defended by him, on behalf of the state or its officers, and of all proceedings had in relation thereto, and deliver the same to his successor in office;

(10) Keep books in which he shall record all the official opinions given by him during his term of office, and deliver the same to his successor in office;

(11) Pay into the state treasury all moneys received by him for the use of the state.

Sec. 6. Section 43.17.100, chapter 8, Laws of 1965 and RCW 43.17.100 are each amended to read as follows:

Before entering upon the discharge of the duties of his office or employment, every appointive state officer and employee of the state shall give a surety bond,

payable to the state, in such sum as is provided by law or in such sum as shall be deemed necessary by the ~~((administrative board))~~ director of the department of general administration, conditioned for the faithful performance of the duties of the office or employment, and accounting for all property of the state that shall come into his possession by virtue of his office or employment, which bond shall be approved as to form by the attorney general ~~((and as to sufficiency by the administrative board;))~~ and shall be filed in the office of the secretary of state.

Sec. 7. Section 43.19.030, chapter 8, Laws of 1965 and RCW 43.19.030 are each amended to read as follows:

Before entering upon his office each bank examiner shall take and subscribe an oath faithfully to discharge the duties of his office and shall each execute to the state a bond to be approved by the governor in such sum as may be deemed necessary by the ~~((administrative board))~~ director of the department of general administration, with a surety company authorized to do business in this state, as surety, conditioned for the faithful performance of his duties. The premiums on such bonds shall be paid by the state.

Oaths and bonds shall be filed with the secretary of state.

Neither the supervisor of banking, any deputy supervisor, nor any bank examiner shall be personally liable for any act done by him in good faith in the performance of his duties.

Sec. 8. Section 43.19.1925, chapter 8, Laws of 1965 as amended by section 2, chapter 104, Laws of 1973 and RCW 43.19.1925 are each amended to read as follows:

To supply such funds as may be necessary for making combined purchases of items or services of common use by central stores, state agencies shall, upon request of the division of purchasing, from time to time, make advance payments into the central stores revolving fund from funds regularly appropriated to them for the procurement of supplies, equipment, and services: **PROVIDED**, That advance payment for services shall be on a quarterly basis: **PROVIDED FURTHER**, That any person, firm or corporation other than central stores rendering services for which advance payments are made shall deposit cash or furnish surety bond coverage to the state in an amount as shall be fixed by law, or if not fixed by law, then in such amounts as shall be fixed by the ~~((administrative board))~~ director of the department of general administration. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. Funds so advanced to central stores shall be used only for the combined procurement, storage, and delivery of such stocks of supplies, equipment, and services as are requisitioned by the agency and shall be offset and repaid to the respective state agencies by an equivalent value in merchandise supplied and charged out from time to time from central stores. Costs of operation of central stores may be recovered by charging as part of the value of materials, supplies, or services an amount sufficient to cover the costs of operating central stores.

Sec. 9. Section 43.19.1935, chapter 8, Laws of 1965 and RCW 43.19.1935 are each amended to read as follows:

As a means of providing for the procurement of insurance and public official bonds on a volume rate basis, the director of general administration through the division of purchasing shall purchase or contract for the needs of state agencies in relation to all such insurance and public official bonds: PROVIDED, That the individual public official bonds of elected state officials, insurance requirements of colleges and universities, insurance requirements of toll project agencies, and insurance covering proprietary activities of state agencies, other than motor vehicle coverage, may be procured directly and independently by them. Insurance in force shall be reported periodically under rules established by the director.

The amounts of insurance or surety bond coverage shall be as fixed by law, or if not fixed by law, such amounts shall be as fixed by the ~~((administrative board))~~ director of the department of general administration.

The premium cost for insurance acquired and surety bonds furnished shall be paid from appropriations made to the state agency or agencies for which procurement is made, and all vouchers drawn in payment therefor shall bear the written approval of the division of purchasing prior to the issuance of the state warrant in payment therefor.

Sec. 10. Section 4, chapter 74, Laws of 1967 and RCW 43.63A.040 are each amended to read as follows:

The executive head of the planning and community affairs agency shall be a director appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. He shall be paid a salary fixed by the governor in accordance with the provisions of RCW 43.03.040. He shall be bonded in an amount to be determined by the ~~((administrative board))~~ director of the department of general administration under the provisions of ~~((RCW 43.17.090))~~ section 13 of this amendatory act, the cost of which shall be considered an office expense.

Sec. 11. Section 43.88.160, chapter 8, Laws of 1965 as last amended by section 1, chapter 104, Laws of 1973 and RCW 43.88.160 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of program planning and fiscal management. The governor, through his director of program planning and fiscal management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for comprehensive central accounts in the office of program planning and fiscal management. The director of program planning and fiscal management may require such financial, statistical and other reports as he deems necessary from all agencies covering any period.

In addition, the director of program planning and fiscal management, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and he shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. He shall advise and confer with agencies including the legislative budget committee and the legislative council regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials; University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; Western Washington State College; The Evergreen State College; new, four-year state colleges subsequently authorized; professional education employees of the state board for community college education; and the various state community colleges.

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by him except that he shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials; University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; Western Washington State College; The Evergreen State College; new, four-year state colleges subsequently authorized; professional education employees of the state board for community college education; and the various state community colleges;

(e) Promulgate regulations to effectuate provisions contained in subsections (a) through (d) hereof.

(2) The treasurer shall:

(a) Receive, keep and disburse all public funds of the state not expressly required by law to be received, kept and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under his supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by him, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of program planning and fiscal management. Said forms shall provide for authentication and certification by the agency head or his designee that the services have been rendered or the materials have been furnished; or, in the case of payments for periodic maintenance services to be performed on state-owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of program planning and fiscal management and the legislative budget committee; and the treasurer shall not be liable under his surety bond for erroneous or improper payments so made: PROVIDED, That when services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the ~~((administrative board))~~ director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: AND PROVIDED FURTHER, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or his designee in accordance with regulations issued pursuant to this chapter.

The auditor's current post audit of each agency may include a separate section setting forth recommendations to the legislature as provided by subsection (3)(c) of this section.

(3) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end he may, in his discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make his official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

Determinations as to whether agencies, in making expenditures, complied with the laws of this state: PROVIDED, That nothing in this act shall be construed to grant the state auditor the right to perform performance audits. A performance audit for the purpose of this act shall be the examination of the effectiveness of the administration, its efficiency and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of program planning and fiscal management. It shall be the duty of the director of program planning and fiscal management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Shall promptly report any irregularities to the attorney general.

(4) The legislative budget committee may:

(a) Make post audits of such of the financial transactions as it may determine of any agency and management surveys and program reviews as provided for in RCW 44.28.085 and to this end may in its discretion examine the books and accounts of any agency, official, or employee charged with the receipt, custody, or safekeeping of public funds.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the financial affairs of the state.

(c) Make its official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management; and

(iii) A report on the efficiency and accuracy of the post audit operations of the state government.

Sec. 12. Section 61, chapter 35, Laws of 1945 as amended by section 6, chapter 8, Laws of 1953 ex. sess. and RCW 50.16.020 are each amended to read as follows:

The commissioner shall designate a treasurer and custodian of the unemployment compensation fund and of the administrative contingency fund, who shall administer such funds in accordance with the directions of the commissioner and shall issue his warrants upon them in accordance with such regulations as the commissioner shall prescribe. He shall maintain within the unemployment compensation fund three separate accounts as follows:

(1) a clearing account,

(2) an unemployment trust fund account, and

(3) a benefit account.

All moneys payable to the unemployment compensation fund, upon receipt thereof by the commissioner, shall be forwarded to the treasurer, who shall immediately deposit them in the clearing account. Refunds payable pursuant to the provisions of this title from the unemployment compensation fund may be paid from the clearing account upon warrants issued by the treasurer under the direction of the commissioner: PROVIDED, HOWEVER, That refunds of interest on

delinquent contributions shall be paid from the administrative contingency fund upon warrants issued by the treasurer under the direction of the commissioner.

After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States to the credit of the account of this state in the unemployment trust fund, established and maintained pursuant to section 904 of the social security act, as amended, any provisions of law in this state relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding.

The benefit account shall consist of all moneys requisitioned from this state's account in the unemployment trust fund. Moneys in the clearing and benefit accounts and in the administrative contingency fund shall not be commingled with other state funds, but shall be deposited by the treasurer, under the direction of the commissioner, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund.

Such moneys shall be secured by said bank or public depository to the same extent and in the same manner as required by the general depository law of the state and collateral pledged shall be maintained in a separate custody account.

The treasurer shall give a bond conditioned upon the faithful performance of his duties as a custodian of the funds in an amount fixed by the (~~state administrative board~~) director of the department of general administration and in a form prescribed by law or approved by the attorney general. Premiums for said bond shall be paid from the administration fund. All sums recovered on official bonds for losses sustained by the unemployment compensation fund shall be deposited in such fund. All sums recovered on official bonds for losses sustained by the administrative contingency fund shall be deposited in such fund.

NEW SECTION. Sec. 13. There is added to chapter 43.19 RCW a new section to read as follows:

In addition to other powers and duties prescribed by this chapter, the director shall:

- (1) Fix the amount of bond to be given by each appointive state officer and each employee of the state in all cases where it is not fixed by law;
- (2) Require the giving of an additional bond, or a bond in a greater amount than provided by law, in all cases where in his judgment the statutory bond is not sufficient in amount to cover the liabilities of the officer or employee;
- (3) Exempt subordinate employees from giving bond when in his judgment their powers and duties are such as not to require a bond.

Sec. 14. The following acts or parts of acts are each hereby repealed:

- (1) Section 43.17.080, chapter 8, Laws of 1965 and RCW 43.17.080; and
- (2) Section 43.17.090, chapter 8, Laws of 1965 and RCW 43.17.090.

Passed the House February 7, 1975.

Passed the Senate March 10, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 41

[House Bill No. 119]

CAMPERS CARRIED UPON VEHICLES—
LICENSES—DEMONSTRATION PERMITS

AN ACT Relating to campers carried upon vehicles; and amending section 7, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.505.

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

Section 1. Section 7, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.505 are each amended to read as follows:

It shall be unlawful for a person to operate any vehicle equipped with a camper over and along a public highway of this state without first having obtained and having in full force and effect a current and proper camper license and displaying a camper license number plate therefor as required by law: PROVIDED, HOWEVER, That if a camper is part of the inventory of a manufacturer or dealer and is unoccupied at all times, and a dated demonstration permit, valid for no more than seventy-two hours is carried in the motor vehicle at all times it is operated by any such individual, such camper may be demonstrated if carried upon an appropriately licensed vehicle.

Application for an original camper license shall be made on a form furnished for the purpose by the director. Such application shall be made by the owner of the camper or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true and to the best of his knowledge. The application must show:

- (1) Name and address of the owner of the camper;
- (2) Trade name of the camper, model, year, and the serial number thereof;
- (3) ~~((The weight of such camper which shall be the shipping weight thereof as given by the manufacturer thereof;~~
- (4)) Such other information as the director requires.

There shall be paid and collected annually for each calendar year or fractional part thereof and upon each camper a license fee in the sum of three dollars and fifty cents.

Except as otherwise provided for in this section, the provisions of chapter 46.16 RCW shall apply to campers in the same manner as they apply to vehicles.

Passed the House February 25, 1975.

Passed the Senate March 10, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 42

[House Bill No. 129]

PUBLIC HOSPITAL DISTRICTS—
COMMISSIONERS' COMPENSATION

AN ACT Relating to public hospital districts; and amending section 15, chapter 264, Laws of 1945 as amended by section 1, chapter 157, Laws of 1965 and RCW 70.44.050.

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

Section 1. Section 15, chapter 264, Laws of 1945 as amended by section 1, chapter 157, Laws of 1965 and RCW 70.44.050 are each amended to read as follows:

A district may provide by resolution for the payment of compensation to each of its commissioners at a rate not exceeding twenty-five dollars for each day or major part thereof devoted to the business of the district, and days upon which he attends meetings of the commission of his own district, or meetings attended by one or more commissioners of two or more districts called to consider business common to them, except that the total compensation paid to such commissioner during any one year shall not exceed ~~((six))~~ one thousand two hundred dollars: PROVIDED, That commissioners may not be compensated for services performed of a ministerial or professional nature. Any district providing group insurance for its employees, covering them, their immediate family, and dependents, may provide insurance for its commissioners with the same coverage. Each commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his subsistence and lodging and travel while away from his place of residence. No resolution shall be adopted without a majority vote of the whole commission. The commission shall organize by election of its own members of a president and secretary, shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings of the commission shall be by motion or resolution recorded in a book or books kept for such purpose, which shall be public records.

Passed the House February 5, 1975.

Passed the Senate March 10, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 43

[House Bill No. 138]

SCHOOL DISTRICTS—CLASSIFICATION

AN ACT Relating to the classification of school districts; amending section 28A.57.140, chapter 223, Laws of 1969 ex. sess. as amended by section 125, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.140; amending section 28A.52.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.52.050; amending section 28A.57.032, chapter 223, Laws of 1969 ex. sess. as amended by section 116, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.032; amending section 28A.57.050, chapter 223, Laws of 1969 ex. sess. as amended by section 120, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.050; amending section 28A.57.312, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 21, Laws of 1973 2nd ex. sess. and RCW 28A.57.312; amending section 28A.57.324, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.324; amending section 28A.57.328, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 67, Laws of 1971 and RCW 28A.57.328; amending section 28A.57.342, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 21, Laws of 1973 2nd ex. sess. and RCW 28A.57.342; amending section 28A.57.344, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 21, Laws of 1973 2nd ex. sess. and RCW 28A.57.344; amending section 4, chapter 67, Laws of 1971 and RCW 28A.57.356; amending section 5, chapter 67, Laws of 1971 as last amended by section 10, chapter 21, Laws of 1973 2nd ex. sess. and RCW 28A.57.357; amending section 6, chapter 67, Laws of 1971 as amended by section 4, chapter 21, Laws of 1973 2nd ex. sess. and RCW 28A.57.358; amending section 28A.57.415, chapter 223, Laws of 1969 ex. sess. as amended by section 27, chapter 48, Laws of 1971 and RCW 28A.57.415; amending section 28A.60.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.60.010; amending section 28A.60.070, chapter

223, Laws of 1969 ex. sess. as amended by section 35, chapter 48, Laws of 1971 and RCW 28A.60.070; amending section 28A.60.190, chapter 223, Laws of 1969 ex. sess. and RCW 28A.60.190; amending section 28A.60.200, chapter 223, Laws of 1969 ex. sess. and RCW 28A.60.200; amending section 28A.60.210, chapter 223, Laws of 1969 ex. sess. as last amended by section 46, chapter 154, Laws of 1973 1st ex. sess. and RCW 28A.60.210; amending section 5, chapter 8, Laws of 1971 and RCW 28A.60.310; amending section 28A.60.320, chapter 223, Laws of 1969 ex. sess. and RCW 28A.60.320; amending section 1, chapter 111, Laws of 1973 and RCW 28A.60.328; amending section 28A.65.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 26, Laws of 1972 ex. sess. and RCW 28A.65.080; amending section 28A.65.090, chapter 223, Laws of 1969 ex. sess. as amended by section 26, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.090; amending section 28A.65.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 39, chapter 48, Laws of 1971 and RCW 28A.65.100; amending section 28A.65.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 41, chapter 48, Laws of 1971 and RCW 28A.65.120; amending section 28A.65.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 42, chapter 48, Laws of 1971 and RCW 28A.65.150; amending section 28A.66.010, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 111, Laws of 1973 and RCW 28A.66.010; amending section 28A.66.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.66.020; amending section 28A.66.040, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 111, Laws of 1973 and RCW 28A.66.040; amending section 28A.66.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.66.080; amending section 36.22.090, chapter 4, Laws of 1963 as amended by section 4, chapter 111, Laws of 1973 and RCW 36.22.090; amending section 42, chapter 80, Laws of 1947 as last amended by section 96, chapter 176, Laws of 1969 ex. sess. and RCW 41.32.420; amending section 84.52.020, chapter 15, Laws of 1961 and RCW 84.52.020; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW; creating new sections; repealing section 28A.48.090, chapter 223, Laws of 1969 ex. sess., section 113, chapter 176, Laws of 1969 ex. sess. and RCW 28A.48.090; repealing section 28A.57.332, chapter 223, Laws of 1969 ex. sess., section 7, chapter 67, Laws of 1971 and RCW 28A.57.332; repealing section 28A.60.185, chapter 223, Laws of 1969 ex. sess. and RCW 28A.60.185; repealing section 28A.60.186, chapter 223, Laws of 1969 ex. sess., section 36, chapter 48, Laws of 1971, section 39, chapter 282, Laws of 1971 ex. sess. and RCW 28A.60.186; and making an effective date.

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

Section 1. Section 28A.57.140, chapter 223, Laws of 1969 ex. sess. as amended by section 125, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.140 are each amended to read as follows:

Any school district in the state having a ~~((population in excess))~~ student enrollment within the public schools of such district of ((ten)) two thousand pupils or more, as shown by any regular ((or special)) census as required under RCW 28A.58.150(4), as now or hereafter amended, or by any other evidence acceptable to the intermediate school district superintendent and the superintendent of public instruction, shall be a school district of the first class. Any other school district ((maintaining a fully accredited high school or containing a city of the third class or of the fourth class or an area of one square mile having a population of at least three hundred)) shall be a school district of the second class. ((All other school districts shall be school districts of the third class.))

Whenever the intermediate school district superintendent finds that the classification of a school district should be changed, and upon the approval of the superintendent of public instruction, he shall make an order in conformity with his findings and alter the records of his office accordingly. Thereafter the board of directors of the district shall organize in the manner provided by law for the organization of the board of a district of the class to which said district then belongs.

Sec. 2. Section 28A.52.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.52.050 are each amended to read as follows:

If the indebtedness of such school district is validated and ratified, as provided in this chapter, by three-fifths of the voters voting at such election, the board of

directors of such school district, without any further vote, may borrow money and issue negotiable coupon bonds therefor in accordance with the provisions of chapter 39.44 RCW.

Except as provided in RCW 39.44.100 for facsimile signatures, in all school districts of the second (~~or third~~) class, said bonds, with the coupons, must be signed by the board of directors and countersigned by the school district superintendent and in school districts of the first class said bonds, with the coupons, must be signed in the corporate name of the district by the president of the board of directors thereof.

Sec. 3. Section 28A.57.032, chapter 223, Laws of 1969 ex. sess. as amended by section 116, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.032 are each amended to read as follows:

The members of the county committee shall be elected by the intermediate school district superintendent and the members of the board of directors of the school districts of the county at a meeting which the intermediate school district superintendent shall call for that and any additional purpose. At least one member of the county committee shall be elected from among the registered voters of each county commissioner's district in the county; and, as nearly as possible, an equal number of members shall be elected from among the registered voters of each class of school district (first(;) or second(~~;~~ or ~~third~~)) class) in the county. No member of a county committee shall continue to serve thereon if he ceases to be a registered voter of the county or if he is absent from three consecutive meetings of the committee without an excuse acceptable to the committee.

If more than one intermediate school district superintendent has jurisdiction within a county all such superintendents shall participate in electing the committee, and the intermediate school district superintendent having jurisdiction over the most populous part of the county shall serve as secretary of the committee and call meetings where so provided.

Sec. 4. Section 28A.57.050, chapter 223, Laws of 1969 ex. sess. as amended by section 120, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.050 are each amended to read as follows:

The powers and duties of the county committee shall be:

(1) To initiate, on its own motion and whenever it deems such action advisable, proposals or alternate proposals for changes in the organization and extent of school districts in the county; to receive, consider, and revise, whenever in its judgment revision is advisable, proposals initiated by petition or presented to the committee by the intermediate school district superintendent as provided for in this chapter; to prepare and submit to the state board any of the aforesaid proposals that are found by the county committee to provide for satisfactory improvement in the school district system of the county and state; to prepare and submit with the aforesaid proposals, a map showing the boundaries of existing districts affected by any proposed change and the boundaries, including a description thereof, of each proposed new district or of each existing district as enlarged or diminished by any proposed change, or both, and a summary of the reasons for the proposed change; and such other reports, records, and materials as the state board may request. The committee may utilize as a basis of its proposals and changes that comprehensive plan for changes in the organization and extent

of the school districts of the county prepared and submitted to the state board prior to September 1, 1956, or, if the county committee found, after considering the factors listed in RCW 28A.57.055, that no changes in the school district organization of the county were needed, the report to this effect submitted to the state board.

(2) (a) To make an equitable adjustment of the property and other assets and of the liabilities, including bonded indebtedness, as to the old school districts and the new district or districts, if any, involved in or affected by a proposed change in the organization and extent of the school districts; and (b) to make an equitable adjustment of the bonded indebtedness outstanding against any of the aforesaid districts whenever in its judgment such adjustment is advisable, as to all of the school districts involved in or affected by any change heretofore or hereafter effected; and (c) to submit to the state board the proposed terms of adjustment and a statement of the reasons therefor in each case. In making the adjustments herein provided for, the county committee shall consider the number of children of school age resident in and the assessed valuation of the property located in each district and in each part of a district involved or affected; the purpose for which the bonded indebtedness of any district was incurred; the value, location, and disposition of all improvements located in the districts involved or affected; and any other matters which in the judgment of the committee are of importance or essential to the making of an equitable adjustment.

(3) To hold and keep a record of a public hearing or public hearings (a) on every proposal for the formation of a new district or for the transfer from one existing district to another of any territory in which children of school age reside or for annexation of territory when the conditions set forth in RCW 28A.57.190 prevail; and (b) on every proposal for adjustment of the assets and of the liabilities of school districts provided for in this chapter. Three members of the county committee or two members of the committee and the intermediate school district superintendent may be designated by the committee to hold any public hearing that the committee is required to hold. The county committee shall cause to be posted, at least ten days prior to the date appointed for any such hearing, a written or printed notice thereof (a) in at least three public places in the territory of each proposed new district or of each established district when such district is involved in a question of adjustment of bonded indebtedness, (b) in at least one public place in territory proposed to be transferred or annexed to an existing school district, (c) on a commonly-used schoolhouse door of each district involved in or affected by any proposed change or adjustment upon which a public hearing is required; and (d) at the place or places of holding the hearing. In addition notice may be given by newspaper, radio, and television, or either thereof, when in the committee's judgment the public interest will be served thereby.

(4) To divide into five school directors' districts all first and second class school districts now in existence and not heretofore so divided and all first and second class school districts hereafter established: **PROVIDED**, That no first or second class school district not heretofore so divided and no first or second class school district hereafter created containing a city with a population in excess of seven thousand according to the latest population certificate filed with the secretary of state by the planning and community affairs agency shall be divided into

directors' districts unless a majority of the registered voters voting thereon at an election shall approve a proposition authorizing the division of the district into directors' districts(~~(- AND PROVIDED FURTHER, That nothing in this chapter shall authorize the division of any new or existing third class school district into school directors' districts)~~). The boundaries of each directors' district shall be so established that each such district shall comprise as nearly as practicable an equal portion of the population of the school district.

(5) To rearrange at any time the committee deems such action advisable in order to correct inequalities caused by changes in population and changes in school district boundaries, the boundaries of any of the directors' districts of any school district heretofore or hereafter so divided: PROVIDED, That a petition therefor, shall be required for rearrangement in order to correct inequalities caused by changes in population. Said petition shall be signed by at least ten registered voters residing in the aforesaid school district, and shall be presented to the intermediate school district superintendent. A public hearing thereon shall be held by the county committee, which hearing shall be called and conducted in the manner prescribed in subsection (3) of this section, except that notice thereof shall be posted in some public place in each directors' district of the school district and on a commonly-used schoolhouse door of the district and at the place of holding the hearing. In addition notice may be given by newspaper, radio, and television, or either thereof, when in the committee's judgment the public interest will be served thereby.

(6) To prepare and submit to the superintendent of public instruction from time to time or, upon his request, reports and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities.

Sec. 5. Section 28A.57.312, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 21, Laws of 1973 2nd ex. sess. and RCW 28A.57.312 are each amended to read as follows:

The governing board of a school district shall be known as the board of directors of the district.

Unless otherwise specifically provided, as in RCW 29.13.060, members of a board of directors shall be elected by ballot by the registered voters of the school district and shall hold office for a term of four years and until their successors are elected and qualified. Terms of school directors shall be staggered, and insofar as possible, not more than a majority of one shall be elected to full terms at any regular election. In case a member or members of a board of directors are to be elected to fill an unexpired term or terms, the ballot shall specify the term for which each such member is to be elected.

Except for a school district of the first class having an enrollment of fifty thousand pupils or more in class AA counties which shall have a board of directors of seven members, the board of directors of every school district of the first class or school district of the second class shall consist of five members. (~~The board of directors of a school district of the third class shall consist of three members.~~)

Sec. 6. Section 28A.57.324, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.324 are each amended to read as follows:

Regular meetings of the board of directors of any school district shall be held monthly or oftener at such a time as the board of directors by resolution shall determine or the bylaws of the board may prescribe. Special or deferred meetings may be held from time to time as circumstances may demand, at the call of the president, if a first class district, or the chairman of the board, if a second ~~((or third))~~ class district, or on petition of a majority of the members of the board. All meetings shall be open to the public unless the board shall otherwise order an executive session as provided in RCW 42.32.020.

Sec. 7. Section 28A.57.328, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 67, Laws of 1971 and RCW 28A.57.328 are each amended to read as follows:

Upon the establishment of a new school district of the second ~~((or third))~~ class, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the intermediate school district superintendent and shall constitute the board of directors of the new district. If fewer than ~~((three such directors reside in any such new third class district or if fewer than))~~ five such directors reside in any such new second class school district, they shall become directors of said district, and the intermediate school district board shall appoint the number of additional directors required to constitute a board of ~~((three directors for the new third class district or))~~ five directors for the new second class district ~~((, as the case may be))~~. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than ~~((three in a third class district or less than))~~ five in a second class district, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of other districts of the same class and the directors thereof shall serve until the regular school election following the next regular school election in the district at which election their successors shall be elected and qualified. ~~((At such election in third class districts, no more than three directors shall be elected at large by the electors of the school district, one for a term of two years and two for a term of four years.))~~ At such election ~~((in second class districts))~~, no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. Directors thereafter elected and qualified shall serve such terms as provided for in RCW 28A.57.312, as now or hereafter amended.

Sec. 8. Section 28A.57.342, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 21, Laws of 1973 2nd ex. sess. and RCW 28A.57.342 are each amended to read as follows:

Whenever an election shall be held for the purpose of securing the approval of the voters for the formation of a new school district ~~((that, if formed, will be a district of the first or second class))~~ other than a school district of the first class having an enrollment of fifty thousand pupils or more in class AA counties, if requested by one of the boards of directors of the school districts affected, there

shall also be submitted to the voters at the same election a proposition to authorize the county committee to divide the school district, if formed, into directors' districts. Such director districts in second class districts, if approved, shall not become effective until the regular school election following the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.57.328, as now or hereafter amended. Such director districts in first class districts, if approved, shall not become effective until the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.57.355, 28A.57.356, and 28A.57.357, as now or hereafter amended. Each of the five directors shall be elected from among the residents of the respective director district by the electors of the entire school district.

Sec. 9. Section 28A.57.344, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 21, Laws of 1973 2nd ex. sess. and RCW 28A.57.344 are each amended to read as follows:

The board of directors of every (~~first and second class~~) school district other than a school district of the first class having an enrollment of fifty thousand pupils or more in class AA counties which is not divided into directors' districts may submit to the voters at any regular school district election a proposition to authorize the county committee to divide the district into directors' districts. If a majority of the votes cast on the proposition shall be affirmative, the county committee shall proceed to divide the district into directors' districts. Such director districts, if approved, shall not become effective until the next regular school election when a new five member board of directors shall be elected, one from each of five director districts from among the residents of the respective director district by the electors of the entire district, two for a term of two years and three for a term of four years, unless such district elects its directors for six years, in which case, one for a term of two years, two for a term of four years, and two for a term of six years.

Sec. 10. Section 4, chapter 67, Laws of 1971 and RCW 28A.57.356 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.57.342, as now or hereafter amended, containing only one former first class district, the directors of the former first class district and two directors representative of former second class districts selected by a majority of the board members of former second class districts (~~and one director representative of former third class districts, selected by a majority of the board members of former third class districts~~) shall meet at the call of the intermediate school district superintendent and shall constitute the board of directors of the new district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term

of two years and three for a term of four years: PROVIDED, That if such first class district is in a class AA or class A county and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

Sec. 11. Section 5, chapter 67, Laws of 1971 as last amended by section 10, chapter 21, Laws of 1973 2nd ex. sess. and RCW 28A.57.357 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.57.342, as now or hereafter amended, containing more than one former first class district, the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts (~~and one director representative of former third class districts selected by a majority of the board members of former third class districts~~) shall meet at the call of the intermediate school district superintendent and shall constitute the board of directors of the new district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all of the powers and authority conferred by law upon boards of first class districts until the next regular school election and until their successors are elected and qualified. At such election other than districts electing directors for six-year terms as provided in RCW 29.13.060, five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. At such election for districts electing directors for six years other than districts having an enrollment of fifty thousand pupils or more and electing directors for six year terms, five directors shall be elected either at large or by director districts, as the case may be, one for a term of two years, two for a term of four years, and two for a term of six years.

Sec. 12. Section 6, chapter 67, Laws of 1971 as amended by section 4, chapter 21, Laws of 1973 2nd ex. sess. and RCW 28A.57.358 are each amended to read as follows:

Upon the establishment of a new school district of the first class having an enrollment of fifty thousand pupils or more in class AA counties, the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts (~~and one director representative of former third class districts selected by a majority of the board members of former third class districts~~) shall meet at the call of the intermediate school district superintendent and shall constitute the board of directors of the new district. Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall

have all the powers and duties conferred by law upon boards of first class districts, until the next regular school election and until their successors are elected and qualified. Such duties shall include establishment of new director districts as provided for in RCW 28A.57.425. At the next regular school election seven directors shall be elected by director districts, two for a term of two years, two for a term of four years and three for a term of six years. Thereafter their terms shall be as provided in RCW 29.13.060.

Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Sec. 13. Section 28A.57.415, chapter 223, Laws of 1969 ex. sess. as amended by section 27, chapter 48, Laws of 1971 and RCW 28A.57.415 are each amended to read as follows:

Upon receipt of a written petition by an intermediate school district superintendent signed by at least twenty percent of the registered voters of a ~~((first or second class))~~ school district theretofore divided into directors' districts after a majority vote thereon in accordance with RCW 28A.57.050(4), as now or hereafter amended, which petition shall request a return to the system of directors running at large within the district, the superintendent, after formation of the question to be submitted to the voters, shall give notice thereof to the county auditor who shall call and hold a special election of the voters of the entire school district to approve or reject such proposal, such election to be called, conducted and the returns canvassed as in regular school district elections.

If approval of a majority of those registered voters voting in said election is acquired, at the expiration of terms of the incumbent directors of such school district their successors shall be elected at large.

Sec. 14. Section 28A.60.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.60.010 are each amended to read as follows:

The term of office of directors of districts of the second ~~((and third))~~ class shall begin, and the board shall organize, as provided in RCW 29.13.050. At the first meeting of the members of the board they shall elect a chairman from among their number who shall serve for a term of one year or until his successor is elected. The school district superintendent as defined in RCW 28A.01.100 shall serve as secretary to the board. Whenever a district shall be without the services of such a superintendent and the business of the district necessitates action thereby, ~~((or when any third class district board determines that no one of its teachers is qualified to act as district superintendent,))~~ the board shall appoint any member thereof to carry out the superintendent's powers and duties for the district.

Sec. 15. Section 28A.60.070, chapter 223, Laws of 1969 ex. sess. as amended by section 35, chapter 48, Laws of 1971 and RCW 28A.60.070 are each amended to read as follows:

Every school district superintendent in districts of the second ~~((and the third))~~ class shall within ten days after any change in the office of chairman or superintendent, notify the intermediate school district superintendent of such change.

Sec. 16. Section 28A.60.190, chapter 223, Laws of 1969 ex. sess. and RCW 28A.60.190 are each amended to read as follows:

School boards in each district of the second class (~~(and third class)~~) may provide for the free, comfortable and convenient use of the school property to promote and facilitate frequent meetings and association of the people in discussion, study, improvement, recreation and other community purposes, and may acquire, assemble and house material for the dissemination of information of use and interest to the farm, the home and the community, and facilities for experiment and study, especially in matters pertaining to the growing of crops, the improvement and handling of livestock, the marketing of farm products, the planning and construction of farm buildings, the subjects of household economies, home industries, good roads, and community vocations and industries; and may call meetings for the consideration and discussion of any such matters, employ a special supervisor, or leader, if need be, and provide suitable dwellings and accommodations for teachers, supervisors and necessary assistants.

Sec. 17. Section 28A.60.200, chapter 223, Laws of 1969 ex. sess. and RCW 28A.60.200 are each amended to read as follows:

Each school district of the second (~~(or third)~~) class, by itself or in combination with any other district or districts, shall have power, when in the judgment of the school board it shall be deemed expedient, to reconstruct, remodel, or build schoolhouses, and to erect, purchase, lease or otherwise acquire other improvements and real and personal property, and establish a communal assembly place and appurtenances, and supply the same with suitable and convenient furnishings and facilities for the uses mentioned in RCW 28A.60.190, as now or hereafter amended.

Sec. 18. Section 28A.60.210, chapter 223, Laws of 1969 ex. sess. as last amended by section 46, chapter 154, Laws of 1973 1st ex. sess. and RCW 28A.60.210 are each amended to read as follows:

Plans of any second (~~(or third)~~) class district or combination of districts for the carrying out of the powers granted by RCW 28A.60.190 through 28A.60.220, as now or hereafter amended, shall be submitted to and approved by a board of supervisors composed of members, as follows: The superintendent of public instruction; the head of the extension department of Washington State University; the head of the extension department of the University of Washington; and the intermediate school district superintendent; these to choose one member from such county in which the facilities are proposed to be located, and two members, from the district or districts concerned.

Sec. 19. Section 5, chapter 8, Laws of 1971 and RCW 28A.60.310 are each amended to read as follows:

The board of directors of every second (~~(and third)~~) class district in addition to their other powers are authorized to employ an attorney and to prescribe his duties and fix his compensation.

Sec. 20. Section 28A.60.320, chapter 223, Laws of 1969 ex. sess. and RCW 28A.60.320 are each amended to read as follows:

The board of directors of any school district of the second (~~(or third)~~) class may employ a regularly licensed physician or a licensed public health nurse for the purpose of protecting the health of the children in said district.

Sec. 21. Section 1, chapter 111, Laws of 1973 and RCW 28A.60.328 are each amended to read as follows:

Second (~~and third~~) class school districts, subject to the approval of the superintendent of public instruction, may draw and issue warrants for the payment of moneys upon approval of a majority of the board of directors, such warrants to be signed by the chairman of the board and countersigned by the secretary: PROVIDED, That when, in the judgment of the board of directors, the orders for warrants issued by the district monthly shall have reached such numbers that the signing of each warrant by the chairman of the board personally imposes too great a task on the chairman, the board of directors, after auditing all payrolls and bills, may authorize the issuing of one general certificate to the county treasurer, to be signed by the chairman of the board, authorizing said treasurer to pay all the warrants specified by date, number, name and amount, and the funds on which said warrants shall be drawn; thereupon the secretary of said board shall be authorized to draw and sign said orders for warrants.

Accounts and the records of second (~~and third~~) class school districts drawing and issuing warrants as provided in this section shall at all times be subject to the inspection and examination of the intermediate school district superintendent, whose duty it shall be, annually, to examine said records and check said accounts, and report in writing to the proper board of county commissioners the nature and state of said accounts, and any facts that may be required concerning said records.

Sec. 22. Section 28A.65.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 26, Laws of 1972 ex. sess. and RCW 28A.65.080 are each amended to read as follows:

On the date given in said notice the board of directors shall meet at the time and place designated. Any taxpayer may appear thereat and be heard for or against any part of such budget. Such hearing may be continued not to exceed a total of two days.

Upon the conclusion of the hearing, the board of directors shall fix and determine each item or class of the budget separately and shall by resolution adopt the preliminary budget as so finally determined and enter the same in detail in the official minutes: PROVIDED, That the estimates for the expenditures depending directly upon the prospective September enrollment or appropriations yet to be made by the legislature for the support of the common schools shall be adopted tentatively subject to revision: PROVIDED FURTHER, That in all second (~~and third~~) class districts five copies of said preliminary budget shall be forwarded to the intermediate school district superintendent within five days after the adoption of said preliminary budget for review, alteration, and approval by the preliminary budget review committee. Members of the preliminary budget review committee shall consist of the (~~county or~~) intermediate school district superintendent (~~of schools~~), a member of the local board of directors, a member of the (~~county or~~) intermediate school district board (~~of education~~), and a representative of the state superintendent of public instruction. The preliminary budget review committee shall fix and approve the amount of the preliminary budget on or before the thirtieth day of June. A copy of said preliminary budget shall within ten days after adoption by first class districts or approval by the preliminary budget review

committee in second (~~and third~~) class districts be filed with the intermediate school district superintendent, the state superintendent of public instruction, and the county auditor: The preliminary budget as adopted and approved shall constitute the appropriations for the district for the ensuing fiscal year commencing July 1, and be in effect until final adoption of the budget.

Sec. 23. Section 28A.65.090, chapter 223, Laws of 1969 ex. sess. as amended by section 26, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.090 are each amended to read as follows:

On or before the twenty-fifth of September following, the board of directors of districts of the second (~~and third~~) class, and on or before the first Monday in October following, the board of directors of districts of the first class shall meet for the purpose of revising those items of the budget adopted pursuant to RCW 28A.65.080 to meet the requirements of the enrollment as finally determined. Said meeting shall be a public meeting, notice thereof to be given in the manner provided in RCW 28A.65.070. Any taxpayer may appear thereat and be heard for or against any proposed revision.

Sec. 24. Section 28A.65.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 39, chapter 48, Laws of 1971 and RCW 28A.65.100 are each amended to read as follows:

Upon the conclusion of the revision hearing the board of directors shall fix and determine the budget and by resolution adopt the same: PROVIDED, That in the case of second (~~and third~~) class districts the board of directors shall immediately forward the budget to the intermediate school district superintendent for review and revision by the final budget review committee.

Sec. 25. Section 28A.65.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 41, chapter 48, Laws of 1971 and RCW 28A.65.120 are each amended to read as follows:

Upon the conclusion of the revision hearing in districts of the first class and upon the conclusion of the final budget review committee's action in districts of the second (~~and third~~) class, the board or final budget review committee as the case may be shall certify the final budget and the amount to be raised by taxation to the county commissioners for the levying of the district taxes in the manner now provided by law. A copy of said final budget, when certified, shall be filed with the intermediate school district superintendent, state superintendent of public instruction, the appropriate county auditor for the board of county commissioners, and the division of municipal corporations, office of the state auditor. The certification and filing of the budgets as aforesaid shall occur on or before the first Monday of October.

Sec. 26. Section 28A.65.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 42, chapter 48, Laws of 1971 and RCW 28A.65.150 are each amended to read as follows:

If an emergency arises in a second (~~or third~~) class school district because of unforeseen conditions, the board of directors shall declare by resolution that an emergency exists. The board of directors, in consultation with the intermediate school district superintendent and the final budget review committee, shall determine the best means of meeting such emergency. When the proposed plan and the

indebtedness therefor have received the approval of the state superintendent of public instruction, it shall be put into effect.

Sec. 27. Section 28A.66.010, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 111, Laws of 1973 and RCW 28A.66.010 are each amended to read as follows:

The county auditor shall register in his own office, and present to the treasurer for registration in the office of the county treasurer, all warrants of first class districts, and all warrants of second (~~and third~~) class districts electing to draw and issue their own warrants under RCW 28A.60.328, as now or hereafter amended, received from school district superintendents or district secretaries before delivery of the same to claimants.

Sec. 28. Section 28A.66.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.66.020 are each amended to read as follows:

The county auditor shall cause all school warrants of second (~~and third~~) class districts issued by him to be registered in the treasurer's office and shall retain the vouchers on file in his office.

Sec. 29. Section 28A.66.040, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 111, Laws of 1973 and RCW 28A.66.040 are each amended to read as follows:

The county auditor shall draw and issue warrants for the payment of all salaries, expenses and accounts against second (~~and third~~) class districts, except those who draw and issue their own warrants pursuant to RCW 28A.60.328, as now or hereafter amended, upon the written order of the majority of the members of the school board of each district.

Sec. 30. Section 28A.66.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.66.080 are each amended to read as follows:

An order for a warrant issued by any board of directors of second (~~or third~~) class school districts shall not be transferable, and the county auditor shall issue no warrant except to individuals or firms designated in original district orders.

Sec. 31. Section 36.22.090, chapter 4, Laws of 1963 as amended by section 4, chapter 111, Laws of 1973 and RCW 36.22.090 are each amended to read as follows:

All warrants for the payment of claims against diking, ditch, drainage and irrigation districts and school districts of the second (~~and third~~) class, who do not issue their own warrants, as well as political subdivisions within the county for which no other provision is made by law, shall be drawn and issued by the county auditor of the county wherein such subdivision is located upon vouchers properly approved by the governing body thereof.

Sec. 32. Section 42, chapter 80, Laws of 1947 as last amended by section 96, chapter 176, Laws of 1969 ex. sess. and RCW 41.32.420 are each amended to read as follows:

On or before a date specified by the board of trustees in each month every employer shall file a report with the board of trustees of the retirement system on a form provided, stating the name of the employer and with respect to each employee who is a member or who is required to become a member of the retirement system: (1) The full name, (2) the earnable compensation paid, (3) the employee's

contribution to the retirement system, and (4) such other information as the board shall require, and at the same time notify each new employee in writing with reference to the Washington state teachers' retirement system and that an application for prior service credit may be filed with the board of trustees thereof on a form furnished by the board. The intermediate school district superintendent shall perform the duties imposed by this section for the employers in second (~~and third~~) class school districts and the city superintendents for the employers in first class school districts. The chief executive officers of other institutions shall perform such duties.

Sec. 33. Section 84.52.020, chapter 15, Laws of 1961 and RCW 84.52.020 are each amended to read as follows:

It shall be the duty of the city council or other governing body of cities of the first class, except cities having a population of three hundred thousand or more, the city councils or other governing bodies of cities of the second or third class, the board of directors of school districts of the first class, commissioners of port districts, commissioners of metropolitan park districts, and of all officials or boards of taxing districts within or coextensive with any county, except school districts of the second (~~or third~~) class, required by law to certify to boards of county commissioners, for the purpose of levying district taxes, budgets or estimates of the amounts to be raised by taxation on the assessed valuation of the property in the city or district, through their chairman and clerk, or secretary, to make and file such certified budget or estimates with the clerk of the board of county commissioners on or before the Wednesday next following the first Monday in October in each year.

NEW SECTION. Sec. 34. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW a new section to read as follows:

With the implementation of this amendatory act, if upon a change of classification three directors of a former third class school district constitute the board of directors of a new second class school district for which a board of five directors is required by law, the three directors of such school district shall continue to serve for the terms for which they were elected; two additional directors shall be appointed for the district in the manner provided by law for filling a vacancy on the board of other districts of the same class; and the aforesaid five directors shall thereafter constitute the board of directors of the district. The additional directors so appointed shall serve until the next regular school election in the district and until their successors are elected and qualified, at which election their successors shall be elected, one for a term of two years and one for a term of four years. Directors thereafter elected and qualified shall serve such terms as provided for in RCW 28A.57.312, as now or hereafter amended.

NEW SECTION. Sec. 35. Notwithstanding any other provision of this amendatory act, the intermediate school district superintendent, with the concurrence of the superintendent of public instruction, may delay approval of a change in classification of any school district for a period not exceeding three years when, in fact, the student enrollment of the district within any such time period does not exceed ten percent, either in a decrease or increase thereof.

NEW SECTION. Sec. 36. The following acts or parts of acts are hereby repealed:

(1) Section 28A.48.090, chapter 223, Laws of 1969 ex. sess., section 113, chapter 176, Laws of 1969 ex. sess. and RCW 28A.48.090;

(2) Section 28A.57.332, chapter 223, Laws of 1969 ex. sess., section 7, chapter 67, Laws of 1971 and RCW 28A.57.332;

(3) Section 28A.60.185, chapter 223, Laws of 1969 ex. sess. and RCW 28A.60.185; and

(4) Section 28A.60.186, chapter 223, Laws of 1969 ex. sess., section 36, chapter 48, Laws of 1971, section 39, chapter 282, Laws of 1971 ex. sess. and RCW 28A.60.186.

NEW SECTION. Sec. 37. The effective date of this amendatory act shall be July 1, 1975.

NEW SECTION. Sec. 38. If any provision of this amendatory 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 February 6, 1975.

Passed the Senate March 10, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 44

[House Bill No. 159]

WORK RELEASE EMPLOYMENT—COMPENSATION

AN ACT Relating to correctional institutions; and amending section 1, chapter 294, Laws of 1927 as last amended by section 1, chapter 73, Laws of 1970 ex. sess. and RCW 19.20.020.

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

Section 1. Section 1, chapter 294, Laws of 1927 as last amended by section 1, chapter 73, Laws of 1970 ex. sess. and RCW 19.20.020 are each amended to read as follows:

The selling, offering, keeping, exposing or displaying for sale on the open market within this state of any goods, wares, or merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except convicts or prisoners on parole ((or)), probation, or work or training release is hereby prohibited except that, any fair, bazaar, or other public gathering of a temporary nature which displays and offers for sale hand crafted articles, may provide adequate space for the display and sale of hand crafted articles manufactured as result of occupational therapy by persons confined to any institution in this state. Such space shall be furnished without charge. The ~~((director of institutions))~~ secretary of social and health services shall credit the proceeds derived from the sale of such articles to the institutions where produced or manufactured to be deposited in a revolving fund to be expended for the purchase of supplies, materials, and equipment for the production of hand crafted articles, provided, that any resident of a state correctional institution who produces a hand crafted article with supplies or

materials purchased or procured by him, not at state expense, may be permitted by the ((director)) secretary, or his designee, to sell such article under the authority of this section, the proceeds to be deposited in his personal account.

No goods, wares, or merchandise(;) manufactured, produced, or mined, in whole or in part, by convicts or prisoners of other states, except convicts or prisoners on parole or probation, shall be shipped into this state to be sold on the open market in this state, or sold to or exchanged with an institution of this state, or any of its political subdivisions: PROVIDED, This chapter shall not prohibit the sale to or exchange between penal, reformatory, or custodial institutions and/or departments of this state, including any of its political subdivisions, for use or consumption by said institutions, of goods, wares, or merchandise manufactured, produced, or mined, in whole or in part, by convicts or prisoners of the state of Washington: AND PROVIDED, FURTHER, This chapter shall not apply to commodities manufactured by federal, penal, or correctional institutions for use by the federal government and/or goods displayed or sold within any of the penal, reformatory, or custodial institutions of the state for the benefit of the inmates thereof. Nothing in this section shall be construed to apply to goods, wares, or merchandise manufactured, produced, or mined, in whole or part by convicts or prisoners employed by employers other than the state of Washington under work, training, or similar rehabilitative or vocational programs. Furthermore, such convict or prisoner participants shall be compensated at fair market prevailing wages and shall be entitled to all benefits and privileges in their employment to the same extent as other employees of their employer to the maximum extent which is not inconsistent with the rules, regulations, and conditions imposed upon the convict or the prisoner as the result of confinement or probation, except that such participants shall not receive unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW. Procedures for distribution of earnings shall be developed for the department of social and health services in accordance with RCW 72.65.050. All participants who become engaged in employment or training under this program shall not be considered as agents, employees, or involuntary servants of state, and the department of social and health services is prohibited from entering into a contract with any person, copartnership, company, or corporation for the labor of any participant under its jurisdiction. The institutional industries commission as established by chapter 72.60 RCW shall be responsible for overall supervision of any in prison work opportunities organized in accordance with this 1975 amendatory act.

Passed the House February 6, 1975.

Passed the Senate March 10, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 45

[House Bill No. 199]
OSAKA EXPOSITION

AN ACT Relating to the Osaka exposition; repealing sections 1 through 10, chapter 43, Laws of 1969 and RCW 43.96A.010 through 43.96A.100; and repealing section 12, chapter 43, Laws of 1969 and RCW 43.96A.900.

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

NEW SECTION. Section 1. The following acts or parts of acts are each repealed:

(1) Sections 1 through 10, chapter 43, Laws of 1969 and RCW 43.96A.010 through 43.96A.100; and

(2) Section 12, chapter 43, Laws of 1969 and RCW 43.96A.900.

Passed the House February 7, 1975.

Passed the Senate March 10, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 46

[House Bill No. 461]

PUBLIC UTILITY DISTRICTS—
LOCAL UTILITY DISTRICTS

AN ACT Relating to public utility districts; amending section 13, chapter 390, Laws of 1955 and RCW 54.16.120; and declaring an emergency.

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

Section 1. Section 13, chapter 390, Laws of 1955 and RCW 54.16.120 are each amended to read as follows:

A district may, by resolution, establish and define the boundaries of local assessment districts to be known as local utility district No. _____, for distribution, under the general supervision and control of the commission, of water for domestic use, irrigation, and electric energy, and for providing street lighting, or any of them, and in like manner provide for the purchasing, or otherwise acquiring, or constructing and equipping ((of)) and maintaining and operating distribution systems for such purposes, and for extensions and betterments thereof, and may levy and collect in accordance with the special benefits conferred thereon, special assessments and reassessments on property specially benefited thereby, for paying the cost and expense thereof, or any portions thereof, as herein provided, and issue local improvement bonds or warrants or both to be repaid wholly or in part by collection of local improvement assessments.

NEW SECTION. Sec. 2. This 1975 amendatory 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 February 28, 1975.

Passed the Senate March 10, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 47

[House Bill No. 537]

SCHOOL DISTRICTS—INVESTMENT OF FUNDS

AN ACT Relating to the investment of certain school district funds; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and prescribing an effective date.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Any common school district board of directors is empowered to direct and authorize, and to delegate authority to an employee of the common school district or the intermediate school district to direct and authorize, the county treasurer to invest funds described in RCW 28A.58.435 and 28A.58.440 and funds from state and federal sources as are then or thereafter received by the intermediate school district, and such funds from county sources as are then or thereafter received by the county treasurer, for distribution to the common school districts. Funds from state, county and federal sources which are so invested may be invested only for the period the funds are not required for the immediate necessities of the common school district as determined by the school district board of directors or its delegate, and shall be invested in behalf of the common school district pursuant to the terms of RCW 28A.58.435 or 28A.58.440, as now or hereafter amended, as the nature of the funds shall dictate. A grant of authority by a common school district pursuant to this section shall be by resolution of the board of directors and shall specify the duration and extent of the authority so granted. Any authority delegated to an intermediate school district pursuant to this section may be redelegated pursuant to RCW 28A.21.095, as now or hereafter amended.

NEW SECTION. Sec. 2. This act shall take effect on January 1, 1976.

Passed the House March 12, 1975.

Passed the Senate March 10, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 48

[House Bill No. 316]

STATE WARRANTS—ACTIONS, CLAIMS,
LIMITATIONS—DESTRUCTION

AN ACT Relating to state government; adding a new section to chapter 4.92 RCW; and adding a new section to chapter 43.08 RCW.

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

NEW SECTION. Section 1. There is added to chapter 4.92 RCW a new section to read as follows:

No action shall be commenced against the state on account of any state warrant appearing to have been redeemed unless a claim has been presented and filed with the state treasurer within six years of the date of issuance of such warrant.

The requirements of this section shall not extend or modify the period of limitations otherwise applicable within which an action must be commenced, but such period shall begin and shall continue to run as if no claim were required.

NEW SECTION. Sec. 2. There is added to chapter 43.08 RCW a new section to read as follows:

The public printer shall print all state treasury warrants for distribution as directed by the state treasurer. All warrants redeemed by the state treasurer shall be retained for a period of six years, following their issuance, after which they may be destroyed without regard to the requirements imposed for their destruction by chapter 40.14 RCW.

Passed the House February 26, 1975.

Passed the Senate March 10, 1975.

Approved by the Governor March 27, 1975.

Filed in Office of Secretary of State March 28, 1975.

CHAPTER 49

[House Bill No. 18]

BOARD OF DENTAL EXAMINERS, COMPOSITION, TERMS—TEMPORARY EXAMINERS

AN ACT Relating to Washington state board of dental examiners; amending section 2, chapter 112, Laws of 1935 as last amended by section 2, chapter 93, Laws of 1953 and RCW 18.32.035; and declaring an emergency.

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

Section 1. Section 2, chapter 112, Laws of 1935 as last amended by section 2, chapter 93, Laws of 1953 and RCW 18.32.035 are each amended to read as follows:

There shall be a board of dental examiners consisting of ~~((five))~~ nine practicing dentists, to be known as the Washington state board of dental examiners.

The members shall be appointed by the governor in the manner hereinafter set forth and at the time of their appointment upon said board must be actual residents of the state in active practice of dentistry or dental surgery as hereinafter defined and must have been for a period of five years or more legally licensed to practice dentistry or dental surgery in this state: **PROVIDED, HOWEVER,** That no person shall be eligible to appointment to said board who is in any way connected with or interested in any dental college or dental department of any institution of learning. ~~((The term for which the)) ((members of said board shall hold office shall be)) ((three years. AND PROVIDED FURTHER, That the members who shall first be appointed to said board shall hold office for one, two, three, four and five years respectively and their term of office shall be designated by the governor in his appointment. AND PROVIDED FURTHER, That the first appointments to said board shall be made by the governor as soon as practicable after September 19, 1953))~~ Those members serving on the board on the effective date of this 1975 amendatory act shall continue to hold office for the following terms: The terms of the two board members appointed in 1972 shall expire July 1, 1975; the terms of the two board members appointed in 1973 shall expire July 1, 1976, and the term of the board member appointed in 1974 shall expire July 1,

1977. Six members shall be appointed to the board and shall take office July 1, 1975: two members to serve a term of three years, two members to serve a term of four years and two members to serve a term of five years. The term of office of each such member shall be designated by the governor in his appointment. Thereafter, all members shall be appointed to the board to serve for terms of five years from July 1 of the year in which they are appointed.

In case of a vacancy occurring on said board, such vacancy shall be filled by the governor as herein provided for the remainder of the term of the vacancy.

The board shall have the power to employ competent persons on a temporary basis to assist in conducting examinations for licensure.

NEW SECTION. Sec. 2. This amendatory 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 March 12, 1975.

Passed the Senate March 6, 1975.

Approved by the Governor March 27, 1975.

Filed in Office of Secretary of State March 28, 1975.

CHAPTER 50

[Engrossed Senate Bill No. 2035]

COUNTY LIBRARIES—INDIAN TRIBE SERVICES

AN ACT Relating to libraries; adding a new section to chapter 27.12 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 27.12 RCW a new section to read as follows:

The legislature finds that it is necessary to give the several boards of library trustees in this state additional powers in order to effectuate the state's policy with regard to libraries as set forth in RCW 27.12.020. On and after the effective date of this act the board of library trustees in any county of this state, in addition to any other powers and duties, is hereby authorized to provide library services to Indian tribes recognized as such by the federal government or to supplement any existing library services of such an Indian tribe. The power granted by this section shall extend beyond the geographic limits of the library district and the county or counties in which the district is located.

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 Senate February 17, 1975.

Passed the House March 5, 1975.

Approved by the Governor March 27, 1975.

Filed in Office of Secretary of State March 28, 1975.

CHAPTER 51

[Engrossed Senate Bill No. 2141]

SCHOOLS FOR THE BLIND AND DEAF—
STUDENTS' VACATION, WEEKEND TRAVEL EXPENSES

AN ACT Relating to schools for the blind and deaf; amending section 72.40.090, chapter 28, Laws of 1959 and RCW 72.40.090.

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

Section 1. Section 72.40.090, chapter 28, Laws of 1959 and RCW 72.40.090 are each amended to read as follows:

If it appears to the satisfaction of the board of county commissioners that the parents of any such blind or deaf youth within their county are unable to bear the expense of transportation to and from the state schools, it shall send them to and return them from the schools or maintain them there during vacation at the expense of the county. Nothing in this section shall be construed as prohibiting the department from authorizing or incurring such travel expenses for the purpose of transporting such blind or deaf youth to and from points within this state during weekends and/or vacation periods. For the purposes of this act, the department shall impose no conditions upon parents or guardians specifying the number of weekends such persons shall take custody of deaf and blind students.

Passed the Senate March 11, 1975.

Passed the House March 10, 1975.

Approved by the Governor March 27, 1975.

Filed in Office of Secretary of State March 28, 1975.

CHAPTER 52

[Engrossed Senate Bill No. 2080]

MOTOR VEHICLE TAXES AND FEES—LIABILITY
FOR DISHONORED CHECKS—NONSURRENDER
OF CANCELLED LICENSES, PENALTIES

AN ACT Relating to motor vehicles; amending section 44, chapter 170, Laws of 1965 ex. sess. and RCW 46.01.230; and prescribing a penalty; and declaring an emergency.

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

Section 1. Section 44, chapter 170, Laws of 1965 ex. sess. and RCW 46.01.230 are each amended to read as follows:

(1) The department of motor vehicles is authorized to accept checks and money orders for payment of drivers' licenses, certificates of ownership and registration, motor vehicle excise taxes, gross weight fees and other fees and taxes collected by the department, in accordance with regulations adopted by the director. The director's regulations shall duly provide for the public's convenience consistent with sound business practice and shall encourage the annual renewal of vehicle registrations by mail to the department, authorizing checks and money orders for payment. Such regulations shall contain provisions for cancellation of any registrations, licenses or permits paid for by checks or money orders which are not duly paid and for the necessary accounting procedures in such cases; PROVIDED, That any bona fide purchaser for value of a vehicle shall not be liable or responsible for any prior uncollected taxes and fees paid, pursuant to this

section, by a check which has subsequently been dishonored: AND PROVIDED FURTHER, That no transfer of ownership of a vehicle shall be denied to a bona fide purchaser for value of a vehicle if there are outstanding uncollected fees or taxes for which a predecessor paid, pursuant to this section, by check which has subsequently been dishonored nor shall the new owner be required to pay any fee for replacement vehicle license number plates that may be required pursuant to RCW 46.16.270.

(2) Any person shall be guilty of a misdemeanor who shall fail to surrender within ten days to the department or any authorized agent of the department any certificate, license or permit after being notified by certified mail that such certificate, license or permit has been cancelled pursuant to this section.

NEW SECTION. Sec. 2. This amendatory 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 Senate March 12, 1975.

Passed the House March 7, 1975.

Approved by the Governor March 27, 1975.

Filed in Office of Secretary of State March 28, 1975.

CHAPTER 53

[House Bill No. 279]

ADOPTION OF HARD TO PLACE CHILDREN

AN ACT Relating to adoptions; amending section 3, chapter 63, Laws of 1971 ex. sess. as amended by section 1, chapter 61, Laws of 1973 and RCW 74.13.106; and repealing section 16, chapter 63, Laws of 1971 ex. sess., section 2, chapter 61, Laws of 1973 and RCW 74.13.142; and declaring an emergency.

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

Section 1. Section 3, chapter 63, Laws of 1971 ex. sess. as amended by section 1, chapter 61, Laws of 1973 and RCW 74.13.106 are each amended to read as follows:

All fees paid for adoption services pursuant to RCW 26.32.115 and 74.13.100 through 74.13.145 (~~during the 1971-1973 and 1973-1975 fiscal bienniums~~) shall be credited to an adoption support account, hereby created, in the general fund. Expenses incurred in connection with supporting the adoption of hard to place children shall be paid by warrants drawn against such account. The secretary may also from time to time transfer to such account from appropriations available to him for care of children in foster homes and child-caring institutions such sums as in his judgment will (~~enable him to carry out a pilot project to demonstrate the value of a program of adoption support. In carrying out such pilot project the secretary is authorized to use the funds made available to him pursuant to RCW 26.32.115 and 74.13.100 through 74.13.145, or, in his discretion, any portion thereof, to formulate, approve, implement or otherwise act pursuant to RCW 74.08.390, to develop and set up a pilot adoption support project at such level as he deems appropriate, consistent with the purposes set forth in RCW 74.13.100~~) further the purposes set forth in RCW 74.13.100. The secretary (~~may develop and approve such a project whether formulated within or outside the department;~~

and)) may for such purposes, contract with any public agency or licensed child placing agency and/or adoptive parent and is authorized to accept funds from other sources including federal, private and other public funding sources to carry out such ((project)) purposes.

~~((The secretary shall make a full report to the legislature during the 1973 and 1975 legislative sessions concerning such pilot project including an analysis by the secretary of any savings in foster care and institutional care for hard to place children realized and estimated to be realized in the future as a result of a program of adoption support of the kind provided for in RCW 26.32.115 and 74.13.100 through 74.13.145.))~~

The secretary shall actively seek, where consistent with the policies and programs of the department, and shall make maximum use of, such federal funds as are or may be made available to the department for the purpose of supporting the adoption of hard to place children. The secretary may, if permitted by federal law, deposit federal funds for adoption support, aid to adoptions, or subsidized adoption in the adoption support account of the general fund and may use such funds, subject to such limitations as may be imposed by federal law, to carry out the program of adoption support authorized by RCW 26.32.115 and 74.13.100 through 74.13.145.

The secretary may also deposit in such account and disburse therefrom all gifts and grants from any nonfederal source, including public and private foundations, which may be used for the program of adoption support authorized by RCW 26.32.115 and 74.13.100 through 74.13.145.

NEW SECTION. Sec. 2. Section 16, chapter 63, Laws of 1971 ex. sess., section 2, chapter 61, Laws of 1973 and RCW 74.13.142 are each repealed.

NEW SECTION. Sec. 3. This amendatory 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 February 25, 1975.

Passed the Senate March 7, 1975.

Approved by the Governor March 31, 1975.

Filed in Office of Secretary of State March 31, 1975.

CHAPTER 54

[Substitute House Bill No. 395]

ANATOMICAL GIFTS—

STATEMENTS—DRIVERS' LICENSES

AN ACT Relating to anatomical gifts; amending section 5, chapter 80, Laws of 1969 and RCW 68-08.530; and adding a new section to chapter 121, Laws of 1965 ex. sess. and to chapter 46.20 RCW.

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

NEW SECTION. Section 1. There is added to chapter 121, Laws of 1965 ex. sess. and to chapter 46.20 RCW a new section to read as follows:

The department of motor vehicles shall provide a statement whereby the licensee may certify in the presence of two witnesses his willingness to make an

anatomical gift under RCW 68.08.530, as now or hereafter amended. The department shall provide the statement in at least one of the following ways:

- (1) On each driver's license; or
- (2) With each driver's license; or
- (3) With each in-person driver's license application.

Sec. 2. Section 5, chapter 80, Laws of 1969 and RCW 68.08.530 are each amended to read as follows:

(1) A gift of all or part of the body under RCW 68.08.510(1), may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(2) A gift of all or part of the body under RCW 68.08.510(1), may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor in the presence of two witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence in the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

(3) A gift of all or part of the body under RCW 68.08.510(1) may also be made by a statement provided for on Washington state driver's licenses. The gift becomes effective upon the death of the licensee. The statement must be signed by the licensee in the presence of two witnesses, who must sign the statement in the presence of the donor. Delivery of the license during the donor's lifetime is not necessary to make the gift valid. The gift shall become invalidated upon expiration, cancellation, revocation, or suspension of the license, and the gift must be renewed upon renewal of each license: PROVIDED, That the statement of gift herein provided for shall contain a provision, including a clear instruction to the donor, providing for a means by which the donor may at his will revoke such gift: PROVIDED FURTHER, That nothing in this chapter shall be construed to invalidate a donor card located elsewhere.

(4) The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subsection shall not participate in the procedures for removing or transplanting a part.

~~((4))~~ (5) Notwithstanding RCW 68.08.560(2), the donor may designate in his will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

~~((5))~~ (6) Any gift by a person designated in RCW 68.08.510(2), shall be made by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message.

Passed the House March 3, 1975.

Passed the Senate March 10, 1975.

Approved by the Governor March 31, 1975.

Filed in Office of Secretary of State March 31, 1975.

CHAPTER 55

[Senate Bill No. 2167]

FAIR TRADE ACT—REPEAL

AN ACT Relating to the Fair Trade Act; and repealing sections 1 through 6, chapter 176, Laws of 1937 and RCW 19.89.010 through 19.89.040, 19.89.900 and 19.89.910.

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

NEW SECTION. Section 1. Sections 1 through 6, chapter 176, Laws of 1937 and RCW 19.89.010 through 19.89.040, 19.89.900, and 19.89.910 are each repealed.

Passed the Senate February 17, 1975.

Passed the House March 6, 1975.

Approved by the Governor March 31, 1975.

Filed in Office of Secretary of State April 1, 1975.

CHAPTER 56

[Engrossed Senate Bill No. 2205]

MOTOR VEHICLE LAW ENFORCEMENT—

CITATIONS—ARREST—PROBABLE CAUSE—DETENTION

AN ACT Relating to motor vehicle law enforcement; amending section 46.64.015, chapter 12, Laws of 1961 as amended by section 70, chapter 32, Laws of 1967 and RCW 46.64.015; amending section 46.64.030, chapter 12, Laws of 1961 as amended by section 72, chapter 32, Laws of 1967 and RCW 46.64.030; adding a new section to chapter 32, Laws of 1967 and to chapter 46.64 RCW; and declaring an emergency.

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

Section 1. Section 46.64.015, chapter 12, Laws of 1961 as amended by section 70, chapter 32, Laws of 1967 and RCW 46.64.015 are each amended to read as follows:

Whenever any person is arrested for any violation of the traffic laws or regulations which is punishable as a misdemeanor, the arresting officer may serve upon him a traffic citation and notice to appear in court. Such citation and notice shall conform to the requirements of RCW 46.64.010, and in addition, shall include spaces for the name and address of the person arrested, the license number of the vehicle involved, the driver's license number of such person, if any, the offense charged, the time and place where such person shall appear in court, and a place where the person arrested may sign. Such spaces shall be filled with the appropriate information by the arresting officer. The arrested person, in order to secure release, and when permitted by the arresting officer, must give his written

promise to appear in court as required by the citation and notice by signing in the appropriate place the written citation and notice served by the arresting officer. Upon the arrested person's failing or refusing to sign such written promise, he may be taken into custody of such arresting officer and so remain or be placed in confinement: **PROVIDED**, That an officer shall not serve or issue any traffic citation or notice for any offense or violation except either when said offense or violation is committed in his presence or when the citation and notice may be issued or served pursuant to section 3 of this amendatory act.

Sec. 2. Section 46.64.030, chapter 12, Laws of 1961 as amended by section 72, chapter 32, Laws of 1967 and RCW 46.64.030 are each amended to read as follows:

The provisions of this title with regard to the apprehension and arrest of persons violating this title shall govern all police officers in making arrests without a warrant for violations of this title for offenses either committed in their presence or believed to have been committed based on probable cause stemming from investigation at the scenes of motor vehicle accidents pursuant to section 3 of this amendatory act, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for other like offenses.

NEW SECTION. Sec. 3. There is added to chapter 32, Laws of 1967 and to chapter 46.64 RCW a new section to read as follows:

A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of the traffic laws or regulations. The detention arising from any arrest under this section shall not be for a period of time longer than is reasonably necessary to issue and serve a citation and notice, except that such time limitation shall not apply under any of the following circumstances:

(1) Where the law enforcement officer has probable cause to believe that the arrested person had been driving the motor vehicle while under the influence of intoxicating liquor, controlled substance, or drugs in violation of state law or any county, city, or town ordinance; or

(2) Where the arrested person refuses to sign a written promise to appear in court as required by the citation and notice provisions of section 1 of this amendatory act.

NEW SECTION. Sec. 4. 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 Senate March 11, 1975.

Passed the House March 7, 1975.

Approved by the Governor March 31, 1975.

Filed in Office of Secretary of State April 1, 1975.

CHAPTER 57

[House Bill No. 123]

GAME LAWS—PENALTY ASSESSMENTS

AN ACT Relating to game laws; adding a new section to Title 77 RCW; and imposing penalties.

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

NEW SECTION. Section 1. There is added to Title 77 a new section to read as follows:

On and after the effective date of this act, there shall be levied a penalty assessment in an amount of five dollars for every twenty dollars or fraction thereof, imposed and collected by any court as a fine or forfeiture of bail for any violation of a provision of Title 77 RCW or of any rule, regulation, or order adopted pursuant thereto. Penalties so assessed shall be used by the department of game for the purposes set forth in RCW 77.12.010. Where multiple violations are involved, the penalty assessment shall be based upon the total fine or bail forfeited for all included offenses. When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension, except that the penalty assessment shall never be reduced to less than a total of five dollars.

If bail is forfeited, the court shall collect the appropriate amount of the penalty assessment from the person forfeiting such bail and the total amount of such assessment shall be remitted within fifteen days after the end of each quarter to the department of game and deposited in the state game fund.

After a determination by the court of the amount of fine and assessment, the court shall collect and remit within fifteen days after the end of each quarter to the department of game the total amount of such assessment for deposit in the state game fund.

Passed the House January 28, 1975.

Passed the Senate March 10, 1975.

Approved by the Governor March 31, 1975.

Filed in Office of Secretary of State April 1, 1975.

CHAPTER 58

[House Bill No. 48]

EMERGENCY MEDICAL CARE—IMMUNITY

AN ACT Relating to emergency medical care; and adding new sections to chapter 4.24 RCW.

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

NEW SECTION. Section 1. There is added to chapter 4.24 RCW a new section to read as follows:

Any person who in good faith and not for compensation renders emergency care at the scene of an emergency or who participates in transporting, not for compensation, therefrom an injured person or persons for emergency medical treatment shall not be liable for civil damages resulting from any act or omission in the rendering of such emergency care or in transporting such persons, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

NEW SECTION. Sec. 2. There is added to chapter 4.24 RCW a new section read as follows:

For the purposes of section 1 of this act the following words and phrases shall have the following meanings unless the context clearly requires otherwise;

(1) "Good faith" means a state of mind denoting honesty of purpose, integrity, and a reasonable opinion that the immediacy of the situation is such that the rendering of care should not be postponed until the injured person is hospitalized.

(2) "Emergency care" means care, first aid, treatment, or assistance rendered to the injured person in need of immediate medical attention and includes providing or arranging for further medical treatment or care for the injured person. Except with respect to the injured person or persons being transported for further medical treatment or care, the immunity granted by section 1 of this act above does not apply to the negligent operation of any motor vehicle.

(3) "Scene of an emergency" means the scene of an accident or other sudden or unexpected event or combination of circumstances which calls for immediate action other than in a hospital, doctor's office, or other place where qualified medical personnel practice or are employed.

Passed the House March 11, 1975.

Passed the Senate March 6, 1975.

Approved by the Governor April 5, 1975.

Filed in Office of Secretary of State April 5, 1975.

CHAPTER 59

[Substitute House Bill No. 132]

PERSONALIZED LICENSE PLATES—ELIGIBLE
VEHICLES—FEES

AN ACT Relating to personalized license plates; amending section 2, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.560; amending section 3, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.565; amending section 4, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.570; amending section 7, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.585; amending section 8, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.590; amending section 9, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.595; and amending section 1, chapter 200, Laws of 1973 1st ex. sess. and RCW 77.12.175; and providing penalties.

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

Section 1. Section 2, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16-.560 are each amended to read as follows:

Personalized license plates, as used in this chapter, means license plates that have displayed upon them the registration number assigned to the ((passenger motor)) vehicle or camper for which such registration number was issued in a combination of letters or numbers, or both, requested by the owner of the vehicle or camper in accordance with this chapter.

Sec. 2. Section 3, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.565 are each amended to read as follows:

Any person who is the registered owner of a passenger motor vehicle not for hire, a truck not powered by diesel fuel, a trailer, a camper, a private bus, or a

motorcycle registered with the department or who makes application for an original registration (~~of a passenger motor vehicle~~) or renewal registration of (~~a passenger motor~~) such vehicle or camper may, upon payment of the fee prescribed in RCW 46.16.585, apply to the department for personalized license plates, in the manner described in RCW 46.16.580, which plates shall be affixed to the (~~passenger motor~~) vehicle or camper for which registration is sought in lieu of the regular license plates.

Sec. 3. Section 4, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.570 are each amended to read as follows:

The personalized license plates shall be the same design as regular (~~passenger motor vehicle~~) license plates, and shall consist of numbers or letters, or any combination thereof not exceeding six positions and not less than two positions: PROVIDED, That there are no conflicts with existing passenger, commercial, trailer, motorcycle, or special license plates series or with the provisions of RCW 46.16.230 or 46.16.235: PROVIDED FURTHER, That the maximum number of positions on personalized license plates for motorcycles shall be designated by the department.

Sec. 4. Section 7, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.585 are each amended to read as follows:

In addition to the regular registration fee, and any other fees and taxes required to be paid upon registration, the applicant shall be charged a fee of thirty dollars. In addition to the regular renewal fee, and in addition to any other fees and taxes required to be paid, the applicant for a renewal of such plates shall be charged an additional fee of twenty dollars: PROVIDED, That any person who purchased personalized license plates containing three letters and three digits on or between the dates of August 9, 1971, and November 6, 1973, shall not be required to pay the additional annual renewal fee of twenty dollars commencing with the year 1976. All personalized license plates must be renewed on an annual basis, regardless of whether a vehicle on which they are displayed will not be driven on public highways or may also be eligible to display permanent license plates valid for the life of such vehicle without annual renewal. Personalized license plates that are not renewed must be surrendered to the department, and failure to do so shall be a misdemeanor.

Sec. 5. Section 8, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.590 are each amended to read as follows:

Whenever any person who has been issued personalized license plates applies to the department for transfer of such plates to a subsequently acquired (~~passenger motor~~) vehicle or camper eligible for personalized license plates, a transfer fee of five dollars shall be charged in addition to all other appropriate fees. Such transfer fees shall be deposited in the motor vehicle fund.

Sec. 6. Section 9, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.595 are each amended to read as follows:

When any person who has been issued personalized license plates sells, trades, or otherwise releases ownership of the vehicle upon which the personalized license plates have been displayed, he shall immediately report the transfer of such plates

to an acquired (~~passenger motor~~) vehicle or camper eligible for personalized license plates, pursuant to RCW 46.16.590, or he shall surrender such plates to the department forthwith and release his priority to the letters or numbers, or combination thereof, displayed on the personalized license plates. Failure to surrender such plates shall constitute a misdemeanor.

Sec. 7. Section 1, chapter 200, Laws of 1973 1st ex. sess. and RCW 77.12.175 are each amended to read as follows:

It is declared to be the public policy of the state of Washington to direct financial resources of this state toward the support and aid of the wildlife resources existing within the state of Washington in order that the general welfare of these inhabitants of the state be served. For the purposes of this chapter, wildlife resources are understood to be those species of wildlife other than that managed by the department of fisheries under their existing jurisdiction as well as all unclassified marine fish, shellfish, and marine invertebrates which shall remain under the jurisdiction of the director of fisheries. The legislature further finds that the preservation, protection, perpetuation, and enhancement of such wildlife resources of the state is of major concern to it, and that aid for a satisfactory environment and ecological balance in this state for such wildlife resources serves a public interest, purpose, and desire.

It is further declared that such preservation, protection, perpetuation, and enhancement can be fostered through financial support derived on a voluntary basis from those citizens of the state of Washington who wish to assist in such objectives; that a desirable manner of accomplishing this is through offering personalized license plates for (~~motor~~) certain vehicles and campers the fees for which are to be directed to the state treasury to the credit of the state game fund for the furtherance of the programs, policies, and activities of the state game department in preservation, protection, perpetuation, and enhancement of the wildlife resources that abound within the geographical limits of the state of Washington.

In particular, the legislature recognizes the benefit of this program to be specifically directed toward those species of wildlife including but not limited to song birds, protected wildlife, rare and endangered wildlife, aquatic life, and specialized-habitat types, both terrestrial and aquatic, as well as all unclassified marine fish, shellfish, and marine invertebrates which shall remain under the jurisdiction of the director of fisheries that exist within the limits of the state of Washington.

Passed the House March 11, 1975.

Passed the Senate March 6, 1975.

Approved by the Governor April 5, 1975.

Filed in Office of Secretary of State April 5, 1975.

CHAPTER 60

[House Bill No. 410]

PORT DISTRICTS, PUBLIC UTILITY DISTRICTS— EMPLOYEES, OFFICERS—LEGAL DEFENSE

AN ACT Relating to local government; adding a new section to chapter 53.08 RCW; and adding a new section to chapter 54.16 RCW.

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

NEW SECTION. Section 1. There is added to chapter 53.08 RCW a new section to read as follows:

Whenever any action, claim or proceeding is instituted against any person who is or was an officer, employee, or agent of a port district established under this title arising out of the performance or failure of performance of duties for, or employment with any such district, the commission of the district may grant a request by such person that the attorney of the district's choosing be authorized to defend said claim, suit or proceeding, and the costs of defense, attorney's fees, and any obligation for payment arising from such action may be paid from the district's funds: PROVIDED, That costs of defense and/or judgment or settlement against such person shall not be paid in any case where the court has found that such person was not acting in good faith or within the scope of his employment with or duties for the district.

NEW SECTION. Sec. 2. There is added to chapter 54.16 RCW a new section to read as follows:

Whenever any action, claim or proceeding is instituted against any person who is or was an officer, employee, or agent of a public utility district established under this title arising out of the performance or failure of performance of duties for, or employment with any such district, the commission of the district may grant a request by such person that the attorney of the district's choosing be authorized to defend said claim, suit or proceeding, and the costs of defense, attorney's fees, and any obligation for payment arising from such action may be paid from the district's funds: PROVIDED, That costs of defense and/or judgment or settlement against such person shall not be paid in any case where the court has found that such person was not acting in good faith or within the scope of his employment with or duties for the district.

Passed the House February 17, 1975.

Passed the Senate March 10, 1975.

Approved by the Governor April 5, 1975.

Filed in Office of Secretary of State April 5, 1975.

CHAPTER 61

[Engrossed Senate Bill No. 2058]

MEDICAL DISCIPLINARY PROCEEDINGS

AN ACT Relating to medical disciplinary proceedings; amending section 3, chapter 202, Laws of 1955 as amended by section 1, chapter 142, Laws of 1963 and RCW 18.72.030; amending section 15, chapter 202, Laws of 1955, and RCW 18.72.150; and adding new sections to chapter 202, Laws of 1955 and to chapter 18.72 RCW.

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

Section 1. Section 3, chapter 202, Laws of 1955 as amended by section 1, chapter 142, Laws of 1963 and RCW 18.72.030 are each amended to read as follows:

The term "unprofessional conduct" as used in this chapter and RCW 18.71-.120 and 18.71.140 shall mean the following items or any one or combination thereof:

~~(1) ((Conviction in any court of any offense))~~ The commission of any act involving moral turpitude, ((in which case the record of)) dishonesty, or corruption, whether the same be committed in the course of his or her relations as a physician, or otherwise, and whether the same constitutes a crime or not; and if the act constitutes a crime, conviction thereof in a criminal proceeding shall not be a condition precedent to disciplinary action. Upon such conviction, however, the judgment and sentence shall be conclusive evidence at the ensuing disciplinary hearing of the guilt of the respondent physician of the crime described in the indictment or information, and of his or her violation of the statute upon which it is based;

(2) The procuring, or aiding or abetting in procuring a criminal abortion;

(3) ~~((Fraud or deceit))~~ Misrepresentation or concealment of a material fact in the obtaining of a license to practice medicine or in reinstatement thereof;

(4) All advertising of medical business which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons and so be harmful or injurious to public morals or safety;

~~(5) ((All advertising of any medicine or of any means whereby the monthly period of women can be regulated or the menses reestablished if suppressed;~~

~~(6))~~ The ((personation)) impersonation of another licensed practitioner;

~~((7))~~ (6) Habitual intemperance;

~~((8) The use or prescription for use of narcotic drugs, or dangerous drugs as described in RCW 69.40.060, in any way other than for therapeutic purposes;~~

~~(9))~~ (7) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for therapeutic purposes;

(8) The offering, undertaking, or agreeing to cure to treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any human condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the board;

~~((10) The wilful betrayal of a professional secret;~~

~~(11) Repeated acts of immorality, or repeated acts of gross misconduct in the practice of the profession;~~

~~(12))~~ (9) Unprofessional conduct as defined in chapter 19.68 RCW;

~~((13))~~ (10) Aiding or abetting an unlicensed person to practice medicine; ((or

~~(14) Declaration of mental incompetency by a court of competent jurisdiction:))~~

(11) Suspension or revocation of the physician's license to practice medicine by competent authority in any state, federal, or foreign jurisdiction;

(12) Gross incompetency in the practice of medicine and surgery;

(13) Violation of any board rule or regulation fixing a standard of professional conduct;

(14) Wilful violation of section 2 of this amendatory act or wilful disregard of the subpoena or notice of the Washington state medical disciplinary board; or

(15) Gross, wilful, and continued overcharging for professional services.

NEW SECTION. Sec. 2. There is added to chapter 202, Laws of 1955 and to chapter 18.72 RCW a new section to read as follows:

It shall be the duty and obligation of a physician against whom a complaint is made and who is being investigated by the medical disciplinary board to cooperate with the board as requested by it by:

- (1) Furnishing any papers or documents;
- (2) Furnishing in writing a full and complete explanation covering the matter contained in such complaint;
- (3) Appearing before the board at the time and place designated.

Should such physician fail to cooperate with the board in the manner herein provided, such conduct shall be deemed to be unprofessional conduct.

NEW SECTION. Sec. 3. There is added to chapter 202, Laws of 1955 and to chapter 18.72 RCW a new section to read as follows:

(1) In the event that a physician is determined by a court of competent jurisdiction to be mentally incompetent or mentally ill, such physician shall automatically have his or her license suspended by the board upon the entry of such judgment, regardless of the pendency of an appeal.

(2) If it appears to the disciplinary board that there is reasonable cause to believe that a physician who has not been judicially determined to be mentally incompetent or mentally ill is unable to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition, a complaint in the name of the board shall be served upon such physician for a hearing on the sole issue of the capacity of the physician to adequately conduct his or her practice. In enforcing this paragraph the board shall, upon probable cause, have authority to compel a physician to submit to a mental or physical examination by two or more physicians designated by the board and at least one of whom may be designated by the charged party if he or she chooses. Failure of a physician to submit to such examination when directed constitutes grounds for immediate suspension of such physician's license, unless the failure was due to circumstances beyond his or her control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of medicine with reasonable skill and safety to patients.

For the purpose of this subsection (2), every physician licensed under this chapter who shall accept the privilege to practice medicine in this state shall by so practicing or by the making and filing of annual registration to practice medicine in this state, be deemed to have given his or her consent to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute a privileged communication.

In any proceeding under this subsection (2), neither the record of proceedings nor the orders entered by the board shall be used against a physician in any other proceeding.

Sec. 4. Section 15, chapter 202, Laws of 1955, and RCW 18.72.150 are each amended to read as follows:

The board shall have the following powers and duties:

- (1) To adopt, amend and rescind such rules and regulations as it deems necessary to carry out the provisions of this chapter;
- (2) To investigate all complaints and charges of unprofessional conduct against any holder of a license and to hold hearings to determine whether such charges are substantiated or unsubstantiated;
- (3) To employ necessary stenographic or clerical help;
- (4) To issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter;
- (5) To take or cause depositions to be taken as needed in any investigation, hearing, or proceeding;
- (6) To investigate complaints and charges of malpractice and unsafe conditions and practices, to analyze equipment, procedures, and training, in such cases, and to direct corrective action.

Passed the Senate March 11, 1975.

Passed the House March 7, 1975.

Approved by the Governor April 5, 1975.

Filed in Office of Secretary of State April 5, 1975.

CHAPTER 62

[Engrossed Senate Bill No. 2105] MOTOR VEHICLES—DEFINITIONS— RULES OF THE ROAD

AN ACT Relating to motor vehicles and their operation upon highways; amending section 36.75.010, chapter 4, Laws of 1963 as amended by section 1, chapter 182, Laws of 1969 ex. sess. and RCW 36.75.010; amending section 46.04.080, chapter 12, Laws of 1961 and RCW 46.04.080; amending section 46.04.100, chapter 12, Laws of 1961 and RCW 46.04.100; amending section 46.04.220, chapter 12, Laws of 1961 and RCW 46.04.220; amending section 46.04.350, chapter 12, Laws of 1961 and RCW 46.04.350; amending section 46.04.370, chapter 12, Laws of 1961 as amended by section 1, chapter 32, Laws of 1967 and RCW 46.04.370; amending section 46.04.560, chapter 12, Laws of 1961 and RCW 46.04.560; amending section 46.04.650, chapter 12, Laws of 1961 and RCW 46.04.650; amending section 46.52.020, chapter 12, Laws of 1961 as amended by section 53, chapter 32, Laws of 1967 and RCW 46.52.020; amending section 46.52.080, chapter 12, Laws of 1961 as last amended by section 58, chapter 32, Laws of 1967 and RCW 46.52.080; amending section 3, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.015; amending section 7, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.050; amending section 8, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.055; amending section 9, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.060; amending section 10, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.065; amending section 16, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.105; amending section 18, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.115; amending section 22, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.135; amending section 27, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.160; amending section 28, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.180; amending section 30, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.190; amending section 40, chapter 155, Laws of 1965 ex. sess. as amended by section 61, chapter 281, Laws of 1969 ex. sess. and RCW 46.61.290; amending section 41, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.295; amending section 43, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.305; amending section 48, chapter 155, Laws of 1965 ex. sess. as amended by section 7, chapter 100, Laws of 1970 ex. sess. and RCW 46.61.350; amending section 49, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.355; amending section 46.48.046, chapter 12, Laws of 1961 and RCW 46.61.435; amending section 46.48.023, chapter 12, Laws of 1961 as amended by section 5, chapter 16, Laws of 1963 and RCW 46.61.440; amending section 66, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.570; amending section 67, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.575; amending section 70, chapter 155, Laws of 1965 ex. sess. as amended by section 5, chapter 232, Laws of 1967 and RCW 46.61.610; amending section 75, chapter 155, Laws of 1965 ex. sess.

and RCW 46.61.635; amending section 85, chapter 155, Laws of 1965 ex. sess. and RCW 46.61-.780; amending section 47.04.010, chapter 13, Laws of 1961 as amended by section 42, chapter 145, Laws of 1967 ex. sess. and RCW 47.04.010; adding new sections to chapter 12, Laws of 1961 and to chapter 46.04 RCW; adding a new section to chapter 12, Laws of 1961 and to chapter 46-.52 RCW; adding new sections to chapter 12, Laws of 1961 and to chapter 46.61 RCW; repealing section 46.04.230, chapter 12, Laws of 1961 and RCW 46.04.230; repealing section 46.04.250, chapter 12, Laws of 1961 and RCW 46.04.250; repealing section 50, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.360; and repealing section 56, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.420.

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

Section 1. Section 36.75.010, chapter 4, Laws of 1963 as amended by section 1, chapter 182, Laws of 1969 ex. sess. and RCW 36.75.010 are each amended to read as follows:

Terms used in this title, with relation to roads and bridges, mean:

- (1) "Alley," a ((public)) highway not designed for general travel and primarily used as a means of access to the rear of residences and business establishments;
- (2) "Board," the board of county commissioners;
- (3) "Center line," the line, marked or unmarked, parallel to and equidistant from the sides of ((the)) a two-way traffic roadway of a ((public)) highway except where otherwise indicated by painted lines or markers;
- (4) "City street," every ((public)) highway or part thereof, located within the limits of incorporated cities and towns, except alleys;
- (5) "County engineer" shall include county director of public works;
- (6) "County road," every ((public)) highway or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a state highway;
- (7) "Department," the department of highways of the state, or such state agency as may succeed to its powers and duties;
- (8) "Director," the acting director of the department of highways or his duly authorized assistant;
- (9) "Highway commission," the state highway commission as provided for in chapter 47.01 RCW;
- (10) "Pedestrian," any person afoot;
- (11) "Private road or driveway," every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;
- (12) "((Public)) Highway," every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;
- (13) "Railroad," a carrier of persons or property upon vehicles, other than streetcars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;
- (14) "Roadway," the paved, improved, or proper driving portion of a ((public)) highway designed, or ordinarily used for vehicular travel;
- (15) "Sidewalk," property between the curb lines or the lateral lines of a roadway, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a ((public)) highway and dedicated to use by pedestrians;

(16) "State highway," includes every ~~((primary and secondary state highway or part thereof))~~ highway as herein defined, or part thereof, which has been designated as a state highway, or branch thereof, by legislative enactment.

Sec. 2. Section 46.04.080, chapter 12, Laws of 1961 and RCW 46.04.080 are each amended to read as follows:

"Business district" means the territory contiguous to and including ~~((the public))~~ a highway when ~~((fifty percent or more of the frontage thereon on either side thereof for a continuous distance of three))~~ within any six hundred feet ~~((or more is occupied by))~~ along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.

Sec. 3. Section 46.04.100, chapter 12, Laws of 1961 and RCW 46.04.100 are each amended to read as follows:

"Center line" means the line, marked or unmarked, parallel to and equidistant from the sides of ~~((the))~~ a two-way traffic roadway of a ~~((public))~~ highway except where otherwise indicated by painted lines or markers.

Sec. 4. Section 46.04.220, chapter 12, Laws of 1961 and RCW 46.04.220 are each amended to read as follows:

(1) "Intersection area" means the area embraced within the prolongation or connection of the lateral curb lines, or, if ~~((there are no curb lines, or, if there are no curbs))~~ none, then the lateral ~~((roadway))~~ boundary lines~~(:)~~ of the roadways of two or more ~~((public))~~ highways which join one another at ~~((an angle, whether or not such highways cross one another))~~, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(3) The junction of an alley with a street or highway shall not constitute an intersection.

Sec. 5. Section 46.04.350, chapter 12, Laws of 1961 and RCW 46.04.350 are each amended to read as follows:

"Multiple lane highway" means any ~~((public))~~ highway the roadway of which is of sufficient width to reasonably accommodate ~~((four))~~ two or more separate lanes of vehicular traffic~~(, two or more lanes)~~ in ~~((each))~~ the same direction, each lane of which shall be not less than ~~((eight feet in))~~ the maximum legal vehicle width and whether or not such lanes are marked ~~((and whether or not the lanes of opposite bound traffic are separated by a neutral zone or other center line marking))~~.

Sec. 6. Section 46.04.370, chapter 12, Laws of 1961 as amended by section 1, chapter 32, Laws of 1967 and RCW 46.04.370 are each amended to read as follows:

"Operator or driver" means every person who drives or is in actual physical control of a ~~((motor))~~ vehicle ~~((upon a public highway))~~.

Sec. 7. Section 46.04.560, chapter 12, Laws of 1961 and RCW 46.04.560 are each amended to read as follows:

"State highway" includes every ~~((primary and secondary state))~~ highway or part thereof, which has been designated as a state highway or branch thereof, by legislative enactment.

Sec. 8. Section 46.04.650, chapter 12, Laws of 1961 and RCW 46.04.650 are each amended to read as follows:

"Truck tractor" means ~~((any))~~ every motor ~~((truck))~~ vehicle designed and used primarily for drawing ~~((a semitrailer))~~ other vehicles and not so constructed as to carry a load ~~((thereon))~~ other than a part of the weight of ~~((such semitrailer))~~ the vehicle and load so drawn.

NEW SECTION. Sec. 9. There is added to chapter 12, Laws of 1961 and to chapter 46.04 RCW a new section to read as follows:

"Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

NEW SECTION. Sec. 10. There is added to chapter 12, Laws of 1961 and to chapter 46.04 RCW a new section to read as follows:

"Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

NEW SECTION. Sec. 11. There is added to chapter 12, Laws of 1961 and to chapter 46.04 RCW a new section to read as follows:

"Stop" when required means complete cessation from movement.

NEW SECTION. Sec. 12. There is added to chapter 12, Laws of 1961 and to chapter 46.04 RCW a new section to read as follows:

"Stop or stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

NEW SECTION. Sec. 13. There is added to chapter 12, Laws of 1961 and to chapter 46.04 RCW a new section to read as follows:

"Vehicle or pedestrian right of way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

Sec. 14. Section 46.52.020, chapter 12, Laws of 1961 as amended by section 53, chapter 32, Laws of 1967 and RCW 46.52.020 are each amended to read as follows:

(1) A driver of any vehicle involved in an accident resulting in the injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to, and in every event remain at, the scene of such accident until he has fulfilled the requirements

of subdivision (3) of this section; every such stop shall be made without obstructing traffic more than is necessary;

(2) The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person or damage to other property shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to, and in any event shall remain at, the scene of such accident until he has fulfilled the requirements of subdivision (3) of this section; every such stop shall be made without obstructing traffic more than is necessary;

(3) Unless otherwise provided in subsection (6) of this section the driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person or damage to other property shall give his name, address and vehicle license number and shall exhibit his vehicle driver's license to any person struck or injured or the driver or any occupant of, or any person attending, any such vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person or on his behalf. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of the liability of any driver for such accident;

(4) Any person failing to stop or to comply with any of the requirements of subdivision (3) of this section under said circumstances shall, upon conviction, be punished by imprisonment for not less than thirty days nor more than one year or by a fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment: PROVIDED, That this provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith;

(5) Upon notice of conviction of any person under the provisions of this section, the vehicle driver's license of the person so convicted shall be revoked by the director;

(6) In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (3) of this section, and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsections (1) and (3) of this section insofar as possible on his part to be performed, shall forthwith report such accident to the nearest office of the duly authorized police authority and submit thereto the information specified in subsection (3) of this section.

Sec. 15. Section 46.52.080, chapter 12, Laws of 1961 as last amended by section 58, chapter 32, Laws of 1967 and RCW 46.52.080 are each amended to read as follows:

All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the county prosecuting attorney and chief of police or county sheriff, as the case may be, and the director of motor vehicles and the chief of the Washington state patrol, and other officer or commission as authorized by law,

except that any such officer shall disclose the names and addresses of persons reported as involved in an accident or as witnesses thereto, the vehicle license plate numbers and descriptions of vehicles involved, and the date, time and location of an accident, to any person who may have a proper interest therein, including the driver or drivers involved, or the legal guardian thereof, the parent of a minor driver, any person injured therein, the owner of vehicles or property damaged thereby, or any authorized representative of such an interested party, or the attorney or insurer thereof. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above named for receiving accident reports shall furnish, upon demand of any person who has, or who claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the chief of the Washington state patrol solely to prove a compliance or a failure to comply with the requirement that such a report be made in the manner required by law: PROVIDED, That the reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of section 16 of this amendatory act.

NEW SECTION. Sec. 16. There is added to chapter 12, Laws of 1961 and to chapter 46.52 RCW a new section to read as follows:

A person shall not give information in oral or written reports as required in chapter 46.52 RCW knowing that such information is false.

Sec. 17. Section 3, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.015 are each amended to read as follows:

No person shall wilfully fail or refuse to comply with any lawful order or direction of any duly authorized flagman or any police officer or fire fighter invested by law with authority to direct, control, or regulate traffic.

Sec. 18. Section 7, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.050 are each amended to read as follows:

(1) The driver of any vehicle, every bicyclist, and every pedestrian shall obey the instructions of any official (~~((traffic-control))~~) traffic control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exception granted the driver of an authorized emergency vehicle in this chapter.

(2) No provision of this chapter for which (~~((signs))~~) official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official (~~((sign))~~) device is not in proper position and sufficiently legible or visible to be seen by an ordinarily observant person. Whenever a particular section does not state that (~~((signs))~~) official traffic control devices are required, such section shall be effective even though no (~~((signs))~~) devices are erected or in place.

(3) Whenever official (~~((traffic-control))~~) traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(4) Any official (~~((traffic-control))~~) traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements

pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

Sec. 19. Section 8, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.055 are each amended to read as follows:

Whenever traffic is controlled by (~~traffic control~~) traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication

(a) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Unless otherwise directed by a (~~pedestrian control~~) pedestrian control signal, as provided in RCW 46.61.060 as now or hereafter amended, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication

(a) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(b) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a (~~pedestrian control~~) pedestrian control signal as provided in RCW 46.61.060 as now or hereafter amended, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Steady red indication

(a) Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until (~~a green~~) an indication to proceed is shown: PROVIDED, That such traffic may, after stopping cautiously proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement; but vehicular traffic making such turns shall yield the right of way to other vehicles

and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Unless otherwise directed by a (~~pedestrian-control~~) pedestrian control signal as provided in RCW 46.61.060 as now or hereafter amended, pedestrians facing a steady circular red signal alone shall not enter the roadway.

(c) Vehicular traffic facing a steady red arrow indication may not enter the intersection to make the movement indicated by such arrow, and unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line, but if none, before entering a crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to make the movement indicated by such arrow is shown: PROVIDED, That such traffic may, after stopping cautiously proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way street or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement; but vehicular traffic making such turns shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(d) Unless otherwise directed by a pedestrian signal, pedestrians facing a steady red arrow signal indication shall not enter the roadway.

(4) In the event an official (~~traffic-control~~) traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

Sec. 20. Section 9, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.060 are each amended to read as follows:

Whenever special (~~pedestrian-control~~) pedestrian control signals exhibiting the words "Walk" or "Don't Walk" are in place such signals shall indicate as follows:

(1) WALK—Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(2) STEADY DON'T WALK or FLASHING DON'T WALK—No pedestrian shall start to cross the roadway in the direction of either such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the don't walk signal is showing.

(3) (~~Pedestrian-control~~) Pedestrian control signals having the "Wait" legend in use on August 6, 1965, shall be deemed authorized signals and shall indicate the same as the "Don't Walk" legend. Whenever such (~~pedestrian-control~~) pedestrian control signals are replaced the legend "Wait" shall be replaced by the legend "Don't Walk".

Sec. 21. Section 10, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.065 are each amended to read as follows:

(1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(a) FLASHING RED (STOP SIGNAL). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering ((the nearest)) a marked crosswalk ((at an)) on the near side of the intersection ((or at a limit line when marked)), or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) FLASHING YELLOW (CAUTION SIGNAL). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in RCW 46.61.340.

Sec. 22. Section 16, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.105 are each amended to read as follows:

Drivers of vehicles proceeding in opposite directions shall pass ~~((to the right of))~~ each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

Sec. 23. Section 18, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.115 are each amended to read as follows:

(1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or about to make a left turn;

(b) Upon a ~~((street or highway))~~ roadway with unobstructed pavement ~~((not occupied by parked vehicles))~~ of sufficient width for two or more lines of ~~((moving))~~ vehicles ~~((in each))~~ moving lawfully in the direction~~((;))~~ being traveled by the overtaking vehicle.

~~((c) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.))~~

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. ~~((in no event shall))~~ Such movement shall not be made by driving off the ~~((pavement or main-traveled portion of the))~~ roadway.

Sec. 24. Section 22, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.135 are each amended to read as follows:

(1) The state highway commission ~~((may designate any state highway or any separate roadway under its jurisdiction and local authorities may designate any city street or county road under their respective jurisdictions for one-way traffic and shall erect appropriate signs giving notice thereof))~~ and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic

shall proceed in one direction at all or such times as shall be indicated by official traffic control devices.

(2) Upon a roadway so designated ~~((and signposted))~~ for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.

(3) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

Sec. 25. Section 27, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.160 are each amended to read as follows:

The state highway commission may by resolution or order, and local authorities may by ordinance or resolution, with respect to any limited access roadway under their respective jurisdictions prohibit the use of any such roadway by funeral processions, or by parades, pedestrians, bicycles or other nonmotorized traffic, or by any person operating a motor-driven cycle.

The state highway commission or the local authority adopting any such prohibitory regulation shall erect and maintain official ~~((signs))~~ traffic control devices on the limited access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such ~~((signs))~~ devices.

Sec. 26. Section 28, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.180 are each amended to read as follows:

~~((The driver of a vehicle approaching an intersection shall look out for and yield the right of way to any vehicle on his right simultaneously approaching the intersection regardless of which vehicle first reaches and enters the intersection.))~~

(1) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(2) The right of way rule declared in subsection (1) of this section is modified at arterial highways and otherwise as stated in this chapter.

Sec. 27. Section 30, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.190 are each amended to read as follows:

(1) Preferential right of way ~~((at an intersection))~~ may be indicated by stop signs or yield signs as authorized in RCW 47.36.110.

(2) Except when directed to proceed by a duly authorized flagman, or a police officer, or ~~((traffic control signal))~~ a fire fighter vested by law with authority to direct, control, or regulate traffic, every driver of a vehicle approaching ~~((a stop intersection indicated by))~~ a stop sign shall stop ~~((as required by RCW 46.61.360 subsection (2)))~~ at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and after having stopped shall yield the right of way to any vehicle ~~((which has entered))~~ in the intersection ~~((from another highway))~~ or ~~((which is))~~ approaching on another roadway so closely ~~((on said highway))~~ as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

(3) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and then after slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another ((highway)) roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways: PROVIDED, That if such a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right of way.

Sec. 28. Section 40, chapter 155, Laws of 1965 ex. sess. as amended by section 61, chapter 281, Laws of 1969 ex. sess. and RCW 46.61.290 are each amended to read as follows:

The driver of a vehicle intending to turn ~~((at an intersection))~~ shall do so as follows:

(1) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) Left turns. The driver of a vehicle intending to turn left ~~((at any intersection))~~ shall approach the ~~((intersection))~~ turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. ~~((and after entering the intersection))~~ Whenever practicable the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in ((a)) the extreme left-hand lane lawfully available to traffic moving in ((such)) the same direction ((upon)) as such vehicle on the roadway being entered. ((Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.))

(3) Two-way left turn lanes.

(a) The department of highways and local authorities in their respective jurisdictions may designate a two-way left turn lane on a roadway. A two-way left turn lane is near the center of the roadway set aside for use by vehicles making left turns in both directions from or into the roadway.

(b) Two-way left turn lanes shall be designated by distinctive uniform roadway markings. The department of highways shall determine and prescribe standards and specifications governing type, length, width, and positioning of the distinctive permanent markings. The standards and specifications developed shall be filed with the code reviser in accordance with the procedures set forth in the Administrative Procedure Act, chapter 34.04 RCW. On and after July 1, 1971, permanent markings designating a two-way left turn lane shall conform to such standards and specifications.

(c) Upon a roadway where a center lane has been provided by distinctive pavement markings for the use of vehicles turning left from both directions, no vehicles shall turn left from any other lane. A vehicle shall not be driven in this center lane for the purpose of overtaking or passing another vehicle proceeding in the same direction. A signal, either electric or manual, for indicating a left turn

movement, shall be made at least one hundred feet before the actual left turn movement is made. Any maneuver other than a left turn from or into this center lane will be deemed a violation of this section.

(4) The state highway commission and local authorities in their respective jurisdictions may cause official ~~((traffic-control))~~ traffic control devices to be placed ~~((within or adjacent to intersections))~~ and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles ~~((turning at an intersection))~~, and when such devices are so placed no driver of a vehicle shall turn a vehicle ~~((at an intersection))~~ other than as directed and required by such devices.

Sec. 29. Section 41, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.295 are each amended to read as follows:

(1) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.

(2) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet ~~((within residence or business districts and within one thousand feet in all other locations))~~.

Sec. 30. Section 43, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.305 are each amended to read as follows:

(1) No person shall turn a vehicle ~~((at an intersection unless the vehicle is in proper position upon the roadway as required in RCW 46.61.290, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course))~~ or move right or left upon a roadway unless and until such movement can be made with reasonable safety ~~((No person shall so turn any vehicle))~~ nor without giving an appropriate signal in the manner hereinafter provided.

(2) A signal of intention to turn or move right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(4) The signals provided for in RCW 46.61.310 subsection (2), ~~((shall be used to indicate an intention to turn, change lanes, or start from a parked position and))~~ shall not be flashed on one side only on a ~~((parked or))~~ disabled vehicle, ~~((or))~~ flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

Sec. 31. Section 48, chapter 155, Laws of 1965 ex. sess. as amended by section 7, chapter 100, Laws of 1970 ex. sess. and RCW 46.61.350 are each amended as follows:

(1) The driver of any motor vehicle carrying passengers for hire, other than a passenger car, or of any school bus or private carrier bus carrying any school

child, or other passenger, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

(2) ~~(No stop need be made at any such crossing where a police officer or a traffic control signal directs traffic to proceed)~~ This section shall not apply at:

(a) Any railroad grade crossing at which traffic is controlled by a police officer or a duly authorized flagman;

(b) Any railroad grade crossing at which traffic is regulated by a traffic control signal;

(c) Any railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train;

(d) Any railroad grade crossing at which an official traffic control device gives notice that the stopping requirement imposed by this section does not apply.

Sec. 32. Section 49, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.355 are each amended to read as follows:

(1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(2) Notice of any such intended crossing shall be given to the station agent of such railroad located nearest the intended crossing sufficiently in advance to allow such railroad a reasonable time to prescribe proper protection for such crossing.

(3) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

~~((3))~~ (4) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

Sec. 33. Section 46.48.046, chapter 12, Laws of 1961 and RCW 46.61.435 are each amended to read as follows:

The governing body or authority of any such city or town or political subdivision shall place and maintain upon each and every ~~((public))~~ highway intersecting

a ~~((public))~~ highway where an increased speed is permitted, as provided in this chapter, appropriate stop or yield signs, sufficient to be read at any time by any person upon approaching and entering the highway upon which such increased speed is permitted and such city street or such portion thereof as is subject to the increased speed shall be an arterial highway.

Sec. 34. Section 46.48.023, chapter 12, Laws of 1961 as amended by section 5, chapter 16, Laws of 1963 and RCW 46.61.440 are each amended to read as follows:

Subject to RCW 46.61.400(1), and except in those instances where a lower maximum lawful speed is provided by this chapter or otherwise, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of twenty miles per hour when operating any vehicle upon a ~~((public))~~ highway either inside or outside an incorporated city or town when passing any marked ~~((public))~~ school or playground crosswalk when such marked crosswalk is fully posted with standard ~~((portable))~~ school ~~((or))~~ speed limit signs or standard playground speed ~~((control))~~ limit signs. The speed zone at the crosswalk shall extend three hundred feet in either direction from the marked crosswalk.

Sec. 35. Section 66, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.570 are each amended to read as follows:

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(a) Stop, stand, or park a vehicle:

(i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(ii) On a sidewalk or street planting strip;

(iii) Within an intersection;

(iv) On a crosswalk;

(v) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless official signs or markings indicate a different no-parking area opposite the ends of a safety zone;

(vi) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(viii) On any railroad tracks; ~~((or))~~

(ix) In the area between roadways of a divided highway including crossovers;

or

(x) At any place where official signs prohibit stopping.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(i) In front of a public or private driveway or within five feet of the end of the curb radius leading thereto;

(ii) Within fifteen feet of a fire hydrant;

(iii) Within twenty feet of a crosswalk;

(iv) Within thirty feet upon the approach to any flashing signal, stop sign, yield sign, or ~~((traffic-control))~~ traffic control signal located at the side of a roadway;

(v) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly signposted; or

(vi) At any place where official signs prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading ~~((merchandise))~~ property or passengers:

(i) Within fifty feet of the nearest rail of a railroad crossing; or

(ii) At any place where official signs prohibit parking.

(2) Parking or standing shall be permitted in the manner provided by law at all other places except a time limit may be imposed or parking restricted at other places but such limitation and restriction shall be by city ordinance or county resolution or order of the state highway commission upon ~~((public))~~ highways under their respective jurisdictions.

(3) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

(4) It shall be unlawful for any person to reserve or attempt to reserve any portion of a highway for the purpose of stopping, standing, or parking to the exclusion of any other like person, nor shall any person be granted such right.

Sec. 36. Section 67, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.575 are each amended to read as follows:

(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or ~~((edge of the roadway))~~ as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or ~~((edge of the roadway))~~ as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve inches of the left-hand curb or ~~((edge of the roadway))~~ as close as practicable to the left edge of the left-hand shoulder.

(3) Local authorities may by ordinance or resolution permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the state highway commission has determined by resolution or order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) The state highway commission with respect to highways under its jurisdiction may place ~~((signs))~~ official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where in its opinion, as evidenced by resolution or order, such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. ~~((Such signs shall be official signs and))~~ No person shall stop, stand, or park any vehicle in violation of the restrictions ~~((stated on))~~ indicated by such ~~((signs))~~ devices.

Sec. 37. Section 70, chapter 155, Laws of 1965 ex. sess. as amended by section 5, chapter 232, Laws of 1967 and RCW 46.61.610 are each amended to read as follows:

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator: PROVIDED, HOWEVER, That the motorcycle must contain foot pegs, of a type approved by the equipment commission, for each person such motorcycle is designed to carry.

Sec. 38. Section 75, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.635 are each amended to read as follows:

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or ~~((drive into or park))~~ stop such vehicle within ~~((the block where))~~ five hundred feet of any fire apparatus ((has)) stopped in answer to a fire alarm.

Sec. 39. Section 85, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.780 are each amended to read as follows:

(1) Every bicycle when in use during the hours of darkness as defined in RCW 46.37.020 shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the state commission on equipment which shall be visible from all distances from ~~((fifty))~~ one hundred feet to ((three)) six hundred feet to the rear when directly in front of lawful ((upper)) lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(2) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

NEW SECTION. Sec. 40. There is added to chapter 12, Laws of 1961 and to chapter 46.61 RCW a new section to read as follows:

(1) The driver of a vehicle shall yield the right of way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic control devices.

(2) The driver of a vehicle shall yield the right of way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of RCW 46.37.300.

NEW SECTION. Sec. 41. There is added to chapter 12, Laws of 1961 and to chapter 46.61 RCW a new section to read as follows:

The driver of a vehicle shall yield the right of way to any pedestrian on a sidewalk.

NEW SECTION. Sec. 42. There is added to chapter 12, Laws of 1961 and to chapter 46.61 RCW a new section to read as follows:

(1) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of RCW 46.37.380 subsection (4) and visual signals meeting the requirements of RCW 46.37.190, or of a police

vehicle meeting the requirements of RCW 46.61.035 subsection (3), every pedestrian shall yield the right of way to the authorized emergency vehicle.

(2) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

NEW SECTION. Sec. 43. There is added to chapter 12, Laws of 1961 and to chapter 46.61 RCW a new section to read as follows:

A pedestrian who is under the influence of alcohol or any drug to a degree which renders himself a hazard shall not walk or be upon a highway except on a sidewalk or, where there is no sidewalk, then off the main traveled portion of the highway.

NEW SECTION. Sec. 44. There is added to chapter 12, Laws of 1961 and to chapter 46.61 RCW a new section to read as follows:

(1) No pedestrian shall enter or remain upon any bridge or approach thereto beyond a bridge signal gate, or barrier indicating a bridge is closed to through traffic, after a bridge operation signal indication has been given.

(2) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

NEW SECTION. Sec. 45. There is added to chapter 12, Laws of 1961 and to chapter 46.61 RCW a new section to read as follows:

No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

NEW SECTION. Sec. 46. There is added to chapter 12, Laws of 1961 and to chapter 46.61 RCW a new section to read as follows:

(1) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

(2) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(3) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(4) Motorcycles shall not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) of this section shall not apply to police officers in the performance of their official duties.

NEW SECTION. Sec. 47. There is added to chapter 12, Laws of 1961 and to chapter 46.61 RCW a new section to read as follows:

No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway.

NEW SECTION. Sec. 48. There is added to chapter 12, Laws of 1961 and to chapter 46.61 RCW a new section to read as follows:

No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle he is

operating without obstructing the passage of other vehicles, pedestrians, or railroad trains notwithstanding any traffic control signal indications to proceed.

NEW SECTION. Sec. 49. There is added to chapter 12, Laws of 1961 and to chapter 46.61 RCW a new section to read as follows:

Whenever special traffic control signals exhibit a downward green arrow, a yellow X, or a red X indication, such signal indication shall have the following meaning:

(1) A steady downward green arrow means that a driver is permitted to drive in the lane over which the arrow signal is located.

(2) A steady yellow X or flashing red X means that a driver should prepare to vacate, in a safe manner, the lane over which the signal is located because a lane control change is being made, and to avoid occupying that lane when a steady red X is displayed.

(3) A flashing yellow X means that a driver is permitted to use a lane over which the signal is located for a left turn, using proper caution.

(4) A steady red X means that a driver shall not drive in the lane over which the signal is located, and that this indication shall modify accordingly the meaning of all other traffic controls present. The driver shall obey all other traffic controls and follow normal safe driving practices.

Sec. 50. Section 47.04.010, chapter 13, Laws of 1961 as amended by section 42, chapter 145, Laws of 1967 ex. sess. and RCW 47.04.010 are each amended to read as follows:

The following words and phrases, wherever used in this title, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part:

(1) "Alley." A ~~((public))~~ highway within the ordinary meaning of alley not designated for general travel and primarily used as a means of access to the rear of residences and business establishments;

(2) "Arterial highway." Every ~~((public))~~ highway, as herein defined, or portion thereof designated as such by proper authority;

(3) "Business district." The territory contiguous to and including ~~((the public))~~ a highway, as herein defined, when ~~((fifty percent or more of the frontage thereon on either side thereof for a continuous distance of three))~~ within any six hundred feet ~~((or more is occupied by))~~ along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway;

(4) "Center line." The line, marked or unmarked parallel to and equidistant from the sides of ~~((the))~~ a two-way traffic roadway of a ~~((public))~~ highway except where otherwise indicated by painted lines or markers;

(5) "Center of intersection." The point of intersection of the center lines of the roadways of intersecting ~~((public))~~ highways;

(6) "City street." Every ~~((public))~~ highway as herein defined, or part thereof located within the limits of incorporated cities and towns, except alleys;

(7) "Combination of vehicles." Every combination of motor vehicle and motor vehicle, motor vehicle and trailer, or motor vehicle and semitrailer (~~the principal use of which is the transportation of commodities, merchandise, produce, freight or animals~~);

(8) "Commercial vehicle." Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire;

(9) "County road." Every (~~public~~) highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a state highway, or branch thereof;

(10) "Crosswalk." The portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk;

(11) "Intersection area." (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if (~~there be no curbs~~) none, then the lateral (~~roadway~~) boundary lines(;) of the roadways of two or more (~~public~~) highways which join one another at (~~an angle, whether or not such highways cross one another~~), or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;

(c) The junction of an alley with a street or highway shall not constitute an intersection;

(12) (~~"Intersection center marker." Any standard, button, flag, painted or raised marker, or other device located at or intended to designate the approximate center of intersection;~~

(~~13~~) "Intersection control area." The intersection area as herein defined, together with such modification of the adjacent roadway area as results from the arc or curb corners and together with any marked or unmarked crosswalks adjacent to the intersection;

(~~14~~) "~~Intersection entrance marker." Any standard, button, flag, caution sign, stop sign, or other device located at approximately the point of intersection of the center line of an intersecting public highway with the nearest line of the intersection control area on the approach thereto;~~

(~~15~~) (13) "Laned highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic;

(~~16~~) (14) "Local authorities." Every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state;

(~~17~~) (15) "Marked crosswalk." Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof;

~~((18))~~ (16) "Metal tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material;

~~((19))~~ (17) "Motor truck." Any motor vehicle, as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight, or animals;

~~((20))~~ (18) "Motor vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit;

~~((21))~~ (19) "Multiple lane highway." Any ~~((public))~~ highway the roadway of which is of sufficient width to reasonably accommodate ~~((four))~~ two or more separate lanes of vehicular traffic~~((, two lanes))~~ in ~~((each))~~ the same direction, each lane of which shall be not less than ~~((eight feet in))~~ the maximum legal vehicle width, and whether or not such lanes are marked ~~((and whether or not the lanes of opposite bound traffic are separated by a neutral zone or other center line marking))~~;

~~((22))~~ (20) "Operator." Every person who drives or is in actual physical control of a ~~((motor))~~ vehicle as herein defined~~((, upon a public highway, as herein defined))~~;

~~((23))~~ (21) "Peace officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the ~~((public))~~ highways of this state;

~~((24))~~ (22) "Pedestrian." Any person afoot;

~~((25))~~ (23) "Person." Every natural person, firm, copartnership, corporation, association, or organization;

~~((26))~~ (24) "Pneumatic tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon;

~~((27))~~ (25) "Private road or driveway." Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;

~~((28))~~ (26) "~~((Public))~~ Highway." Every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;

~~((29))~~ (27) "Railroad." A carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;

~~((30))~~ (28) "Railroad sign or signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;

~~((31))~~ (29) "Residence district." The territory contiguous to and including the ~~((public))~~ highway, as herein defined, not comprising a business district, as herein defined, when the property on such ~~((public))~~ highway for a continuous distance of three hundred feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business;

~~((32))~~ (30) "Roadway." The paved, improved, or proper driving portion of a ~~((public))~~ highway designed, or ordinarily used for vehicular travel;

~~((33))~~ (31) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked

or indicated by painted marks, signs, buttons, standards, or otherwise so as to be plainly discernible;

~~((34))~~ (32) "Sidewalk." That property between the curb lines or the lateral lines of a roadway, as herein defined, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a ~~((public))~~ highway and dedicated to use by pedestrians;

~~((35))~~ (33) "Solid tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon;

~~((36))~~ (34) "State highway." Every ~~((public))~~ highway as herein defined, or part thereof, which has been designated as a state highway, or branch thereof, by legislative enactment;

~~((37))~~ (35) "Street car." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns;

~~((38))~~ (36) "Traffic." Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any ~~((public))~~ highways for purposes of travel;

~~((39))~~ (37) "Traffic control signal." Any traffic device, as herein defined, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled;

~~((40))~~ (38) "Traffic devices." All signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;

~~((41))~~ (39) "Train." A vehicle propelled by steam, electricity, or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars;

~~((42))~~ (40) "Vehicle." Every device capable of being moved upon a ~~((public))~~ highway and in, upon, or by which any person or property is or may be transported or drawn upon a ~~((public))~~ highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Words and phrases used herein in the past, present, or future tense shall include the past, present, and future tenses; words and phrases used herein in the masculine, feminine, or neuter gender shall include the masculine, feminine, and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.

NEW SECTION. Sec. 51. The following acts or parts of acts are each repealed:

- (1) Section 46.04.230, chapter 12, Laws of 1961 and RCW 46.04.230;
- (2) Section 46.04.250, chapter 12, Laws of 1961 and RCW 46.04.250;
- (3) Section 50, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.360; and
- (4) Section 56, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.420.

NEW SECTION. Sec. 52. If any provision of this amendatory 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 March 11, 1975.

Passed the House March 7, 1975.

Approved by the Governor April 5, 1975.

Filed in Office of Secretary of State April 5, 1975.

CHAPTER 63

[Substitute Senate Bill No. 2252]

STATE HIGHWAYS—ROUTE DESIGNATIONS

AN ACT Relating to state highways; amending section 18, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.085; amending section 24, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.115; amending section 32, chapter 51, Laws of 1970 ex. sess. as amended by section 2, chapter 151, Laws of 1973 1st ex. sess. and RCW 47.17.155; amending section 61, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.300; amending section 64, chapter 51, Laws of 1970 ex. sess. as amended by section 7, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.315; amending section 131, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.650; amending section 169, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.840; amending section 2, chapter 85, Laws of 1967 ex. sess. as last amended by section 10, chapter 151, Laws of 1973 1st ex. sess. and RCW 47.39.020; amending section 4, chapter 138, Laws of 1974 ex. sess. and RCW 47.42.140; adding new sections to chapter 51, Laws of 1970 ex. sess. and to chapter 47.17 RCW; amending section 10, chapter 51, Laws of 1970 ex. sess., as amended by section 1, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.045; repealing section 42, chapter 51, Laws of 1970 ex. sess., section 4, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.205; repealing section 54, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.265; repealing section 115, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.570; and repealing section 156, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.775.

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

Section 1. Section 18, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.085 are each amended to read as follows:

A state highway to be known as state route number 21 is established as follows:

Beginning at a junction with state route number 395 in the vicinity of Lind, thence northerly by the most feasible route by way of Odessa to a junction with state route number 2 in the vicinity west of Wilbur; also

Beginning at a junction with state route number 2 at Wilbur, thence northerly by the most feasible route to a junction with state route number ~~((30))~~ 20 at Republic; also

Beginning at a junction with state route number ~~((30))~~ 20 east of Republic, thence northeasterly by the most feasible route to the east of Curlew lake by way of Curlew to the international boundary line in the vicinity of Danville.

Sec. 2. Section 24, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.115 are each amended to read as follows:

A state highway to be known as state route number 27 is established as follows:

Beginning at a junction with state route number ~~((195))~~ 270 at Pullman, thence northerly to a junction with state route number 271 in the vicinity of Oakesdale; also

From a junction with state route number 271 at Oakesdale, thence in a northerly direction by way of Tekoa, Latah, Fairfield and Rockford to a junction with state route number 90 in the vicinity of Opportunity.

Sec. 3. Section 32, chapter 51, Laws of 1970 ex. sess. as amended by section 2, chapter 151, Laws of 1973 1st ex. sess. and RCW 47.17.155 are each amended to read as follows:

A state highway to be known as state route number 97 is established as follows:

Beginning at the Washington–Oregon boundary on the interstate bridge across the Columbia river at Biggs Rapids, thence in a northerly direction to the junction with state route number 14 in the vicinity of Maryhill, thence in a northerly direction by way of Goldendale, thence northeasterly by way of Satus Pass to a junction with state route number 22 at Toppenish, thence northwesterly south of the Yakima river to a junction with state route number 82 at Union Gap; also

Beginning at a junction with state route number 90 in the vicinity (~~east of Cle Elum~~) of Ellensburg, thence northeasterly by the most feasible route by way of Blewett Pass to a junction with state route number 2 in the vicinity of Peshastin; also

Beginning at a junction with state route number 2 in the vicinity north of Wenatchee, thence northerly by the most feasible route by way of the vicinities of Chelan, Pateros, Brewster, Okanogan, and Oroville to the international boundary line: PROVIDED, That until such times as the watergrade route between Chelan Station and Azwell, as designated by the highway commission, is constructed and opened to traffic the existing route on the west side of the Columbia river shall remain the traveled way of state route number 97.

Sec. 4. Section 61, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.300 are each amended to read as follows:

A state highway to be known as state route number 155 is established as follows:

Beginning at a junction with state route number 2 in the vicinity north of Coulee City, thence northeasterly to the boundary of the federal reservation at the Grand Coulee dam; also

Beginning at the boundary of the federal reservation at the Grand Coulee dam, thence northwesterly by the most feasible route by way of Nespelem and Disautel to a junction with state route number 97 at Omak; also

Beginning at a junction with state route number 155 at Omak, thence northwesterly crossing the Okanogan river to a junction with state route number ~~((20))~~ 215 at Omak.

Sec. 5. Section 64, chapter 51, Laws of 1970 ex. sess. as amended by section 7, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.315 are each amended to read as follows:

A state highway to be known as state route number 162 is established as follows:

Beginning at a junction with state route number ~~((161))~~ 410 at (~~Puyallup~~) Sumner, thence southerly to Orting, thence northeasterly to a junction with state route number 165 in the vicinity south of Buckley.

Sec. 6. Section 131, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.650 are each amended to read as follows:

A state highway to be known as state route number 503 is established as follows:

Beginning at a junction with state route number 500 at Orchards, thence northerly to a junction with state route number 502 ~~((at Battleground, also~~

~~From that junction with state route number 502))~~ at Battleground, thence northerly to Amboy, thence westerly to a junction with state route number 5 in the vicinity ~~((north))~~ of Woodland.

Sec. 7. Section 169, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.840 are each amended to read as follows:

A state highway to be known as state route number 903 is established as follows:

Beginning at a junction with state route number ~~((97))~~ 970 in the vicinity of ~~((the junction of state route number 97 and state route number 90 east of))~~ Cle Elum, thence northwesterly by way of Cle Elum and Roslyn to the National Forest boundary in the vicinity of Lake Cle Elum.

Sec. 8. Section 2, chapter 85, Laws of 1967 ex. sess. as last amended by section 10, chapter 151, Laws of 1973 1st ex. sess. and RCW 47.39.020 are each amended to read as follows:

The following portions of highways are designated as part of the scenic and recreational highway system:

(1) State route number 2, beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin;

(2) State route number 3, beginning at a junction with state route number 106 in the vicinity of Belfair, thence in a northeasterly direction to a junction with Arsenal Way south of Bremerton; also

Beginning at a junction of ~~((Carr Boulevard))~~ Erlands Point Road north of Bremerton thence northeasterly to a junction with state route number 104 in the vicinity of Port Gamble;

(3) State route number 8, beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly to a junction with state route number 101 near Tumwater;

(4) State route number 10, beginning at Teaway junction, thence easterly to a junction with state route number ~~((131))~~ 97 west of Ellensburg;

(5) State route number 12, beginning at a junction with a county road approximately 2.8 miles west of the crossing of the Wynooche river which is approximately 1.2 miles west of Montesano, thence in an easterly direction to a junction with state route number 8 in the vicinity of Elma; also

Beginning at the Burlington Northern Railroad bridge approximately 3.4 miles west of Dixie, thence in a northerly and easterly direction by way of Dayton, Dodge, and Pomeroy to a junction with a county road approximately 2.4 miles west of a junction with state route number 129 at Clarkston;

(6) State route number 14, beginning at the crossing of Gibbons creek approximately 0.9 miles east of Washougal, thence in an easterly direction by way of

Stevenson to a westerly junction with state route number 97 in the vicinity of Maryhill; also

Beginning at the easterly junction with state route number 97 in the vicinity of Maryhill, thence easterly along the north bank of the Columbia river to a point in the vicinity of Plymouth;

(7) State route number 17, beginning at a junction with state route number 395 in the vicinity of Eltopia, thence in a northwesterly direction to the south end of the overcrossing of state route number 90, in the vicinity of Moses Lake; also

Beginning at a junction with Grape Drive in the vicinity of Moses Lake, thence northwesterly and northerly by way of Soap Lake to a junction with state route number 2 west of Coulee City;

(8) State route number 20, beginning at the Keystone ferry slip on Whidbey Island, thence easterly and northerly to a junction with Rhododendron road in the vicinity east of Coupeville; also

Beginning at a junction with Sherman road in the vicinity west of Coupeville, generally northerly to a junction with Miller road in the vicinity southwest of Oak Harbor; also

Beginning at a junction with Torpedo road in the vicinity northeast of Oak Harbor, thence northerly by way of Deception Pass to a junction with state route number 20 north in the vicinity southeast of Anacortes; also

Beginning at the crossing of Hanson creek approximately 6.0 miles west of Lyman, thence easterly by way of Concrete, Marblemount, Diablo Dam, and Twisp to a junction with state route number 153 southeast of Twisp; also

Beginning at a junction with state route number 21 approximately three miles east of Republic, thence in an easterly direction to a junction with state route number 395 at the west end of the crossing over the Columbia river at Kettle Falls; also

Beginning at a junction with a county road 2.76 miles east of the junction with state route number 395 in Colville, thence in a northeasterly direction to a junction with state route number 31 at Tiger; thence in a southerly direction to a junction with state route number 2 at Newport;

(9) State route number 21, beginning at the Keller ferry slip on the north side of Roosevelt lake, thence in a northerly direction to the crossing of Granite creek approximately fifty-four miles north of the Keller ferry;

(10) State route number 90, beginning at the CMSTPP railroad overcrossing approximately 2.3 miles southeast of North Bend, thence in an easterly direction by way of Snoqualmie pass to the crossing of the Cle Elum river approximately 2.6 miles west of Cle Elum;

(11) State route number 97, beginning at the crossing of the Columbia river at Biggs Rapids, thence in a northerly direction to the westerly junction with state route number 14 in the vicinity of Maryhill;

(12) State route number 101, beginning at a junction with state route number 109 in the vicinity of Queets, thence in a northerly, northeasterly, and easterly direction by way of Forks to the west boundary of the Olympic national park in the vicinity of Lake Crescent; also

Beginning at Sequim Bay state park, thence in a southeasterly and southerly direction to a junction with the Airport road north of Shelton; also

Beginning at a (~~junction with a county road 2.64 miles south of the~~) junction with state route number 3 (~~(m)~~) south of Shelton, thence in a southerly and southeasterly direction to the west end of the Black Lake road overcrossing in the vicinity northeast of Tumwater;

(13) State route number 104, beginning at a junction with state route number 101 in the vicinity south of Discovery bay, thence in a southeasterly direction to the vicinity of Shine on Hood Canal; also

Beginning at a junction with state route number 3 east of the Hood Canal crossing, thence northeasterly to Port Gamble;

(14) State route number 105, beginning at a junction with state route number 101 at Raymond, thence westerly and northerly by way of Tokeland and North Cove to the shore of Grays Harbor north of Westport; also

Beginning at a junction with state route number 105 in the vicinity south of Westport, thence northeasterly to a junction with state route number 101 at Aberdeen;

(15) State route number 106, beginning at a junction with state route number 101 in the vicinity of Union, thence northeasterly to a junction with state route number 3 in the vicinity of Belfair;

(16) State route number 109, beginning at a junction with a county road approximately 3.0 miles northwest of the junction with state route number 101 in Hoquiam, thence in a northwesterly direction by way of Ocean City, Copalis, Pacific Beach, and Moclips to a junction with state route number 101 in the vicinity of Queets;

(17) State route number 112, beginning at the easterly boundary of the Makah Indian reservation, thence in an easterly direction to the vicinity of Laird's corner on state route number 101;

(18) State route number 126, beginning at a junction with state route number 12 in the vicinity of Dayton, thence in a northeasterly direction to a junction with state route number 12 in the vicinity west of Pomeroy;

(19) State route number 153, beginning at a junction with state route number 97 in the vicinity of Pateros, thence in a northerly direction to a junction with state route number 20 in the vicinity south of Twisp;

(20) State route number 155, beginning at a junction with state route number 2 in the vicinity north of Coulee City, thence in a northeasterly direction to the boundary of the federal reservation at the Grand Coulee dam; also

Beginning at a junction with a county road 2.07 miles north of the junction with 12th street in Elmer City, thence in a northwesterly direction to the west end of the crossing of Omak creek east of Omak;

(21) State route number 206, Mt. Spokane Park Drive, beginning at a junction with state route number 2 near the north line of section 3, township 26 N, range 43 E, thence northeasterly to a point in section 28, township 28 N, range 45 E at the entrance to Mt. Spokane state park;

(22) State route number 395, beginning at a point approximately 2.6 miles north of Pasco thence in a northerly direction to a junction with state route number 17 in the vicinity of Eltopia; also

Beginning at the north end of the crossing of Mill creek in the vicinity of Colville, thence in a northwesterly direction to a junction with state route number ~~((30))~~ 20 at the west end of the crossing over the Columbia river at Kettle Falls;

(23) State route number 401, beginning at a junction with state route number 101 at Point Ellice, thence easterly and northerly to a junction with state route number 4 in the vicinity north of Naselle;

(24) State route number 504, beginning at a junction with state route number 5 in the vicinity north of Castle Rock, thence in an easterly direction by way of St. Helens and Spirit lake to Mt. St. Helens;

(25) State route number 525, beginning at a junction with Maxwellton road in the southern portion of Whidbey Island, thence northwesterly to a junction with state route number 20 east of the Keystone ferry slip;

(26) State route number 542, beginning at the Nugent crossing over the Nooksack river approximately 7.7 miles northeast of Bellingham, thence easterly to the vicinity of Austin pass in Whatcom county;

(27) State route number 821, beginning at a junction with state route number 82 at the Yakima firing center interchange, thence in a northerly direction to a junction with state route number 82 at the Thrall road interchange.

Sec. 9. Section 4, chapter 138, Laws of 1974 ex. sess. and RCW 47.42.140 are each amended to read as follows:

The following portions of state highways are designated as a part of the scenic system:

(1) State route number 2 beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin.

(2) State route number 7 beginning at a junction with state route number 706 at Elbe, thence in a northerly direction to a junction with state route number 507 south of Spanaway.

(3) State route number 11 beginning at the Blanchard overcrossing, thence in a northerly direction to the limits of Larabee state park (north line of section 36, township 37 north, range 2 east).

(4) State route number 12 beginning at Kosmos southeast of Morton, thence in an easterly direction across White pass to the Oak Flat junction with state route number 410 northwest of Yakima.

(5) State route number 90 beginning at the westerly junction with state route number 901, thence in an easterly direction by way of North Bend and Snoqualmie pass to a junction with state route number ~~((97))~~ 970 at Cle Elum.

(6) State route number 97 beginning at a junction with state route number ~~((90 at Cle Elum))~~ 970 at Virden, thence via Blewett ~~((Swank))~~ pass to a junction with state route number 2 in the vicinity of Peshastin.

(7) State route number 123 beginning at a junction with state route number 12 at Ohanapecosh junction in the vicinity west of White pass, thence in a northerly direction to a junction with state route number 410 at Cayuse junction in the vicinity west of Chinook pass.

(8) State route number 165 beginning at the northwest entrance to Mount Rainier national park, thence in a northerly direction to a junction with state route number 162 east of the town of South Prairie.

(9) State route number 305, beginning at the ferry slip at Winslow on Bainbridge Island, thence northwesterly by way of Agate Pass bridge to a junction with state route number 3 approximately four miles northwest of Poulsbo.

(10) State route number 410 beginning at the crossing of Scatter creek approximately six miles east of Enumclaw, thence in an easterly direction by way of Chinook pass to a junction of state route number 12 and state route number 410.

(11) State route number 706 beginning at a junction with state route number 7 at Elbe thence in an easterly direction to the southwest entrance to Mount Rainier national park.

(12) State route number 970 beginning at a junction with state route number 90 in the vicinity of Cle Elum thence via Teanaway to a junction with state route number 97 in the vicinity of Virden.

NEW SECTION. Sec. 10. There is added to chapter 51, Laws of 1970 ex. sess. and to chapter 47.17 RCW a new section to read as follows:

A state highway to be known as state route number 211 is established as follows:

Beginning at a junction with state route number 2 southwest of Newport, thence northerly by the most feasible route by way of Sacheen Lake to a junction with state route number 20 at Usk.

NEW SECTION. Sec. 11. There is added to chapter 51, Laws of 1970 ex. sess. and to chapter 47.17 RCW a new section to read as follows:

A state highway to be known as state route number 237 is established as follows:

Beginning at a junction with state route number 20 in the vicinity of Whitney, thence northerly to a junction with state route number 11 in the vicinity south of Blanchard.

NEW SECTION. Sec. 12. There is added to chapter 51, Laws of 1970 ex. sess. and to chapter 47.17 RCW a new section to read as follows:

A state highway to be known as state route number 970 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Cle Elum, thence northeasterly by way of Teanaway to a junction with state route number 97 in the vicinity of Virden.

NEW SECTION. Sec. 13. There is added to chapter 51, Laws of 1970 ex. sess. and to chapter 47.17 RCW a new section to read as follows:

A state highway to be known as state route number 920 is established as follows:

Beginning at a junction with state route number 901 near the north end of Lake Sammamish thence easterly by the most feasible route to a junction with state route number 202 in the vicinity of Redmond.

Sec. 14. Section 10, chapter 51, Laws of 1970 ex. sess. as amended by section 1, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.045 are each amended to read as follows:

A state highway to be known as state route number 10 is established as follows:

Beginning at Teanaway junction thence easterly via the existing highway along the north side of the Yakima River to a junction with state route number ~~((131))~~ 97 west of Ellensburg.

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

- (1) Section 42, chapter 51, Laws of 1970 ex. sess., section 4, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.205;
- (2) Section 54, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.265;
- (3) Section 115, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.570; and
- (4) Section 156, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.775.

Passed the Senate March 11, 1975.

Passed the House March 10, 1975.

Approved by the Governor April 5, 1975.

Filed in Office of Secretary of State April 5, 1975.

CHAPTER 64

[Engrossed Senate Bill No. 2082]

FIRE PROTECTION DISTRICTS— FIRST AID VEHICLE SERVICES—CHARGES

AN ACT Relating to fire districts; and adding new sections to chapter 52.36 RCW.

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

NEW SECTION. Section 1. There is added to chapter 52.36 RCW a new section to read as follows:

Any fire protection district which provides first aid vehicle service pursuant to RCW 52.08.030, may pursuant to a resolution establish and collect reasonable charges for such services in order to reimburse the district for its costs of providing such services.

*NEW SECTION. Sec. 2. *There is added to chapter 52.36 RCW a new section to read as follows:*

Any fire protection district which provides ambulance service pursuant to RCW 52.08.030, shall pursuant to a resolution establish and collect charges for such services in order to reimburse the district for all costs of providing such service: PROVIDED, That any fire protection district which provides ambulance service supported by an excess levy may waive such charges for service during such time that no private ambulance service operates in the district.

*Sec. 2. was vetoed; see message at end of chapter.

Passed the Senate March 12, 1975.

Passed the House March 10, 1975.

Approved by the Governor April 5, 1975 with the exception of section 2 which is vetoed.

Filed in Office of Secretary of State April 5, 1975.

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

"I am returning herewith without my approval as to one section Senate Bill No. 2082 entitled:

"AN ACT Relating to fire districts."

Section 2 of the bill mandates a fire district to set charges which would cover all costs of providing ambulance services. There is no question but that fire district commissioners should have the authority to set charges for such services in amounts as they deem appropriate. I believe, however, that such action should be taken at the discretion of the locally elected fire commissioners rather than being mandated by the legislature.

In addition, I am advised that there are districts which have acquired first aid vehicles from funds donated by their communities. On those occasions of clear emergency when the district's vehicle must transport a person to a hospital without waiting for a private ambulance operating in the area, the district would be required to charge what would effectively be a private ambulance rate to a person who may have donated funds toward purchase of the vehicle in the first place. This type of situation can easily be avoided by the use of permissive, rather than mandatory language in the legislation.

With the exception of section 2, which I have vetoed for the reasons herein stated, the remainder of Senate Bill No. 2082 is approved."

WASHINGTON LAWS

1975 FIRST EXTRAORDINARY SESSION

CHAPTER 1

[Engrossed Senate Bill No. 2215]

COUNTY ROAD ADMINISTRATION BOARD, URBAN ARTERIAL
BOARD—MEMBERS—TRAVEL EXPENSE REIMBURSEMENT

AN ACT Relating to state government; amending section 8, chapter 120, Laws of 1965 ex. sess. as amended by section 5, chapter 182, Laws of 1969 ex. sess. and RCW 36.78.080; and amending section 19, chapter 83, Laws of 1967 ex. sess. as amended by section 2, chapter 171, Laws of 1969 ex. sess. and RCW 47.26.130.

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

Section 1. Section 8, chapter 120, Laws of 1965 ex. sess. as amended by section 5, chapter 182, Laws of 1969 ex. sess. and RCW 36.78.080 are each amended to read as follows:

Members of the county road administration board shall receive no compensation for their service on the board, but shall be reimbursed for travel and other expenses incurred while attending meetings of the board or while engaged on other business of the board when authorized by the board to the extent of twenty-five dollars per day plus ~~((ten cents per mile))~~ the mileage rate authorized in RCW 43.03.060 or actual necessary transportation expenses.

Sec. 2. Section 19, chapter 83, Laws of 1967 ex. sess. as amended by section 2, chapter 171, Laws of 1969 ex. sess. and RCW 47.26.130 are each amended to read as follows:

Members of the urban arterial board shall receive no compensation for their services on the board, but shall be reimbursed for travel and other expenses incurred while attending meetings of the board or while engaged on other business of the board when authorized by the board to the extent of twenty-five dollars per day plus ~~((ten cents per mile))~~ the mileage rate authorized in RCW 43.03.060 or actual necessary transportation expenses.

Passed the Senate March 14, 1975.

Passed the House March 19, 1975.

Approved by the Governor March 29, 1975.

Filed in Office of Secretary of State March 29, 1975.

CHAPTER 2

[Engrossed Senate Bill No. 2171]

PERSONAL RECOGNIZANCE RELEASE—FAILURE
TO APPEAR—PENALTY

AN ACT Relating to criminal procedure; and adding a new section to chapter 10.19 RCW; defining a crime; and prescribing a penalty.

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

NEW SECTION. Section 1. There is added to chapter 10.19 RCW a new section to read as follows:

Any person, having been released on personal recognizance with the requirement of a subsequent personal appearance before any court of this state, who wilfully fails to appear when so required by the court shall be guilty of a crime. Unless otherwise shown, failure to appear when required shall be presumed to be wilful. The penalty for wilful failure to appear shall be a fine of not more than ten

thousand dollars or imprisonment for not more than five years, or both. The penalty imposed under this section shall not exceed the maximum penalty for the original crime charged or, if there has been no charge, the offense for which the person was arrested.

Passed the Senate March 25, 1975.

Passed the House March 21, 1975.

Approved by the Governor April 2, 1975.

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

CHAPTER 3

[Senate Bill No. 2026]

PROPERTY TAX EXEMPTIONS—
SHELTERED WORKSHOP INVENTORIES

AN ACT Relating to revenue and taxation; and amending section 1, chapter 81, Laws of 1970 ex. sess. and RCW 84.36.350.

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

Section 1. Section 1, chapter 81, Laws of 1970 ex. sess. and RCW 84.36.350 are each amended to read as follows:

The following property shall be exempt from taxation:

Real or personal property owned and used by a nonprofit corporation in connection with the operation of a sheltered workshop for handicapped persons, and used primarily in connection with the manufacturing and the handling, sale or distribution of goods constructed, processed, or repaired in such workshops or centers; inventory owned by a sheltered workshop for sale or lease by the sheltered workshop or to be furnished under a contract of service, including raw materials, work in process, and finished products.

Passed the Senate March 28, 1975.

Passed the House March 27, 1975.

Approved by the Governor April 5, 1975.

Filed in Office of Secretary of State April 5, 1975.

CHAPTER 4

[Engrossed Senate Bill No. 2268]

INVESTMENT OF STATE FUNDS

AN ACT Relating to state government; and amending section 43.84.080, chapter 8, Laws of 1965 as last amended by section 1, chapter 16, Laws of 1971 and RCW 43.84.080.

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

Section 1. Section 43.84.080, chapter 8, Laws of 1965 as last amended by section 1, chapter 16, Laws of 1971 and RCW 43.84.080 are each amended to read as follows:

Wherever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state finance committee, or upon authorization from the state finance committee,

then the state treasurer, may invest or reinvest such portion of such funds or balances as the state treasurer deems expedient in the following defined securities or classes of investments: PROVIDED, That the state treasurer shall provide a monthly report of such investments and reinvestments to the state finance committee:

(1) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States;

(2) In state, county, municipal, or school district bonds, or in warrants of taxing districts of the state. Such bonds and warrants shall be only those found to be within the limit of indebtedness prescribed by law for the taxing district issuing them and to be general obligations. The state finance committee may purchase such bonds or warrants directly from the taxing district or in the open market at such prices and upon such terms as it may determine, and may sell them at such times as it deems advisable;

(3) In motor vehicle fund warrants when authorized by agreement between the committee and the state highway commission requiring repayment of invested funds from any moneys in the motor vehicle fund available for state highway construction;

(4) In federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system.

Passed the Senate March 31, 1975.
 Passed the House March 26, 1975.
 Approved by the Governor April 5, 1975.
 Filed in Office of Secretary of State April 5, 1975.

CHAPTER 5

[Engrossed Senate Bill No. 2096]
 SCHOOL DISTRICT ADMINISTRATION COSTS—
 STUDIES, CLASSIFICATIONS, MANUALS

AN ACT Relating to a study of school district administration costs; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

The legislature finds that the administration costs of school districts are not sufficiently known to permit sound financial planning by those affected by such costs. Accordingly, the legislature hereby authorize and directs the superintendent of public instruction and the state auditor jointly, and in cooperation with the senate and house committees on education, to conduct appropriate studies and adopt classifications or revised classifications under RCW 28A.65.050, defining what expenditures shall be charged to each budget class including administration.

Such studies and classifications shall be published in the form of a manual or revised manual, suitable for use by the governing bodies of school districts, by the superintendent of public instruction, and by the legislature.

Passed the Senate April 4, 1975.

Passed the House April 2, 1975.

Approved by the Governor April 9, 1975.

Filed in Office of Secretary of State April 9, 1975.

CHAPTER 6

[Engrossed Senate Bill No. 2203]

HUNTING LICENSES—REVOCATION

AN ACT Relating to game; adding a new section to chapter 36, Laws of 1955 and to chapter 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 36, Laws of 1955 and to chapter 77.32 RCW a new section to read as follows:

In addition to any other penalties provided by law, the director shall revoke the hunting license of any person who is convicted of violating RCW 77.16.020 or 77.16.030 relating to elk, moose, cougar, antelope, mountain goat, mountain sheep, caribou, bear or deer. Forfeiture of bail on two occasions during any five-year period for violations of RCW 77.16.020 or RCW 77.16.030 shall constitute the basis for a revocation under this section.

No hunting license shall thereafter be reissued to such person for a period of two years from the date of revocation unless the commission, after a hearing held at one of its regular meetings, authorizes the issuance of such license.

Any person who has had his license revoked or has been denied reissuance pursuant to this section may appeal such decision as provided in chapter 34.04 RCW.

Passed the Senate March 14, 1975.

Passed the House April 2, 1975.

Approved by the Governor April 9, 1975.

Filed in Office of Secretary of State April 9, 1975.

CHAPTER 7

[Engrossed Substitute Senate Bill No. 2150]

AGRICULTURE

AN ACT Relating to agriculture; amending section 23, chapter 122, Laws of 1963 as amended by section 2, chapter 76, Laws of 1969 ex. sess. and RCW 15.17.230; amending section 15.24.170, chapter 11, Laws of 1961 and RCW 15.24.170; amending section 15.28.300, chapter 11, Laws of 1961 and RCW 15.28.300; amending section 15.44.038, chapter 11, Laws of 1961 and RCW 15.44.038; amending section 15.44.070, chapter 11, Laws of 1961 and RCW 15.44.070; amending section 2, chapter 256, Laws of 1961 and RCW 15.65.020; amending section 14, chapter 256, Laws of 1961 and RCW 15.65.140; amending section 16, chapter 256, Laws of 1961 and RCW 15.65.160; amending section 25, chapter 256, Laws of 1961 and RCW 15.65.250; amending section 15.66.010, chapter 11, Laws of 1961 and RCW 15.66.010; amending section 15.66.060, chapter 11, Laws of 1961 as amended by section 1, chapter 66, Laws of 1969 and RCW 15.66.060; amending section 15.66.090, chapter 11, Laws of 1961 and RCW 15.66.090; amending section 15.66.120,

chapter 11, Laws of 1961 and RCW 15.66.120; amending section 15.66.130, chapter 11, Laws of 1961 as amended by section 3, chapter 112, Laws of 1972 ex. sess. and RCW 15.66.130; amending section 8, chapter 61, Laws of 1961 and RCW 15.76.170; amending section 1, chapter 31, Laws of 1951 and RCW 16.13.010; amending section 2, chapter 31, Laws of 1951 and RCW 16.13.020; amending section 3, chapter 31, Laws of 1951 and RCW 16.13.030; amending section 4, chapter 31, Laws of 1951 and RCW 16.13.040; amending section 6, chapter 31, Laws of 1951 and RCW 16.13.060; amending section 3, chapter 139, Laws of 1959 as last amended by section 2, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.030; amending section 1, chapter 124, Laws of 1963 as last amended by section 1, chapter 65, Laws of 1971 and RCW 22.09.010; amending section 3, chapter 124, Laws of 1963 and RCW 22.09.030; amending section 4, chapter 124, Laws of 1963 and RCW 22.09.040; amending section 6, chapter 124, Laws of 1963 and RCW 22.09.060; amending section 9, chapter 124, Laws of 1963 as amended by section 2, chapter 132, Laws of 1969 ex. sess. and RCW 22.09.090; amending section 18, chapter 124, Laws of 1963 and RCW 22.09.180; amending section 29, chapter 257, Laws of 1945 and RCW 69.04.110; amending section 3, chapter 198, Laws of 1963 and RCW 69.04.392; amending section 4, chapter 198, Laws of 1963 and RCW 69.04.394; amending section 6, chapter 198, Laws of 1963 and RCW 69.04.396; adding new sections to chapter 22.09 RCW; adding a new section to chapter 69.04 RCW; repealing section 2, chapter 22, Laws of 1957 and RCW 16.28.010; repealing section 1, chapter 23, Laws of 1905 and RCW 16.28.020; repealing section 2, chapter 23, Laws of 1905 and RCW 16.28.030; repealing section 3, chapter 22, Laws of 1957 and RCW 16.28.040; repealing section 13, chapter 23, Laws of 1905 and RCW 16.28.050; repealing section 4, chapter 23, Laws of 1905, section 1, chapter 31, Laws of 1943 and RCW 16.28.060; repealing section 5, chapter 23, Laws of 1905, section 2, chapter 148, Laws of 1919, section 1, chapter 122, Laws of 1925 ex. sess. and RCW 16.28.070; repealing section 7, chapter 23, Laws of 1905 and RCW 16.28.080; repealing section 8, chapter 23, Laws of 1905 and RCW 16.28.085; repealing section 9, chapter 23, Laws of 1905, section 1, chapter 123, Laws of 1909 and RCW 16.28.090; repealing section 10, chapter 23, Laws of 1905 and RCW 16.28.100; repealing section 14, chapter 23, Laws of 1905 and RCW 16.28.110; repealing section 11, chapter 23, Laws of 1905, section 2, chapter 123, Laws of 1909 and RCW 16.28.120; repealing section 12, chapter 23, Laws of 1905 and RCW 16.28.130; repealing section 6, chapter 23, Laws of 1905 and RCW 16.28.140; repealing section 15, chapter 23, Laws of 1905 and RCW 16.28.150; and prescribing an effective date.

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

Section 1. Section 23, chapter 122, Laws of 1963 as amended by section 2, chapter 76, Laws of 1969 ex. sess. and RCW 15.17.230 are each amended to read as follows:

For the purpose of this chapter the state shall be divided into ~~((the following))~~ not less than four horticulture inspection districts to which the director may assign one or more inspectors-at-large who as a representative of the director shall supervise and administer regulatory and inspection affairs of the districts:

- ~~((District One: — Walla Walla, Columbia, Garfield, Asotin, Whitman, Benton, Franklin~~
- ~~District Two: — Spokane, Lincoln, Stevens, Ferry, Pend Oreille~~
- ~~District Three: — Adams, Grant~~
- ~~District Four: — Chelan, southern portion of Douglas~~
- ~~District Five: — Yakima, Kittitas, Klickitat, Skamania~~
- ~~District Six: — Clark, Cowlitz, Wahkiakum~~
- ~~District Seven: — Lewis, Pacific, Thurston, Mason, Grays Harbor~~
- ~~District Eight: — Pierce, Kitsap, Jefferson, Clallam~~
- ~~District Nine: — King~~
- ~~District Ten: — Whatcom, Snohomish, San Juan, Skagit, Island~~
- ~~District Eleven: — Okanogan, northern portion of Douglas))~~

PROVIDED, That for purposes of efficiency and economy the director may by rule promulgated in accordance with the Administrative Procedure Act establish or adjust district boundaries or abolish any district: PROVIDED, HOWEVER, That there shall be at least ((six)) four districts in existence at all times.

Sec. 2. Section 2, chapter 256, Laws of 1961 and RCW 15.65.020 are each amended to read as follows:

The following terms are hereby defined:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative. The phrase "director or his designee" means the director unless, in the provisions of any marketing agreement or order, he has designated an administrator, board or other designee to act for him in the matter designated, in which case "director or his designee" means for such order or agreement the administrator, board or other person(s) so designated and not the director.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Marketing order" means an order issued by the director pursuant to this chapter.

(4) "Marketing agreement" means an agreement entered into and issued by the director pursuant to this chapter.

(5) "Agricultural commodity" means any distinctive type of agricultural, horticultural, viticultural, floricultural, vegetable or animal product, either in its natural or processed state, including bees and honey but not including timber or timber products. The director is hereby authorized to determine (on the basis of common usage and practice) what kinds, types or sub-types should be classed together as an agricultural commodity for the purposes of this chapter.

(6) "Production area" and "marketing area" means any area defined as such in any marketing order or agreement in accordance with RCW 15.65.350. "Affected area" means the marketing or production area so defined in such order, agreement or proposal.

(7) "Unit" of an agricultural commodity means a unit of volume, weight, quantity, or other measure in which such commodity is commonly measured. The director shall designate in each marketing order and agreement the unit to be used therein.

(8) "Affected unit" means in the case of marketing agreements and orders drawn on the basis of a production area, any unit of the commodity specified in or covered by such agreement or order which is produced in such area and sold or marketed or delivered for sale or marketing; and "affected unit" means, in the case of marketing agreements and orders drawn on the basis of marketing area, any unit of the commodity specified in or covered by such agreement or order which is sold or marketed or delivered for sale or marketing within such marketing area: PROVIDED, That in the case of marketing agreements "affected unit" shall include only those units which are produced by producers or handled by handlers who have assented to such agreement.

(9) "Affected commodity" means that part or portion of any agricultural commodity which is covered by or forms the subject matter of any marketing agreement or order or proposal, and includes all affected units thereof as herein defined and no others.

(10) "Producer" means any person engaged in the business of producing any agricultural commodity for market in commercial quantities. "Affected producer" means any producer of an affected commodity. "To produce" means to act as a producer. For the purposes of RCW 15.65.140 and 15.65.160 as now or hereafter amended "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(11) "Handler" means any person who acts, either as principal, agent or otherwise, in processing, selling, marketing or distributing an agricultural commodity which was not produced by him. "Affected handler" means any handler of an affected commodity. "To handle" means to act as a handler.

(12) "Producer-handler" means any person who acts both as a producer and as a handler with respect to any agricultural commodity. A producer-handler shall be deemed to be a producer with respect to the agricultural commodities which he produces, and a handler with respect to the agricultural commodities which he handles, including those produced by himself.

(13) "Cooperative association" means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of congress of the United States of February 18, 1922 as amended, known as the "Capper-Volstead Act" and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a nonprofit cooperative basis.

(14) "Member of a cooperative association" means any producer who markets his product through such cooperative association and who is a voting stockholder of or has a vote in the control of or is a party to a marketing agreement with such cooperative association with respect to such product.

(15) "Producer marketing" or "marketed by producers" means any or all operations performed by any producer or cooperative association of producers in preparing for market and marketing, and shall include: (a) selling any agricultural commodity produced by such producer(s) to any handler; (b) delivering any such commodity or otherwise disposing of it for commercial purposes to or through any handler.

(16) "Commercial quantities" as applied to producers and/or production means such quantities per year (or other period of time) of an agricultural commodity as the director finds are not less than the minimum which a prudent man engaged in agricultural production would produce for the purpose of making such quantity of such commodity a substantial contribution to the economic operation of the farm on which such commodity is produced. "Commercial quantities" as applied to handlers and/or handling means such quantities per year (or other period of time) of an agricultural commodity or product thereof as the director finds are not less than the minimum which a prudent man engaged in such handling

would handle for the purpose of making such quantity a substantial contribution to the handling operation in which such commodity or product thereof is so handled. In either case the director may in his discretion: (a) determine that substantial quantity is any amount above zero; and (b) apply the quantity so determined on a uniform rule applicable alike to all persons which he finds to be similarly situated.

(17) "Commodity board" means any board established pursuant to RCW 15.65.220. "Board" means any such commodity board unless a different board is expressly specified.

(18) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(19) "Section" means a section of this chapter unless some other statute is specifically mentioned. The present includes the past and future tenses, and the past or future the present. The masculine gender includes the feminine and neuter. The singular number includes the plural and the plural includes the singular.

(20) "Represented in a referendum" means that a written document evidencing approval or assent or disapproval or dissent is duly and timely filed with or mailed to the director by or on behalf of an affected producer and/or a volume of production of an affected commodity in a form which the director finds meets the requirements of this chapter.

(21) "Person" as used in this chapter shall mean any person, firm, association or corporation.

Sec. 3. Section 14, chapter 256, Laws of 1961 and RCW 15.65.140 are each amended to read as follows:

No marketing order or amendment thereto directly affecting producers or producer marketing shall be issued unless the director determines (in accordance with any of the procedures described at RCW 15.65.160) that the issuance of such order or amendment is assented to or favored by producers who during a representative period determined by the director constituted either (1) at least sixty-five percent by numbers and at least fifty-one percent by volume of production of the producers who have been engaged within the area of production specified in such marketing order in the production for market of the commodity specified therein, or who during such representative period have been engaged in the production of such commodity for marketing in the marketing area specified in such marketing order, or (2) at least fifty-one percent by numbers and at least sixty-five percent by volume of production of such producers: PROVIDED, That producers shall be deemed to have assented to or approved a proposed amendment order if sixty percent or more by number and sixty percent or more by volume of those replying assent or approve the proposed order in a referendum.

Sec. 4. Section 16, chapter 256, Laws of 1961 and RCW 15.65.160 are each amended to read as follows:

After publication of his final decision, the director shall ascertain (either by written agreement in accordance with subdivision (1) of this section or by referendum in accordance with subdivision (2) of this section) whether the above specified percentages of producers and/or handlers assent to or approve any proposed order, amendment or termination, and for such purpose:

(1) The director may ascertain whether assent or approval by the percentages specified in RCW 15.65.140, 15.65.150 or 15.65.190 (whichever is applicable) have been complied with by written agreement, and the requirements of assent or approval shall, in such case, be held to be complied with, if of the total number of affected producers or affected handlers and the total volume of production of the affected commodity or product thereof, the percentages evidencing assent or approval are equal to or in excess of the percentages specified in said sections; or

(2) The director may conduct a referendum among producers and the requirements of assent or approval shall be held to be complied with if of the total number of producers and the total volume of production represented in such referendum the percentage assenting to or favoring is equal to or in excess of the percentage specified in RCW 15.65.140, 15.65.150 or 15.65.190 (whichever is applicable) as now or hereafter amended: PROVIDED, That thirty percent of the affected producers producing thirty percent by volume of the affected commodity have been represented in ((the)) a referendum to determine assent or approval of the issuance of a marketing order: PROVIDED FURTHER, That a marketing order shall not become effective when the provisions of subdivision (3) of this section are used unless sixty-five percent by number of the affected producers producing fifty-one percent by volume of the affected commodity or fifty-one percent by number of the affected producers producing sixty-five percent by volume of the affected commodity approve such marketing order;

(3) The director shall consider the assent or dissent or the approval or disapproval of any cooperative marketing association authorized by its producer members either by a majority vote of those voting thereon or by its articles of incorporation or by its bylaws or by any marketing or other agreement to market the affected commodity for such members or to act for them in any such referendum as being the assent or dissent or the approval or disapproval of the producers who are members of or stockholders in or under contract with such cooperative association of producers: PROVIDED, That the association shall first determine that a majority of its affected producers authorizes its action concerning the specific marketing order.

Sec. 5. Section 25, chapter 256, Laws of 1961 and RCW 15.65.250 are each amended to read as follows:

For the purpose of nominating candidates to be voted upon for election to such board memberships, the director shall call separate meetings of the affected producers and handlers and in case elections shall be by districts he shall call separate meetings for each district. However, at the inception any marketing agreement or order nominations may be at the issuance hearing. Nomination meetings shall be called annually and at least thirty days in advance of the date set for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the affected area defined in the order or agreement not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers and/or handlers according to the list thereof maintained by the director pursuant to RCW 15.65.200. However, if the agreement or order provides for election by districts such written notice need be given only to the producers or handlers residing in or whose principal place of business is within such district.

Nonreceipt of notice by any interested person shall not invalidate proceedings at such meetings. Any qualified person may be nominated orally for membership upon such board at the said meetings. Nominations may also be made within five days after any such meeting by written petition filed with the director signed by not less than five producers or handlers, as the case may be, entitled to have participated in said meeting.

When only one nominee is nominated for any position on the board the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

Sec. 6. Section 15.66.010, chapter 11, Laws of 1961 and RCW 15.66.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or any qualified person or persons designated by the director of agriculture to act for him concerning some matter under this chapter.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Marketing order" means an order issued by the director pursuant to this chapter.

(4) "Agricultural commodity" means any distinctive type of agricultural, horticultural, viticultural, vegetable, and/or animal product within its natural or processed state, including bees and honey but not including timber or timber products. The director is authorized to determine what kinds, types or subtypes should be classed together as an agricultural commodity for the purposes of this chapter.

(5) "Producer" means any person engaged in the business of producing or causing to be produced for market in commercial quantities any agricultural commodity. For the purposes of RCW 15.66.060, 15.66.090, and 15.66.120, as now or hereafter amended "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(6) "Affected producer" means any producer of an affected commodity.

(7) "Affected commodity" means any agricultural commodity for which the director has established a list of producers pursuant to RCW 15.66.060.

(8) "Commodity commission" or "commission" means a commission formed to carry out the purposes of this chapter under a particular marketing order concerning an affected commodity.

(9) "Unit" means a unit of volume, quantity or other measure in which an agricultural commodity is commonly measured.

(10) "Unfair trade practice" means any practice which is unlawful or prohibited under the laws of the state of Washington including but not limited to Titles 15, 16 and 69 RCW and chapters 9.16, 19.24, 19.77, 19.80, 19.84, 19.89, 19.90, and 19.83 RCW, or any practice, whether concerning interstate or intrastate commerce that is unlawful under the provisions of the act of Congress of the United States, September 26, 1914, chapter 311, section 5, 38 U.S. Statutes at Large 719 as

amended, known as the "Federal Trade Commission Act of 1914", or the violation of or failure accurately to label as to grades and standards in accordance with any lawfully established grades or standards or labels.

(11) "Person" includes any individual, firm, corporation, trust, association, partnership, society, or any other organization of individuals.

(12) "Cooperative association" means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of Congress of the United States, Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U.S. Statutes at Large 388 as amended, known as the "Capper-Volstead Act" and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a nonprofit cooperative basis.

(13) "Member of a cooperative association" or "member" means any producer of an agricultural commodity who markets his product through such cooperative association and who is a voting stockholder of or has a vote in the control of or is under a marketing agreement with such cooperative association with respect to such product.

Sec. 7. Section 15.66.060, chapter 11, Laws of 1961 as amended by section 1, chapter 66, Laws of 1969 and RCW 15.66.060 are each amended to read as follows:

Upon receipt of a petition for the issuance, amendment, or termination of a marketing order, the director shall establish a list of producers of the agricultural commodity affected or make any such existing list current. In establishing or making current such a list of producers and their individual production, the director shall publish a notice to producers of the commodity to be affected requiring them to file with the director a ~~((certified))~~ report showing the producer's name, mailing address, and the yearly average quantity of the affected commodity produced by him in the ~~((five))~~ three years preceding the date of the notice or in such lesser time as the producer has produced the commodity in question. Such information as to production may also be accepted from other valid sources if readily available. The notice shall be published once a week for four consecutive weeks in such newspaper or newspapers, including a newspaper or newspapers of general circulation within the affected areas, as the director may prescribe, and shall be mailed to all affected producers on record with the director. All reports shall be filed with the director within twenty days from the last date of publication of the notice or within thirty days after the mailing of the notice to affected producers, whichever is the later. The director shall keep such lists at all times as current as possible and may require information from affected producers at various times in accordance with rules and regulations prescribed by the director: PROVIDED, That any commission established under the provisions of this chapter may at its discretion prior to any election for ~~((members of))~~ any purpose by such commission carry out the above stated mandate to the director for establishing a list of producers and their individual production, and supply the director with a current list of all producers subject to the provisions of the marketing order under which it was formed.

Such producer list shall be final and conclusive in making determinations relative to the assent by producers upon the issuance, amendment or termination of a marketing order and in elections under the provisions of this chapter.

The director shall then notify affected producers, so listed, by mail that the public hearing affording opportunity for them to be heard upon the proposed issuance, amendment, or termination of the marketing order will be heard at the time and place stated in the notice. Such notice of the hearing shall be given not less than ten days nor more than sixty days prior to the hearing.

Sec. 8. Section 15.66.090, chapter 11, Laws of 1961 and RCW 15.66.090 are each amended to read as follows:

After the issuance by the director of the final decision approving the issuance, amendment, or termination of a marketing order, the director shall determine by a referendum whether the affected producers assent to the proposed action or not. The director shall conduct the referendum among the affected producers based on the list as provided for in RCW 15.66.060, and the affected producers shall be deemed to have assented to the proposed issuance or termination order if fifty-one percent or more by number reply to the referendum within the time specified by the director, and if, of those replying, sixty-five percent or more by number and fifty-one percent or more by volume assent to the proposed order. The producers shall be deemed to have assented to the proposed amendment order if sixty percent or more by number and sixty percent or more by volume of those replying assent to the proposed order. The determination by volume shall be made on the basis of volume as determined in the list of affected producers created under provisions of RCW 15.66.060, subject to rules and regulations of the director for such determination. The director shall consider the approval or disapproval of any cooperative marketing association authorized by its producer members to act for them in any such referendum, as being the approval or disapproval of the producers who are members of or stockholders in or under contract with such association of cooperative producers: PROVIDED, That the association shall first determine that a majority of the membership of the association authorize its action concerning the specific marketing order. If the requisite assent is given, the director shall promulgate the order and shall mail notices of the same to all affected producers.

Sec. 9. Section 15.66.120, chapter 11, Laws of 1961 and RCW 15.66.120 are each amended to read as follows:

Not less than ninety days nor more than one hundred and five days prior to the beginning of each term of each elected commission member, the director shall give notice by mail to all affected producers of the vacancy and call for nominations in accordance with this section and with the provisions of the marketing order and shall give notice of the final date for filing nominations, which shall not be less than eighty days nor more than eighty-five days before the beginning of such term. Such notice shall also advise that nominating petitions shall be signed by five persons qualified to vote for such candidates or, if the number of nominating signers is provided for in the marketing order, such number as such order provides.

Not less than sixty days nor more than seventy-five days prior to the commencement of such commission member term, the director shall submit by mail

ballots to all affected producers, which ballots shall be required to be returned to the director not less than thirty days prior to the commencement of such term. Such mail ballot shall be conducted in a manner so that it shall be a secret ballot. With respect to the first commission for a particular commodity, the director may call for nominations in the notice of his decision following the hearing and the ballot may be submitted at the time the director's proposed order is submitted to the affected producers for their assent.

Said elected members may be elected from various districts within the area covered by the marketing order if the order so provides, with the number of members from each district to be in accordance with the provisions of the marketing order.

The members of the commission not elected by the affected producers shall be elected by a majority of the commission at a meeting of the commission within ninety days prior to expiration of the term but to fill nonelective vacancies caused by other reasons than the expiration of a term, the new member shall be elected by the commission at its first meeting after the occurrence of the vacancy.

When only one nominee is nominated for any position on the commission, the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

Sec. 10. Section 15.66.130, chapter 11, Laws of 1961 as amended by section 3, chapter 112, Laws of 1972 ex. sess. and RCW 15.66.130 are each amended to read as follows:

Each commodity commission shall hold such regular meetings as the marketing order may prescribe or that the commission by resolution may prescribe, together with such special meetings that may be called in accordance with provisions of its resolutions upon reasonable notice to all members thereof. A majority of the members shall constitute a quorum for the transaction of all business of the commission. In the event of a vacancy in an elected or appointed position on the commission, the remaining elected members of the commission shall select a qualified person to fill the unexpired term.

No member of the commission shall receive any salary or other compensation from the commission except that each member shall receive a specified sum as provided in the marketing order not in excess of ~~((twenty))~~ thirty-five dollars per day for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and traveling expense at the rate allowed by law to state employees.

Sec. 11. Section 8, chapter 61, Laws of 1961 and RCW 15.76.170 are each amended to read as follows:

There is hereby created a fairs commission to consist of the director of agriculture as ex officio member and chairman, and seven members appointed by the director to be persons who are interested in fair activities; at least three of whom shall be from the east side of the Cascades and three from the west side of the Cascades and one member at large. The first appointment shall be: Three for a one year term, two for a two year term, and two for a three year term, and thereafter the appointments shall be for three year terms.

Appointed members of the commission shall receive ~~((twenty))~~ thirty-five dollars per diem for each day actually spent on commission business plus actual

travel expense payable on proper vouchers submitted to and approved by the director, and payable from that portion of the state fair fund set aside for administrative costs under this chapter. The commission shall meet at the call of the chairman, but at least annually. It shall be the duty of the commission to act as an advisory committee to the director, to assist in the preparation of the merit rating used in determining allocations to be made to fairs, and to perform such other duties as may be required by the director from time to time.

Sec. 12. Section 15.44.038, chapter 11, Laws of 1961 and RCW 15.44.038 are each amended to read as follows:

A majority of the commission members shall constitute a quorum for the transaction of all business and the performance of all duties of the commission. No member of the commission shall receive any salary or other compensation. Each member shall receive a sum not to exceed ~~((twenty))~~ thirty-five dollars a day for each day spent in actual attendance at or traveling to and from meetings of the commission or when conducting business of the commission as authorized by the commission, together with traveling expenses at the rate allowed by RCW 43.03.050 as now or hereafter amended.

Sec. 13. Section 1, chapter 31, Laws of 1951 and RCW 16.13.010 are each amended to read as follows:

It shall be unlawful for the owner of any ~~((horse, mule or ass to permit such animal))~~ horses, mules, donkeys, or cattle of any age to permit such animals to run at large and not under the care of a herder: PROVIDED, That such animals may run at large upon lands belonging to the state or to the United States when the owner thereof has in writing been granted grazing privileges, and has filed a copy of such permit or certificate with the director of agriculture: PROVIDED FURTHER, That cattle of any age may run at large in a range area as provided in chapter 16.24 RCW without a herder.

Sec. 14. Section 2, chapter 31, Laws of 1951 and RCW 16.13.020 are each amended to read as follows:

Any ~~((horse, mule or ass))~~ horses, mules, donkeys, or cattle of any age running at large in violation of RCW 16.13.010 ((is)) as now or hereafter amended are declared to be a public nuisance, and shall be impounded by the sheriff of the county where found.

Sec. 15. Section 3, chapter 31, Laws of 1951 and RCW 16.13.030 are each amended to read as follows:

Upon taking custody of any animal, the sheriff shall cause it to be transported to and impounded at the nearest ~~((community))~~ public livestock ((sales yard)) market licensed under ((chapter 16.64 RCW)) chapter 16.65 RCW or at such place as approved by the director. The sheriff shall forthwith notify the nearest brand inspector of the department of agriculture, who shall examine the animal and by brand, tattoo, or other identifying characteristic, shall attempt to ascertain the ownership thereof.

Sec. 16. Section 4, chapter 31, Laws of 1951 and RCW 16.13.040 are each amended to read as follows:

The brand inspector shall cause to be published once in a newspaper published in the county where the animal was found, a notice of the impounding.

The notice shall state:

- (1) A description of the animal, including brand, tattoo or other identifying characteristics;
- (2) When and where found;
- (3) Where impounded; and
- (4) That if unclaimed, the animal will be sold at a ~~((community))~~ public livestock market sale, and the date of such sale: PROVIDED, That if no newspaper shall be published in such county, copies of the notice shall be posted at four commonly frequented places therein.

If the animal is marked with a brand or tattoo which is registered with the director of agriculture, the brand inspector, on or before the date of publication or posting, shall send a copy of the notice to the owner of record by registered mail.

Sec. 17. Section 6, chapter 31, Laws of 1951 and RCW 16.13.060 are each amended to read as follows:

If no person shall claim the animal within ten days after the date of publication or posting of the notice, it shall be sold at the next succeeding ~~((community))~~ public livestock market sale to be held at the sales yard where impounded.

Sec. 18. Section 3, chapter 139, Laws of 1959 as last amended by section 2, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.030 are each amended to read as follows:

This chapter does not apply to:

(1) Any cooperative marketing associations or federations incorporated under, or whose articles of incorporation and bylaws are equivalent to, the requirements of chapter 23.86 or chapter 24.32 RCW, except as to that portion of the activities of such association or federation as involves the handling or dealing in the agricultural products of nonmembers of such organization: PROVIDED, That such associations or federations may purchase up to fifteen percent of their gross from nonmembers for the purpose of filling orders: PROVIDED FURTHER, That if such cooperative or association acts as a processor as defined in ~~((section 14(2) of this 1971 amendatory act))~~ RCW 20.01.500(2) and markets such processed agricultural crops on behalf of the grower or its own behalf, said association or federation shall be subject to the provisions of RCW 20.01.500 through 20.01.560 and the license provision of this chapter excluding bonding provisions: PROVIDED FURTHER, That none of the foregoing exemptions in this subsection shall apply to any such cooperative or federation dealing in or handling grain in any manner, and not licensed under the provisions of chapter 22.09 RCW.

(2) Any person who sells exclusively his own agricultural products as the producer thereof.

(3) Any public livestock market operating under a bond required by law or a bond required by the United States to secure the performance of such public livestock market's obligation.

(4) Any retail merchant having bona fide fixed or permanent place of business in this state.

(5) Any person buying farm products for his own use or consumption.

(6) Any warehouseman or grain dealer licensed under the state grain warehouse act.

(7) Any nurseryman who is required to be licensed under the horticultural laws of the state with respect to his operations as such licensee.

(8) Any person licensed under the now existing dairy laws of the state with respect to his operations as such licensee.

(9) Any producer who purchases less than fifteen percent of his volume to fill orders.

Sec. 19. Section 1, chapter 124, Laws of 1963 as last amended by section 1, chapter 65, Laws of 1971 and RCW 22.09.010 are each amended to read as follows:

For the purpose of this chapter:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly authorized representative.

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, port district, or two or more persons having a joint or common interest.

(4) "Agricultural commodities", hereinafter referred to as commodities, means, but is not limited to, all the grains, hay, peas, hops, grain and hay products, beans, lentils, corn, sorghums, malt, peanuts, flax, and other similar agricultural products, and shall also include agricultural seeds but only when stored by a warehouseman who issues negotiable warehouse receipts therefor.

(5) "Public warehouse" hereinafter referred to as "warehouse" means any elevator, mill, warehouse, public grain warehouse, public warehouse, terminal warehouse, station, or other structure or facility in which commodities are received from the public for storage, shipment, or handling, for compensation, and in the case of hay any yard or other enclosure within five miles thereof: PROVIDED, That this shall not include any warehouse storing or handling fresh fruits and/or vegetables or any warehouse used exclusively for cold storage.

(6) "Terminal warehouse" means any warehouse designated as a terminal by the department, and located at an inspection point where inspection facilities are maintained by the department and where commodities are ordinarily received and shipped by common carrier.

(7) "Inspection point" means a city, town, or other place wherein the department maintains inspection and weighing facilities.

(8) "Station" means two or more warehouses between which commodities are commonly transferred in the ordinary course of business and which are (a) immediately adjacent to each other, or (b) located within the corporate limits of any city or town and subject to the same transportation tariff zone, or (c) at any railroad siding or switching area and subject to the same transportation tariff zone, or (d) at one location in the open country off rail, or (e) in any area which can be reasonably audited by the department as a station under the provisions of this chapter and which has been established as such by the director by rule or regulation adopted pursuant to chapter 34.04 RCW.

(9) "Depositor" means any person who deposits a commodity in a warehouse for storage, handling, or shipment, or who is the owner or legal holder of a warehouse receipt, outstanding scale weight ticket, or other evidence of such deposit or

any person whose agricultural commodity has been sold to or is under control of the warehouseman for selling, processing, or handling for compensation, whether or not such commodity is in the warehouse.

(10) "Warehouse receipt" means a negotiable or nonnegotiable warehouse receipt as provided for in the Uniform Warehouse Receipts Act (chapter 22.04 RCW), as enacted or hereafter amended.

(11) "Warehouseman" means any person owning, operating, or controlling a warehouse.

(12) "Scale weight ticket" means a load slip or other evidence of deposit, serially numbered, not including warehouse receipts as defined in subsection (10) of this section, given a depositor on request upon initial delivery of the commodity to the warehouse and shall show the warehouse name, and state number, type of commodity, weight thereof, name of depositor, and the date delivered.

Sec. 20. Section 3, chapter 124, Laws of 1963 and RCW 22.09.030 are each amended to read as follows:

It shall be unlawful for any person to operate a warehouse without first having obtained an annual license from the department: PROVIDED, That this chapter shall not apply to warehouses that are federally licensed under the provisions of 7 USC 241 et seq. for the handling and storage of agricultural commodities. A separate license shall be required for each warehouse a person intends to operate: PROVIDED, That any person operating two or more warehouses which constitute a station may license such warehouses under one state license. All the assets of a given station, licensed under one state license, shall be subject to all the liabilities of that station and for the purposes of this chapter shall be treated as a single warehouse, requiring all the stocks and obligations of the warehouses at a given station to be treated as a unit for all purposes including, but not limited to, issuance of warehouse receipts and receipt and delivery of commodities for storage, shipment, or handling.

Sec. 21. Section 4, chapter 124, Laws of 1963 and RCW 22.09.040 are each amended to read as follows:

Application for a license to operate a warehouse under the provisions of this chapter shall be on a form prescribed by the department and shall include:

(1) The full name of the person applying for the license and whether the applicant is an individual, partnership, association, corporation or other;

(2) The full name of each member of the firm or partnership, or the names of the officers of the company, society, cooperative association, or corporation;

(3) The principal business address of the applicant in the state and elsewhere;

(4) The name or names of the person or persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant;

(5) The location of each warehouse the applicant intends to operate and the preponderate commodity expected in storage;

(6) The bushel storage capacity of each such warehouse to be licensed, including a schematic diagram accurately showing the areas of storage and floor plan of the warehouse;

(7) The schedule of fees to be charged at each warehouse for the handling, storage, and shipment of all commodities during the licensing period;

(8) A financial statement to determine the net worth of the applicant to determine whether or not the applicant meets the minimum net worth requirements established by the director pursuant to chapter 34.04 RCW;

(9) Whether the application is for a station, terminal, or public warehouse license;

(10) Any other reasonable information the department finds necessary to carry out the purpose and provisions of this chapter.

Sec. 22. Section 6, chapter 124, Laws of 1963 and RCW 22.09.060 are each amended to read as follows:

No license shall be issued to an applicant before a bond as provided in RCW 22.09.090 and a certificate of insurance as provided in RCW 22.09.110 have been filed with the department ~~((, or, as to bond requirements under RCW 22.09.090 proof of filing of a bond with the United States secretary of agriculture as required by the United States Warehouse Act (7 USCA § 241 et seq.). Proof of such filing with the United States secretary of agriculture shall be by filing a certified copy of such bond with the department)).~~

Sec. 23. Section 9, chapter 124, Laws of 1963 as amended by section 2, chapter 132, Laws of 1969 ex. sess. and RCW 22.09.090 are each amended to read as follows:

(1) Before any person shall be granted a license pursuant to the provisions of this chapter such person shall give a bond to the state of Washington executed by the warehouseman as principal and by a corporate surety licensed to do business in this state as surety. The bond shall be in the sum of not less than ~~((ten))~~ twenty-five thousand dollars nor more than ~~((two))~~ five hundred thousand dollars. The department shall, after holding a public hearing, determine the amount of the bond which shall be computed at a rate of not less than ~~((ten))~~ fifteen cents nor more than ~~((twenty-five))~~ thirty cents per bushel multiplied by the number of bushels of licensed commodity storage capacity of the warehouses of the licensee furnishing the bond, or at the rate of not less than six percent nor more than twelve percent of the gross sales of agricultural commodities of such licensee, whichever is greater. ~~((The department shall, in determining the rate per bushel in fixing the amount of the bond, take into consideration the bonding requirements of the United States Warehouse Act (7 USCA § 241 et seq.);))~~

(2) The bond shall be approved by the department and shall be conditioned upon the faithful performance by the warehouseman of the duty to keep in the warehouse for the depositor the commodity delivered, and to deliver the commodity to, or ship it for, such depositor, and such additional obligations, including merchandising, as a warehouseman may assume with the respective depositors ~~((of commodities in such warehouse))~~ as defined in RCW 22.09.010(9) as now or hereafter amended. In case a person has applied for licenses to conduct two or more warehouses in the state, the assets applicable to all warehouses, but not the deposits except in case of a station, shall be subject to the liabilities of each. The total and aggregate liability of the surety for all claims upon such bond shall be limited to the amount specified in the bond.

(3) The warehouseman may give a single bond meeting the requirements of this chapter, and all warehouses operated by the warehouseman shall be deemed as one warehouse for the purpose of the bond required under such section. Any

change in the capacity of a warehouse or installation of any new warehouse involving a change in bond liability under this chapter shall be immediately reported to the department prior to the operation thereof.

~~(4) (If a bond has been filed with, and approved by, the department of agriculture of the United States, as required by the United States Warehouse Act (7 USCA § 241 et seq.), then such bond shall be considered as in lieu of the bond required by this section only when:~~

~~(a) Satisfactory proof of the filing and approval of the bond is filed with the department;~~

~~(b) The surety is a corporation authorized to do business as a surety in this state.~~

~~(5) The department may when the sum of such surety bond is less than that required in this chapter accept in addition thereto a surety bond whose sum when added to the sum of the surety bond filed with the United States department of agriculture shall satisfy the requirement of this chapter.~~

~~(6))~~ Notwithstanding any other provisions of this chapter, the license of a warehouseman shall automatically be suspended in accordance with the provisions of RCW 22.09.100 for failure at any time to have or to maintain a bond in the amount and type required herein. The department shall remove the suspension or issue a license as the case may be, when the required bond has been obtained.

~~((7))~~ (5) Any warehouseman required to submit a bond to the department pursuant to the provisions of this chapter shall have the option to file a policy of insurance with the department in lieu of the warehouseman's bond. Such insurance policy, before being accepted, shall be approved by the attorney general and the insurance commissioner of the state of Washington if they deem the coverage provided thereby is equivalent to or greater than the coverage for depositors provided by the warehouseman's bond. If such an insurance policy is accepted in place of the bond, such insurance policy, as between the department, warehouseman, and the depositors, shall be treated exactly the same as if it were a bond filed with the department. It is the intention of the legislature in this subsection to have the insurance policy replace the bond, as between the department, warehouseman, and the depositors, for all purposes as though the term bond used throughout the several sections of this chapter were to contain instead the term insurance policy.

Sec. 24. Section 18, chapter 124, Laws of 1963 and RCW 22.09.180 are each amended to read as follows:

(1) ((A licensee operating another business in conjunction with, or in proximity to, his warehouse shall keep a complete set of records for all commodities stored. Deposits of commodities for the account of such other business, or for commodities owned by the warehouseman, shall be entered in the books of the warehouse in the same manner as those of other depositors.)) The warehouseman shall maintain current and complete records at all times with respect to all agricultural commodities handled, stored, shipped, or merchandised by him, including commodities owned by him. Such records shall include, but not be limited to, a daily position record showing the total quantity of each kind and class of agricultural commodity received and loaded out and the amount remaining in storage at the

close of each business day, and the warehouseman's total storage obligation for each kind and class of agricultural commodity at the close of each business day.

(2) No warehouse receipt issued by any warehouseman as defined in this chapter and no negotiation, transfer, or pledge of any such receipt shall be defeated by reason of the fact that the goods covered by the receipt were owned, in whole or in part, by the warehouseman at the time the receipt was issued.

(3) Every warehouseman purchasing any agricultural commodity from a depositor thereof shall promptly make and keep for one year a correct record showing in detail the following:

(a) The name and address of the depositor;

(b) The date purchased;

(c) The terms of the sale; and

(d) The quality and quantity purchased by the warehouseman, and where applicable the dockage, tare, grade, size, net weight, or quantity.

(4) An itemized statement of any charges paid by the warehouseman for the account of the depositor.

A copy of such record containing the above matters shall be forwarded to the depositor forthwith.

Sec. 25. Section 29, chapter 257, Laws of 1945 and RCW 69.04.110 are each amended to read as follows:

Whenever the director shall find, or shall have probable cause to believe, that an article subject to this chapter is in intrastate commerce(~~(, which was introduced into such commerce))~~ in violation of (~~(RCW 69.04.350 or 69.04.570, or which is so adulterated or misbranded as to label,))~~ this chapter, and that its embargo under this section is required to protect the consuming or purchasing public from (~~(substantial))~~ injury, or possible injury, he is hereby authorized to affix to such article a notice of its embargo and against its sale in intrastate commerce, without permission given under this chapter. But if, after such article has been so embargoed, the director shall find that such article does not involve a violation of this chapter, such embargo shall be forthwith removed.

Sec. 26. Section 3, chapter 198, Laws of 1963 and RCW 69.04.392 are each amended to read as follows:

(1) Any poisonous or deleterious pesticide chemical, or any pesticide chemical which generally is recognized among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals as unsafe for use, added to a raw agricultural commodity, shall be deemed unsafe for the purpose of the application of clause (2) of RCW 69.04.210 unless:

(a) A tolerance for such pesticide chemical in or on the raw agricultural commodity has been prescribed pursuant to subsection (2) hereof and the quantity of such pesticide chemical in or on the raw agricultural commodity is within the limits of the tolerance so prescribed; or

(b) With respect to use in or on such raw agricultural commodity, the pesticide chemical has been exempted from the requirement of a tolerance pursuant to subsection (2) hereof.

While a tolerance or exemption from tolerance is in effect for a pesticide chemical with respect to any raw agricultural commodity, such raw agricultural commodity shall not, by reason of bearing or containing any added amount of

such pesticide chemical, be considered to be adulterated within the meaning of clause (1) of RCW 69.04.210.

(2) The regulations promulgated under section 408 of the Federal Food, Drug and Cosmetic Act, as of ~~((the effective date of this amendatory act))~~ July 1, 1975, setting forth the tolerances for pesticide chemicals in or on any raw agricultural commodity, are hereby adopted as the regulations for tolerances applicable to this chapter: PROVIDED, That the director is hereby authorized to adopt by regulation any new or future amendments to such federal regulations for tolerances, including exemption from tolerance and zero tolerances, to the extent necessary to protect the public health. The director is also authorized to issue regulations in the absence of federal regulations and to prescribe therein tolerances for pesticides, exemptions, and zero tolerances, upon his own motion or upon the petition of any interested party requesting that such a regulation be established. It shall be incumbent upon such petitioner to establish, by data submitted to the director, that a necessity exists for such regulation and that the effect of such regulation will not be detrimental to the public health. If the data furnished by the petitioner is not sufficient to allow the director to determine whether such a regulation should be promulgated, the director may require additional data to be submitted and failure to comply with this request shall be sufficient grounds to deny the request of the petitioner for the issuance of such regulation.

(3) In adopting any new or amended tolerances by regulation issued pursuant to this section, the director shall give appropriate consideration, among other relevant factors, to the following: (a) The purpose of this chapter being to promote uniformity of state legislation with the federal act; (b) the necessity for the production of an adequate, wholesome, and economical food supply; (c) the other ways in which the consumer may be affected by the same pesticide chemical or by other related substances that are poisonous or deleterious; and (d) the opinion of experts qualified by scientific training and experience to determine the proper tolerance to be allowed for any pesticide chemical.

Sec. 27. Section 4, chapter 198, Laws of 1963 and RCW 69.04.394 are each amended to read as follows:

(1) A food additive shall, with respect to any particular use or intended use of such additives, be deemed unsafe for the purpose of the application of clause (2)(c) of RCW 69.04.210, unless:

(a) It and its use or intended use conform to the terms of an exemption granted, pursuant to a regulation under subsection (2) hereof providing for the exemption from the requirements of this section for any food additive, and any food bearing or containing such additive, intended solely for investigational use by qualified experts when in the director's opinion such exemption is consistent with the public health; or

(b) There is in effect, and it and its use or intended use are in conformity with a regulation issued or effective under subsection (2) hereof prescribing the conditions under which such additive may be safely used.

While such a regulation relating to a food additive is in effect, a food shall not, by reason of bearing or containing such an additive in accordance with the regulation, be considered adulterated within the meaning of clause (1) of RCW 69.04.210.

(2) The regulations promulgated under section 409 of the Federal Food, Drug and Cosmetic Act, as of ~~((the effective date of this amendatory act))~~ July 1, 1975, prescribing the conditions under which such food additive may be safely used, are hereby adopted as the regulations applicable to this chapter: PROVIDED, That the director is hereby authorized to adopt by regulation any new or future amendments to the federal regulations. The director is also authorized to issue regulations in the absence of federal regulations and to prescribe the conditions under which a food additive may be safely used and exemptions where such food additive is to be used solely for investigational purposes; either upon his own motion or upon the petition of any interested party requesting that such a regulation be established. It shall be incumbent upon such petitioner to establish, by data submitted to the director, that a necessity exists for such regulation and that the effect of such a regulation will not be detrimental to the public health. If the data furnished by the petitioner is not sufficient to allow the director to determine whether such a regulation should be promulgated, the director may require additional data to be submitted and failure to comply with this request shall be sufficient grounds to deny the request of the petitioner for the issuance of such a regulation.

(3) In adopting any new or amended regulations pursuant to this section, the director shall give appropriate consideration, among other relevant factors, to the following: (a) The purpose of this chapter being to promote uniformity of state legislation with the federal act; (b) the probable consumption of the additive and of any substance formed in or on food because of the use of the additive; (c) the cumulative effect of such additive in the diet of man or animals, taking into account any chemically or pharmacologically related substance or substances in such diet; and (d) safety factors which in the opinion of experts qualified by scientific training and experience to evaluate the safety of food additives are generally recognized as appropriate for the use of animal experimentation data.

Sec. 28. Section 6, chapter 198, Laws of 1963 and RCW 69.04.396 are each amended to read as follows:

(1) A color additive shall, with respect to any particular use (for which it is being used or intended to be used or is represented as suitable) in or on food, be deemed unsafe for the purpose of the application of RCW 69.04.231, unless:

(a) There is in effect, and such color additive and such use are in conformity with, a regulation issued under this section listing such additive for such use, including any provision of such regulation prescribing the conditions under which such additive may be safely used;

(b) Such additive and such use thereof conform to the terms of an exemption for experimental use which is in effect pursuant to regulation under this section.

While there are in effect regulations under this section relating to a color additive or an exemption with respect to such additive a food shall not, by reason of bearing or containing such additive in all respects in accordance with such regulations or such exemption, be considered adulterated within the meaning of clause (1) of RCW 69.04.210.

(2) The regulations promulgated under section 706 of the Federal Food, Drug and Cosmetic Act, as of ~~((the effective date of this amendatory act))~~ July 1, 1975, prescribing the use or limited use of such color additive, are hereby adopted as the

regulations applicable to this chapter: PROVIDED, That the director is hereby authorized to adopt by regulation any new or future amendments to the federal regulations. The director is also authorized to issue regulations in the absence of federal regulations and to prescribe therein the conditions under which a color additive may be safely used including exemptions for experimental purposes. Such a regulation may be issued either upon the director's own motion or upon the petition of any interested party requesting that such a regulation be established. It shall be incumbent upon such petitioner to establish, by data submitted to the director, that a necessity exists for such regulation and that the effect of such a regulation will not be detrimental to the public health. If the data furnished by the petitioner is not sufficient to allow the director to determine whether such a regulation should be promulgated, the director may require additional data to be submitted and failure to comply with this request shall be sufficient grounds to deny the request of the petitioner for the issuance of such a regulation.

(3) In adopting any new or amended regulations pursuant to this section, the director shall give appropriate consideration, among other relevant factors, to the following: (a) The purpose of this chapter being to promote uniformity of state legislation with the federal act; (b) the probable consumption of, or other relevant exposure from, the additive and of any substance formed in or on food because of the use of the additive; (c) the cumulative effect, if any, of such additive in the diet of man or animals, taking into account the same or any chemically or pharmacologically related substance or substances in such diet; (d) safety factors which, in the opinion of experts qualified by scientific training and experience to evaluate the safety of color additives for the use or uses for which the additive is proposed to be listed, are generally recognized as appropriate for the use of animal experimentation data; (e) the availability of any needed practicable methods of analysis for determining the identity and quantity of (i) the pure dye and all intermediates and other impurities contained in such color additives, (ii) such additive in or on any article of food, and (iii) any substance formed in or on such article because of the use of such additive; and (f) the conformity by the manufacturer with the established standards in the industry relating to the proper formation of such color additive so as to result in a finished product safe for use as a color additive.

NEW SECTION. Sec. 29. The director or any depositor of any agricultural commodity may bring action upon said bond against both principal and surety in any court of competent jurisdiction to recover the damages caused by any failure to comply with the provisions of this chapter or the rules and regulations adopted hereunder.

NEW SECTION. Sec. 30. If a depositor creditor after notification fails, refuses or neglects to file in the office of the director his verified claim as requested by the director within sixty days from the date of such request, the director shall thereupon be relieved of further duty or action hereunder on behalf of said depositor creditor.

NEW SECTION. Sec. 31. Where by reason of the absence of records, or other circumstances making it impossible or unreasonable for the director to ascertain the names and addresses of all said depositor creditors, the director after exerting

due diligence and making reasonable inquiry to secure said information from all reasonable and available sources, may make demand on said bond on the basis of information then in his possession, and thereafter shall not be liable or responsible for claims or the handling of claims which may subsequently appear or be discovered.

NEW SECTION. Sec. 32. Upon ascertaining all claims and statements in the manner herein set forth, the director may then make demand upon the bond on behalf of those claimants whose statements have been filed, and shall have the power to settle or compromise said claims with the surety company on the bond, and is empowered in such cases to execute and deliver a release and discharge of the bond involved.

NEW SECTION. Sec. 33. Upon the refusal of the surety company to pay the demand the director may thereupon bring an action on the bond in behalf of said depositor creditors. Upon any action being commenced on said bond the director may require the filing of a new bond and immediately upon the recovery in any action on such bond such warehouseman shall file a new bond and upon failure to file the same within ten days in either case such failure shall constitute grounds for the suspension or revocation of his license.

NEW SECTION. Sec. 34. Every warehouseman must pay for agricultural commodities purchased by him at the time and in the manner specified in the contract with the depositor, but if no time is set by such contract, then within thirty days after taking possession for purpose of sale or taking title of such agricultural product.

NEW SECTION. Sec. 35. When a violation has occurred which results in improper payment or nonpayment and a claim is made to the department and the payment is secured through the actions of the department the following charges will be made to the depositor for the action of the department in the matter:

- (1) When reported within thirty days from time of default, no charge.
- (2) When reported thirty days to one hundred eighty days from time of default, five percent.
- (3) When reported after one hundred eighty days from time of default, ten percent.

NEW SECTION. Sec. 36. There is added to chapter 69.04 RCW a new section to read as follows:

The purpose of sections 25, 26, 27, and 28 of this 1975 amendatory act is to promote uniformity of state legislation and regulations with the Federal Food, Drug and Cosmetic Act 21 USC 301 et seq. and regulations adopted thereunder. In accord with such declared purpose any regulation adopted under said federal food, drug and cosmetic act concerning food in effect on July 1, 1975, and not adopted under any other specific provision of sections 25, 26, 27, and 28 of this 1975 amendatory act are hereby deemed to have been adopted under the provision hereof. Further, to promote such uniformity any regulation adopted hereafter under the provisions of the federal food, drug and cosmetic act concerning food and published in the federal register shall be deemed to have been adopted under the provisions of sections 25, 26, 27, and 28 of this 1975 amendatory act in accord with chapter 34.04 RCW as enacted or hereafter amended. The director may,

however, within thirty days of the publication of the adoption of any such regulation under the federal food, drug and cosmetic act give public notice that a hearing will be held to determine if such regulation shall not be applicable under the provisions of sections 25, 26, 27, and 28 of this 1975 amendatory act. Such hearing shall be in accord with the requirements of chapter 34.04 RCW as enacted or hereafter amended.

Sec. 37. Section 15.24.170, chapter 11, Laws of 1961 and RCW 15.24.170 are each amended to read as follows:

Rules, regulations, and orders made by the commission shall be filed with the director and published in a legal newspaper in the cities of Wenatchee and Yakima within five days after being made, and shall become effective (~~five days after filing and publication~~) pursuant to the provisions of RCW 34.04.040.

Sec. 38. Section 15.28.300, chapter 11, Laws of 1961 and RCW 15.28.300 are each amended to read as follows:

Every rule, regulation, or order promulgated by the commission shall be filed with the director, and shall be published in a legal daily newspaper in each of the three districts. All such rules, regulations, or orders shall become effective (~~fifteen days after both filing and publication~~) pursuant to the provisions of RCW 34.04.040.

Sec. 39. Section 15.44.070, chapter 11, Laws of 1961 and RCW 15.44.070 are each amended to read as follows:

Every rule, regulation, or order made by the commission shall be filed with the director and published in two legal newspapers, one east of the Cascade mountains and one west thereof, within ten days after it is promulgated, and shall become effective (~~ten days after filing and publication~~) pursuant to the provisions of RCW 34.04.040.

NEW SECTION. Sec. 40. The following acts or parts of acts are each hereby repealed:

- (1) Section 2, chapter 22, Laws of 1957 and RCW 16.28.010;
- (2) Section 1, chapter 23, Laws of 1905 and RCW 16.28.020;
- (3) Section 2, chapter 23, Laws of 1905 and RCW 16.28.030;
- (4) Section 3, chapter 22, Laws of 1957 and RCW 16.28.040;
- (5) Section 13, chapter 23, Laws of 1905 and RCW 16.28.050;
- (6) Section 4, chapter 23, Laws of 1905, section 1, chapter 31, Laws of 1943 and RCW 16.28.060;
- (7) Section 5, chapter 23, Laws of 1905, section 2, chapter 148, Laws of 1919, section 1, chapter 122, Laws of 1925 ex. sess. and RCW 16.28.070;
- (8) Section 7, chapter 23, Laws of 1905 and RCW 16.28.080;
- (9) Section 8, chapter 23, Laws of 1905 and RCW 16.28.085;
- (10) Section 9, chapter 23, Laws of 1905, section 1, chapter 123, Laws of 1909 and RCW 16.28.090;
- (11) Section 10, chapter 23, Laws of 1905 and RCW 16.28.100;
- (12) Section 14, chapter 23, Laws of 1905 and RCW 16.28.110;
- (13) Section 11, chapter 23, Laws of 1905, section 2, chapter 123, Laws of 1909 and RCW 16.28.120;
- (14) Section 12, chapter 23, Laws of 1905 and RCW 16.28.130;

(15) Section 6, chapter 23, Laws of 1905 and RCW 16.28.140;

(16) Section 15, chapter 23, Laws of 1905 and RCW 16.28.150.

NEW SECTION. Sec. 41. Sections 29 through 35 of this amendatory act shall be added to chapter 22.09 RCW.

**NEW SECTION. Sec. 42. This 1975 amendatory act shall be effective July 1, 1975.*

*Sec. 42. was vetoed, see message at end of chapter.

Passed the Senate April 4, 1975.

Passed the House April 3, 1975.

Approved by the Governor April 11, 1975, with the exception of section 42 which is vetoed.

Filed in Office of Secretary of State April 12, 1975.

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

"I am returning herewith without my approval as to one section Engrossed Substitute Senate Bill No. 2150 entitled:

"AN ACT Relating to agriculture."

The bill makes a number of changes of a housekeeping nature to various sections in the Revised Code of Washington relating to agriculture.

Section 42 sets an effective date for the act of July 1, 1975. Without such a designated date, the act would go into effect ninety days after the adjournment of the present extraordinary session of the Legislature. Since the Legislature has not adjourned, the effect of the July 1, 1975 date is to cut short the ninety-day period during which the people have the right pursuant to Article II, section 1(d) of our Constitution, to subject the measure to referendum. I have serious reservations about the constitutionality of an effective date of this kind, inasmuch as the Constitution provides that an act shall not be subject to referendum if it is necessary for the "immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions." See Article II, section 1(b). This bill does not measure up to that standard of urgency.

With the exception of section 42, which I have vetoed for the foregoing reasons, the remainder of the bill is approved."

CHAPTER 8

[Senate Bill No. 2021]

LOCAL GOVERNMENTS—BUILDING CODE FEES

AN ACT Relating to local government; adding a new section to chapter 96, Laws of 1974 ex. sess. and to chapter 19.27 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 96, Laws of 1974 ex. sess. and to chapter 19.27 RCW a new section to read as follows:

Nothing in this chapter shall prohibit a city, town, or county of the state from imposing fees different from those set forth in the state building code.

**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.*

*Sec. 2. was vetoed, see message at end of chapter.

Passed the Senate March 14, 1975.

Passed the House April 8, 1975.

Approved by the Governor April 14, 1975, with the exception of section 2 which is vetoed.

Filed in Office of Secretary of State April 15, 1975.

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

"I am returning herewith without my approval as to one section Senate Bill No. 2021 entitled:

"AN ACT Relating to local government."

This bill allows cities, towns, and counties to set fees at variance with those prescribed in the state building code enacted in 1974.

Section 2 declares an emergency and provides for the act to take effect immediately. I have on several occasions in past sessions, including the recently adjourned regular session of the 44th Legislature, vetoed emergency clauses from bills that did not measure up to the standard of urgency contained in Article II, section 1(b) of our Constitution. I must again raise the same objection in the case of this bill.

I am increasingly apprehensive that repeated use on unwarranted occasions will render emergency clauses meaningless in the eyes of both the people and the courts.

With the exception of section 2 which I have vetoed, the remainder of Senate Bill No. 2021 is approved."

CHAPTER 9

[Senate Bill No. 2079]

CAMPER AND TRAILER TAX—REFUNDS— DELINQUENCY CHARGES

AN ACT Relating to motor vehicles; amending section 82.50.170, chapter 15, Laws of 1961 as amended by section 9, chapter 54, Laws of 1974 ex. sess. and RCW 82.50.170; amending section 59, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.440; and amending section 62, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.470.

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

Section 1. Section 82.50.170, chapter 15, Laws of 1961 as amended by section 9, chapter 54, Laws of 1974 ex. sess. and RCW 82.50.170 are each amended to read as follows:

In case a claim is made by any person that he has erroneously paid the tax or a part thereof or any charge hereunder, he may apply in writing to the (~~commission~~) department of motor vehicles for a refund of the amount of the claimed erroneous payment within (~~ninety days~~) thirteen months of the time of payment of the tax on such a form as is prescribed by the (~~commission~~) department. The (~~commission~~) department shall review such application for refund, and, if it determines that an erroneous payment has been made by the taxpayer, it shall certify the amount to be refunded to the state treasurer that such person is entitled to a refund in such amount, and the treasurer shall make such approved refund herein provided for from the general fund and shall mail or deliver the same to the person entitled thereto.

Any person making any false statement in the affidavit herein mentioned, under which he obtains any amount of refund to which he is not entitled under the provisions of this section, shall be guilty of a gross misdemeanor.

Sec. 2. Section 59, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.440 are each amended to read as follows:

The county auditor or the department of motor vehicles upon payment of the tax hereunder shall issue a receipt which shall include such information as may be required by the director, including the name of the taxpayer and a description of the travel trailer or camper, which receipt shall be printed by the department of motor vehicles in such form as it deems proper and furnished by the department to the various county auditors of the state. The county auditor shall keep a record of the excise taxes paid hereunder during the calendar year (~~under the name of owners of travel trailers or campers, listed alphabetically~~).

NEW SECTION. Sec. 3. If any excise tax due hereunder is not paid when due and payable, the unpaid tax shall bear interest at the rate of six percent per annum from the time such tax is due and payable: PROVIDED, That the interest charge on the unpaid excise tax shall be waived when such interest is less than five dollars: AND PROVIDED FURTHER, The director may waive the interest on the unpaid excise tax when the interest exceeds five dollars and the department of motor vehicles determines that the cost of processing the collection of the interest exceeds the amount of interest due.

The tax hereunder shall be a specific lien on the travel trailer or camper from and after the date it first becomes due hereunder, and shall include all charges authorized by this chapter, which lien shall have priority to and be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which the travel trailer or camper may become charged or liable, after July 1, 1975, and no sale or transfer of any travel trailer or camper shall in any way affect the lien for such excise tax upon the travel trailer or camper.

Passed the Senate April 17, 1975.
Passed the House April 17, 1975.
Approved by the Governor April 25, 1975.
Filed in Office of Secretary of State April 25, 1975.

CHAPTER 10
[Senate Bill No. 2127]
PUBLIC UTILITY DISTRICTS—
CONSTRUCTION PROJECTS

AN ACT Relating to public utility districts; and amending section 1, chapter 137, Laws of 1957 as amended by section 99, chapter 154, Laws of 1973 1st ex. sess. and RCW 54.36.010.

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

Section 1. Section 1, chapter 137, Laws of 1957 as amended by section 99, chapter 154, Laws of 1973 1st ex. sess. and RCW 54.36.010 are each amended to read as follows:

As used in this chapter:

"Public utility district" means public utility district or districts or a joint operating agency or agencies.

"Construction project" means the construction of (~~hydroelectric~~) generating facilities by a public utility district. It includes the relocation of highways and railroads, by whomever done, to the extent that it is occasioned by the overflowing of their former locations, or by destruction or burying incident to the construction.

"Base-year enrollment" means the number of pupils enrolled in a school district on the first of May next preceding the date construction was commenced.

"Subsequent-year enrollment" means the number of pupils enrolled in a school district on any first of May after construction was commenced.

"Construction pupils" means pupils who have a parent who is a full-time employee on the construction project and who moved into the school district subsequent to the first day of May next preceding the day the construction was commenced.

"Nonconstruction pupils" means other pupils.

Passed the Senate March 14, 1975.

Passed the House April 21, 1975.

Approved by the Governor April 28, 1975.

Filed in Office of Secretary of State April 28, 1975.

CHAPTER 11

[Engrossed Senate Bill No. 2384]

CITIES AND TOWNS—INVESTMENT OF FUNDS

AN ACT Relating to cities and towns; amending section 1, chapter 33, Laws of 1969 ex. sess. and RCW 35.39.030; amending section 3, chapter 33, Laws of 1969 ex. sess. and RCW 35.39.034; and declaring an emergency.

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

Section 1. Section 1, chapter 33, Laws of 1969 ex. sess. and RCW 35.39.030 are each amended to read as follows:

Every city and town may invest any portion of the moneys in its inactive funds or in other funds in excess of current needs in:

- (1) United States bonds;
- (2) United States certificates of indebtedness;
- (3) Bonds or warrants of this state;
- (4) General obligation or utility revenue bonds or warrants of its own or of any other city or town in the state;
- (5) Its own bonds or warrants of a local improvement (~~or condemnation award~~) district which (~~is~~) are within the protection of the local improvement guaranty fund law; and
- (6) In any other investments authorized by law for any other taxing districts.

Sec. 2. Section 3, chapter 33, Laws of 1969 ex. sess. and RCW 35.39.034 are each amended to read as follows:

Moneys thus determined available for this purpose may be invested on an individual fund basis or may, unless otherwise restricted by law be commingled within one common investment portfolio for the mutual benefit of all participating

funds: PROVIDED, That if such moneys are commingled in a common investment portfolio, all income derived therefrom shall be apportioned among the various participating funds in direct proportion to the amount of money invested by each.

Any excess or inactive funds on hand in the city treasury not otherwise invested for the specific benefit of any particular fund, may be invested by the city treasurer in United States government bonds, notes, bills ((or)), certificates of indebtedness, or interim financing warrants of a local improvement district which is within the protection of the local improvement guaranty fund law for the benefit of the general or current expense fund.

NEW SECTION. Sec. 3. This 1975 amendatory 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 Senate March 14, 1975.

Passed the House April 21, 1975.

Approved by the Governor April 28, 1975.

Filed in Office of Secretary of State April 28, 1975.

CHAPTER 12

[Engrossed Senate Bill No. 2402]

PORT DISTRICT COMMISSIONS—
DELEGATION OF AUTHORITY

AN ACT Relating to port districts; and adding a new section to chapter 53.12 RCW.

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

NEW SECTION. Section 1. There is added to chapter 53.12 RCW a new section to read as follows:

The commission may delegate to the managing official of a port district such administrative powers and duties of the commission as it may deem proper for the efficient and proper management of port district operations. Any such delegation shall be authorized by appropriate resolution of the commission, which resolution must also establish guidelines and procedures for the managing official to follow.

Passed the Senate March 14, 1975.

Passed the House April 21, 1975.

Approved by the Governor April 28, 1975.

Filed in Office of Secretary of State April 28, 1975.

CHAPTER 13

[Substitute House Bill No. 87]

NOXIOUS WEEDS—CONTROL

AN ACT Relating to control of noxious weeds; amending section 1, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.010; amending section 4, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.040; amending section 5, chapter 113, Laws of 1969 ex. sess. as amended by section 1, chapter 143, Laws of 1974 ex. sess. and RCW 17.10.050; amending section 7, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.070; amending section 8, chapter 113, Laws of 1969 ex. sess. and RCW

17.10.080; amending section 11, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.110; amending section 15, chapter 113, Laws of 1969 ex. sess. as amended by section 2, chapter 143, Laws of 1974 ex. sess. and RCW 17.10.150; amending section 17, chapter 113, Laws of 1969 ex. sess. as amended by section 3, chapter 143, Laws of 1974 ex. sess. and RCW 17.10.170; amending section 19, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.190; amending section 24, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.240; amending section 25, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.250; amending section 26, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.900; and adding new sections to chapter 17.10 RCW.

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

Section 1. Section 1, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.010 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Noxious weed" means any plant growing in a county which is determined by the state noxious weed control board to be injurious to crops, livestock, or other property and which is included for purpose of control on such county's noxious weed list.

(2) "Person" means any individual, partnership, corporation, firm, the state or any department, agency, or subdivision thereof, or any other entity.

(3) "Owner" means the person in actual control of property, or his agent, whether such control is based on legal or equitable title or on any other interest entitling the holder to possession and, for purposes of liability, pursuant to RCW 17.10.170 or 17.10.210, means the possessor of legal or equitable title or the possessor of an easement: PROVIDED, That when the possessor of an easement has the right to control or limit the growth of vegetation within the boundaries of an easement, only the possessor of such easement shall be deemed, for the purpose of this chapter, an "owner" of the property within the boundaries of such easement.

(4) As pertains to the duty of an owner, the word "control" and the term "prevent the spread of noxious weeds" shall mean conforming to the standards of noxious weed control or prevention adopted by rule or regulation by an activated county noxious weed control board.

(5) "Agent" means any occupant or any other person acting for the owner and working or in charge of the land.

(6) "Agricultural purposes" are those which are intended to provide for the growth and harvest of food and fiber.

Sec. 2. Section 4, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.040 are each amended to read as follows:

An inactive county noxious weed control board may be activated by any one of the following methods:

(1) Either ~~((upon))~~ within sixty days after a petition is filed by one hundred landowners each owning one acre or more of land within the county or, on its own motion, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall hold a hearing to determine whether there is a need, due to a damaging infestation of noxious weeds, to activate the county noxious weed control board. If such a need is found to exist, then the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall, in the manner provided by RCW 17.10.050, appoint five persons to hold seats on the county's noxious weed control board.

(2) If the county's noxious weed control board is not activated within one year following a hearing by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority to determine the need for activation, then upon the filing with the state noxious weed control board of a petition comprised either of the signatures of at least two hundred owners, each owning one acre of land or more within the county, or of the signatures of a majority of an adjacent county's noxious weed control board, the state board shall, within six months of the date of such filing, hold a hearing in the county to determine the need for activation. If a need for activation is found to exist, then the state board shall order the ~~((board of))~~ county ~~((commissioners))~~ legislative authority to activate the county's noxious weed control board and to appoint members to such board in the manner provided by RCW 17.10.050.

Sec. 3. Section 5, chapter 113, Laws of 1969 ex. sess. as amended by section 1, chapter 143, Laws of 1974 ex. sess. and RCW 17.10.050 are each amended to read as follows:

(1) Each activated county noxious weed control board shall consist of five voting members who shall, at the board's inception, be appointed by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority and elected thereafter by the property owners subject to the board. In appointing such voting members, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall divide the county into five sections, none of which shall overlap and each of which shall be of the same approximate area, and shall appoint a voting member from each section. At least four of such voting members shall be engaged in the primary production of agricultural products. There shall be one nonvoting member on such board who shall be the chief county extension agent or ~~((a county))~~ an extension agent appointed by the chief county extension agent. Each voting member of the board shall serve a term of two years, except that the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall, when a board is first activated under this chapter, designate two voting members to serve terms of one year. The board members shall not receive a salary but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

(2) The elected members of the board shall represent the same districts designated by the county ~~((commissioners))~~ legislative authority in appointing members to the board at its inception. Members of the board shall be elected at least thirty days prior to the expiration of any board member's term of office.

The nomination and election of elected board members shall be conducted by the board at a public meeting held in the section where board memberships are about to expire. Elections at such meetings shall be by secret ballot, cast by the landowners residing in the section where an election for a board member is being conducted. The nominee receiving the majority of votes cast shall be deemed elected, and if there is only one nomination, said nominee shall be deemed elected unanimously.

Notice of such nomination and election meeting shall be mailed to all affected landowners thirty days prior to such meeting. Notice shall be published at least twice in a weekly or daily newspaper of general circulation in said section: PROVIDED, That mailed notice shall not be required if assessments provided for in

~~((section 4 of this 1974 amendatory act))~~ RCW 17.10.240 as now or hereafter amended are not invoked.

(3) Within thirty days after all the members have been appointed, the board shall conduct its first meeting. A majority of the voting members of the board shall constitute a quorum for the transaction of business and shall be necessary for any action taken by the board. The board shall elect from its members a chairman and such other officers as may be necessary.

(4) In case of a vacancy occurring in any elected position on a county noxious weed control board, the county ~~((commissioners))~~ legislative authority of the county in which such board is located shall appoint a qualified person to fill the vacancy for the unexpired term.

Sec. 4. Section 7, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.070 are each amended to read as follows:

In addition to the powers conferred on the state noxious weed control board under other provisions of this chapter, it shall have power to:

(1) Require the ~~((board of))~~ county ~~((commissioners))~~ legislative authority or the noxious weed control board of any county to report to it concerning the presence of noxious weeds and measures, if any, taken or planned for the control thereof;

(2) Employ a state weed supervisor who shall act as executive secretary of the board and who shall disseminate information relating to noxious weeds to county noxious weed control boards and who shall work to coordinate the efforts of the various county and regional noxious weed control boards;

(3) Do such things as may be necessary and incidental to the administration of its functions pursuant to this chapter.

Sec. 5. Section 8, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.080 are each amended to read as follows:

The state noxious weed control board shall each year or more often, following a hearing, adopt a list comprising the names of those plants which it finds to be injurious to crops, livestock or other property. At such hearing any county noxious weed control board may request the inclusion of any plant to the list to be adopted by the state board.

Such list when adopted shall be designated as the "proposed noxious weed list", and the state board shall send a copy of the same to each activated county noxious weed control board, to each regional noxious weed control board, and to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of each county with an inactive noxious weed control board.

Sec. 6. Section 11, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.110 are each amended to read as follows:

A regional noxious weed control board comprising the area of two or more counties may be created as follows:

Either each ~~((board of))~~ county ~~((commissioners))~~ legislative authority or each noxious weed control board of two or more counties may, upon a determination that the purpose of this chapter will be served by the creation of a regional noxious weed control board, adopt a resolution providing for a limited merger of the

functions of their respective counties noxious weed control boards. Such resolution shall become effective only when a similar resolution is adopted by the other county or counties comprising the proposed regional board.

Sec. 7. Section 15, chapter 113, Laws of 1969 ex. sess. as amended by section 2, chapter 143, Laws of 1974 ex. sess. and RCW 17.10.150 are each amended to read as follows:

(1) The ~~((board of))~~ county ~~((commissioners))~~ noxious weed control board in each county may classify lands for the purposes of this chapter. In regard to any land which is classified by the county noxious weed control board as not being used for agricultural purposes, the owner thereof shall have the following limited duty to control noxious weeds present on such land:

(a) The owner shall control and prevent the spread of noxious weeds on any portion of such land which is within the buffer strip around land used for agricultural purposes. ~~((For lands east of the crest of the Cascade mountain range;))~~ The buffer strip shall be land which is within ~~((two hundred))~~ one thousand feet of land used for agricultural purposes. ~~((For lands west of the crest of the Cascade mountain range, the buffer strip shall be land which is within one thousand feet of land used for agricultural purposes;))~~

(b) In any case of a serious infestation of a particular noxious weed, which infestation exists within the buffer strip of land described in paragraph (a) of subsection (1) of this section, and which extends beyond said buffer strip of land, the county noxious weed control board may require that the owner of such buffer strip of land take such measures, both within said buffer zone of land as well as on other land owned by said owner contiguous to said buffer strip of land on which such serious infestation has spread, as are necessary to control and prevent the spread of such particular noxious weed.

For purposes of this subsection, land shall not be classified as or considered as being used for agricultural purposes when the sole reason for classifying or considering it as such is that it is being used for the growing, planting or harvesting of trees for timber.

(2) In regard to any land which is classified by the county noxious weed control board as scab or range land, the board may limit the duty of the owner thereof to control noxious weeds present on such land. The board may share the cost of controlling such weeds, may provide for a buffer strip around the perimeter of such land or may take any other reasonable measures to control noxious weeds on such land at an equitable cost to the owner. The board shall classify as range or scab land all that land within the county for which the board finds ~~((to be of a relatively low value per acre, and on which))~~ that the cost of controlling all of the noxious weeds present would be disproportionately high when compared to the ~~((value per acre of))~~ benefits derived from noxious weed control on such land.

Sec. 8. Section 17, chapter 113, Laws of 1969 ex. sess. as amended by section 3, chapter 143, Laws of 1974 ex. sess. and RCW 17.10.170 are each amended to read as follows:

(1) Whenever the county noxious weed control board finds that noxious weeds are present on any parcel of land, and that the owner thereof is not taking prompt

and sufficient action to control the same, pursuant to the provisions of RCW 17.10.140, it shall notify such owner that a violation of this chapter exists. Such notice shall be in writing, identify the noxious weeds found to be present, order prompt control action, and specify the time within which the prescribed action must be taken.

(2) If the owner does not take action to control the noxious weeds in accordance with the notice, the county board (~~shall~~) may control them, or cause their being controlled, at the expense of the owner. The amount of such expense shall constitute a lien against the property and may be enforced by proceedings on such lien except as provided for by RCW 79.44.060. The owner shall be liable for payment of the expense, and nothing in this chapter shall be construed to prevent collection of any judgment on account thereof by any means available pursuant to law, in substitution for enforcement of the lien. Funds received in payment for the expense of controlling noxious weeds shall be transferred to the county noxious weed control board to be expended as required to carry out the purposes of this chapter.

(3) The county auditor shall record in his office any lien created under this (~~section~~) chapter, and any such lien shall bear interest at the rate of eight percent per annum from the date on which the county noxious weed control board approves the amount expended in controlling such weeds.

(4) As an alternative to the enforcement of any lien created under subsection (2) of this section, the (~~board of~~) county (~~commissioners~~) legislative authority may by resolution or ordinance require that each such lien created shall be collected by the treasurer in the same manner as a delinquent real property tax, if within thirty days from the date the owner is sent notice of the lien, including the amount thereof, the lien remains unpaid and an appeal has not been made pursuant to RCW 17.10.180. Liens treated as delinquent taxes shall bear interest at the same rate as delinquent real property taxes and such interest shall accrue as of the date notice of the lien is sent to the owner: PROVIDED, That any collections for such lien shall not be considered as tax.

Sec. 9. Section 19, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.190 are each amended to read as follows:

Each activated county noxious weed control board shall cause to be published in at least one newspaper of general circulation within its area a general notice during the month of March and at such other times as may be appropriate. Such notice shall direct attention to the need for noxious weed control and shall give such other information with respect thereto as may be appropriate, or shall indicate where such information may be secured. In addition to the general notice required hereby, the county noxious weed control board may use (~~such~~) any appropriate media for the dissemination of information to the public as may be calculated to bring the need for noxious weed control to the attention of owners. The board may consult with individual owners concerning their problems of noxious weed control and may provide them with information and advice, including giving specific instructions and methods when and how certain named weeds are to be controlled. Such methods may include definite systems of tillage, cropping, management, and use of livestock. Publication of a notice as required by this section shall not be a condition precedent to the enforcement of this chapter.

Sec. 10. Section 24, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.240 are each amended to read as follows:

(1) The activated county weed control boards of each county shall annually submit a budget to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority for the operating cost of the county's weed program for the ensuing fiscal year. Control of weeds ~~((are))~~ is a special benefit to the lands within any such district. The ~~((board of))~~ county ~~((commissioners))~~ legislative authority may, in lieu of a tax, levy an assessment against the land for this purpose. Prior to the levying of an assessment the county weed control board shall hold a public hearing at which it shall gather information to serve as a basis for classification and shall then classify the lands into suitable classifications~~((, and assess))~~. The board shall develop and forward to the county legislative authority, as a proposed level of assessment for each class, such an amount as shall seem just, but which shall be uniform per acre in its respective class: PROVIDED, That if no special benefits should be found to accrue to a class of land, a zero assessment may be levied. The legislative authority, upon receipt of the proposed levels of assessment from the board, after a hearing, shall accept, modify, or refer back to the board for their reconsideration all or any portion of the proposed levels of assessment. The findings by the ~~((board))~~ county legislative authority of such special benefits, when so declared by resolution and spread upon the minutes of ~~((the board))~~ said authority shall be conclusive ~~((that))~~ as to whether or not the same ~~((is of))~~ constitutes a special benefit to the lands within the district.

(2) In addition, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority may appropriate money from the county general fund necessary for the administration of the county noxious weed control program. In addition the ~~((board of))~~ county ~~((commissioners))~~ legislative authority may make emergency appropriations as it deems necessary for the implementation of this chapter.

(3) Neither the legislative authority of a county nor the county weed control board activated in a county shall expend money from the county general fund or assessments levied for the operation of such activated county weed control board on any lands within the boundaries of any Indian reservation unless the tribal council of such reservation contracts with the legislative authority of the county and its activated weed control board to carry out its program on such reservation lands: PROVIDED, That the fees charged any Indian reservation for services rendered by the weed control board in controlling weeds on Indian reservation lands shall be no less than the fees assessed land owners of similar lands within the county jurisdiction of such activated weed control board.

Sec. 11. Section 25, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.250 are each amended to read as follows:

The ~~((board of county commissioners))~~ legislative authority of any county with an activated noxious weed control board may apply to the state noxious weed control board for state financial aid in an amount not to exceed fifty percent of the locally funded portion of the annual operating cost of such noxious weed control board. Any such aid shall be expended from the general fund from such appropriation as the legislature may provide for this purpose.

Sec. 12. Section 26, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.900 are each amended to read as follows:

Any weed district formed under chapter 17.04 or 17.06 RCW prior to the enactment of this chapter, shall continue to operate under the provisions of the chapter under which it was formed: PROVIDED, That if ten percent of the land-owners subject to any such weed district, and the county weed board upon its own motion, petition the county (~~(commissioners)~~) legislative authority for a dissolution of the weed district, the county (~~(commissioners)~~) legislative authority shall provide for an election to be conducted in the same manner as required for the election of directors under the provisions of chapter 17.04 RCW, to determine by majority vote of those casting votes, if such weed district shall continue to operate under the act it was formed. The land area of any dissolved weed district shall forthwith become subject to the provisions of this chapter.

NEW SECTION. Sec. 13. There is added to chapter 17.10 RCW a new section to read as follows:

Every activated county noxious weed board performing labor upon, furnishing material, or renting, leasing or otherwise supplying equipment, to be used in the control of noxious weeds, or in causing control of noxious weeds upon any property pursuant to the provisions of chapter 17.10 RCW has a lien upon such property for the labor performed, material furnished, or equipment supplied whether performed, furnished, or supplied with the consent of the owner, or his agent, of such property, or without the consent of said owner or agent.

NEW SECTION. Sec. 14. There is added to chapter 17.10 RCW a new section to read as follows:

Every county noxious weed control board furnishing labor, materials, or supplies or renting, leasing, or otherwise supplying equipment to be used in the control of noxious weeds upon any property pursuant to RCW 17.10.160 and 17.10.170 or pursuant to an order under RCW 17.10.210 as now or hereafter amended, shall give to the owner or reputed owner or his agent a notice in writing, within ninety days from the date of the cessation of the performance of such labor, the furnishing of such materials, or the supplying of such equipment, which notice shall cover the labor, material, supplies, or equipment furnished or leased, as well as all subsequent labor, materials, supplies, or equipment furnished or leased, stating in substance and effect that such county noxious weed control board is furnishing or has furnished labor, materials and supplies or equipment for use thereon, with the name of the county noxious weed board ordering the same, and that a lien may be claimed for all materials and supplies or equipment furnished by such county noxious control board for use thereon, which notice shall be given by mailing the same by registered or certified mail in an envelope addressed to the owner at his place of residence or reputed residence.

NEW SECTION. Sec. 15. There is added to chapter 17.10 RCW a new section to read as follows:

No lien created by section 13 of this 1975 amendatory act shall exist, and no action to enforce the same shall be maintained, unless within ninety days from the date of cessation of the performance of such labor, furnishing of materials, or the supplying of such equipment, a claim for such lien shall be filed for record as hereinafter provided, in the office of the county auditor of the county in which the property, or some part thereof to be affected thereby, is situated. Such claim shall

state, as nearly as may be, the time of the commencement and cessation of performing the labor, furnishing the material, or supplying the equipment, the name of the county noxious weed control board which performed the labor, furnished the material, or supplied the equipment, a description of the property to be charged with the lien sufficient for identification, the name of the owner, or reputed owner if known, or his agent, and if the owner is not known, that fact shall be mentioned, the amount for which the lien is claimed, and shall be signed by the county noxious weed control board, and be verified by the oath of the county noxious weed control board, to the effect that the affiant believes that claim to be just; and such claim of lien may be amended in case of action brought to foreclose the same, by order of the court, as pleadings may be, insofar as the interest of third parties shall not be affected by such amendment. A claim or lien substantially in the same form provided by RCW 60.04.060 and not in conflict with this section shall be sufficient.

NEW SECTION. Sec. 16. There is added to chapter 17.10 RCW a new section to read as follows:

Open areas subject to the spread of noxious weeds, other than crop land, including but not limited to subdivisions, school grounds, playgrounds, parks, and rights of way shall be subject to regulation by activated county noxious weed control boards in the same manner and to the same extent as is provided for agricultural lands.

NEW SECTION. Sec. 17. There is added to chapter 17.10 RCW a new section to read as follows:

The purpose of this chapter is to limit economic loss due to the presence and spread of noxious weeds on or near agricultural land.

The intent of the legislature is that this chapter be liberally construed, and that the jurisdiction, powers, and duties granted to the county noxious weed control boards by this chapter are limited only by specific provisions of this chapter or other state and federal law.

Passed the House April 17, 1975.

Passed the Senate April 3, 1975.

Approved by the Governor April 28, 1975.

Filed in Office of Secretary of State April 28, 1975.

CHAPTER 14

[Substitute House Bill No. 208]
RAPE LAWS—REVISIONS

AN ACT Relating to the revision of rape laws; adding new sections to chapter 9.79 RCW; repealing section 33, page 80, Laws of 1854, section 35, page 204, Laws of 1869, section 37, page 187, Laws of 1873, section 812, Code of 1881, section 1, page 84, Laws of 1886, section 1, chapter 19, Laws of 1897, section 183, chapter 249, Laws of 1909, section 122, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.010; and repealing section 33, page 80, Laws of 1854, section 35, page 204, Laws of 1869, section 37, page 187, Laws of 1873, section 814, Code of 1881, section 1, page 84, Laws of 1886, section 1, chapter 19, Laws of 1897, section 184, chapter 249, Laws of 1909, section 1, chapter 132, Laws of 1919, section 1, chapter 74, Laws of 1937, section 1, chapter 112, Laws of 1943, section 123, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.020; repealing section 37, page 187, Laws of 1873, section 185, chapter 249, Laws of 1909 and RCW 9.79.030; defining crimes; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 9.79 RCW a new section to read as follows:

As used in this chapter:

(1) "Sexual intercourse" (a) has its ordinary meaning and occurs upon any penetration, however slight, and

(b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and

(c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.

(2) "Married" means one who is legally married to another.

(3) "Mental incapacity" is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause;

(4) "Physically helpless" means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act;

(5) "Forcible compulsion" means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnaped;

(6) "Consent" means that at the time of the act of sexual intercourse there are actual words or conduct indicating freely given agreement to have sexual intercourse.

NEW SECTION. Sec. 2. There is added to chapter 9.79 RCW a new section to read as follows:

(1) In order to convict a person of any crime defined in this chapter it shall not be necessary that the testimony of the alleged victim be corroborated.

(2) Evidence of the victim's past sexual behavior including but not limited to the victim's marital history, divorce history, or general reputation for promiscuity, non-chastity, or sexual mores contrary to community standards is inadmissible on the issue of credibility and is inadmissible to prove the victim's consent except as provided in subsection (3) of this section, but when the perpetrator and the victim have engaged in sexual intercourse with each other in the past, and when the past behavior is material to the issue of consent, evidence concerning the past behavior between the perpetrator and the victim may be admissible on the issue of consent to the offense.

(3) In any prosecution for the crime of rape or for an attempt to commit, or an assault with an intent to commit any such crime evidence of the victim's past sexual behavior including but not limited to the victim's marital behavior, divorce history, or general reputation for promiscuity, non-chastity, or sexual mores contrary to community standards is not admissible if offered to attack the credibility of the victim and is admissible on the issue of consent only pursuant to the following procedure:

(a) A written pre-trial motion shall be made by the defendant to the court and prosecutor stating that the defense has an offer of proof of the relevancy of evidence of the past sexual behavior of the victim proposed to be presented and its relevancy on the issue of the consent of the victim.

(b) The written motion shall be accompanied by an affidavit or affidavits in which the offer of proof shall be stated.

(c) If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury, if any, and the hearing shall be closed except to the necessary witnesses, the defendant, counsel, and those who have a direct interest in the case or in the work of the court.

(d) At the conclusion of the hearing, if the court finds that the evidence proposed to be offered by the defendant regarding the past sexual behavior of the victim is relevant to the issue of the victim's consent; is not inadmissible because its probative value is substantially outweighed by the probability that its admission will create a substantial danger of undue prejudice; and that its exclusion would result in denial of substantial justice to the defendant; the court shall make an order stating what evidence may be introduced by the defendant, which order may include the nature of the questions to be permitted. The defendant may then offer evidence pursuant to the order of the court.

(4) Nothing in this section shall be construed to prohibit cross examination of the victim on the issue of past sexual behavior when the prosecution presents evidence in its case in chief tending to prove the nature of the victim's past sexual behavior, but the court may require a hearing pursuant to subsection (3) of this section concerning such evidence.

NEW SECTION. Sec. 3. There is added to chapter 9.79 RCW a new section to read as follows:

(1) In any prosecution under this chapter in which lack of consent is based solely upon the victim's mental incapacity or upon the victim's being physically helpless, it is a defense which the defendant must prove by a preponderance of the evidence that at the time of the offense the defendant reasonably believed that the victim was not mentally incapacitated and/or physically helpless.

(2) In any prosecution under this chapter in which the offense or degree of the offense depends on the victim's age, it is no defense that the perpetrator did not know the victim's age, or that the perpetrator believed the victim to be older, as the case may be: PROVIDED, That it is a defense which the defendant must prove by a preponderance of the evidence that at the time of the offense the defendant reasonably believed the alleged victim to be older based upon declarations as to age by the alleged victim.

NEW SECTION. Sec. 4. There is added to chapter 9.79 RCW a new section to read as follows:

(1) A person is guilty of rape in the first degree when such person engages in sexual intercourse with another person not married to the perpetrator by forcible compulsion where the perpetrator or an accessory:

(a) Uses or threatens to use a deadly weapon; or

(b) Kidnaps the victim; or

(c) Inflicts serious physical injury; or

(d) Feloniously enters into the building or vehicle where the victim is situated.

(2) Rape in the first degree is a felony, and shall be punished by imprisonment in the state penitentiary for a term of not less than twenty years. No person convicted of rape in the first degree shall be granted a deferred or suspended sentence except for the purpose of commitment to an inpatient treatment facility: PROVIDED, That every person convicted of rape in the first degree shall be confined for a minimum of three years: PROVIDED FURTHER, That the board of prison terms and paroles shall have authority to set a period of confinement greater than three years but shall never reduce the minimum three-year period of confinement nor shall the board release the convicted person as a result of any type of automatic good time calculation nor shall the department of social and health services permit the convicted person to participate in any work release program or furlough program.

NEW SECTION. Sec. 5. There is added to chapter 9.79 RCW a new section to read as follows:

(1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person, not married to the perpetrator:

- (a) By forcible compulsion; or
- (b) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated.

(2) Rape in the second degree is a felony, and shall be punished by imprisonment in the state penitentiary for not more than ten years.

NEW SECTION. Sec. 6. There is added to chapter 9.79 RCW a new section to read as follows:

(1) A person is guilty of rape in the third degree when, under circumstances not constituting rape in the first or second degrees, such person engages in sexual intercourse with another person, not married to the perpetrator:

- (a) Where the victim did not consent as defined in Section 1(6) of this act to sexual intercourse with the perpetrator and such lack of consent was clearly expressed by the victim's words or conduct, or
- (b) Where there is threat of substantial unlawful harm to property rights of the victim.

(2) Rape in the third degree is a felony, and shall be punished by imprisonment in the state penitentiary for not more than five years.

NEW SECTION. Sec. 7. There is added to chapter 9.79 RCW a new section to read as follows:

(1) A person over thirteen years of age is guilty of statutory rape in the first degree when the person engages in sexual intercourse with another person who is less than eleven years old.

(2) Statutory rape in the first degree is a felony, and shall be punished by imprisonment in the state penitentiary for a term of not less than twenty years. No person convicted of statutory rape in the first degree shall be granted a deferred or suspended sentence except for the purpose of commitment to an inpatient treatment facility.

NEW SECTION. Sec. 8. There is added to chapter 9.79 RCW a new section to read as follows:

(1) A person over sixteen years of age is guilty of statutory rape in the second degree when such person engages in sexual intercourse with another person, not married to the perpetrator, who is eleven years of age or older but less than fourteen years old.

(2) Statutory rape in the second degree is a felony, and shall be punished by imprisonment in the state penitentiary for not more than ten years.

NEW SECTION. Sec. 9. There is added to chapter 9.79 RCW a new section to read as follows:

(1) A person over eighteen years of age is guilty of statutory rape in the third degree when such person engages in sexual intercourse with another person, not married to the perpetrator, who is fourteen years of age or older but less than sixteen years old.

(2) Statutory rape in the third degree is a felony, and shall be punished by imprisonment in the state penitentiary for not more than five years.

NEW SECTION. Sec. 10. The following acts or parts of acts are each hereby repealed:

(1) Section 33, page 80, Laws of 1854, section 35, page 204, Laws of 1869, section 37, page 187, Laws of 1873, section 812, Code of 1881, section 1, page 84, Laws of 1886, section 1, chapter 19, Laws of 1897, section 183, chapter 249, Laws of 1909, section 122, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.010; and

(2) Section 33, page 80, Laws of 1854, section 35, page 204, Laws of 1869, section 37, page 187, Laws of 1873, section 814, Code of 1881, section 1, page 84, Laws of 1886, section 1, chapter 19, Laws of 1897, section 184, chapter 249, Laws of 1909, section 1, chapter 132, Laws of 1919, section 1, chapter 74, Laws of 1937, section 1, chapter 112, Laws of 1943, section 123, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.020.

(3) Section 37, page 187, Laws of 1873, section 185, chapter 249, Laws of 1909 and RCW 9.79.030.

Passed the House April 17, 1975.

Passed the Senate April 1, 1975.

Approved by the Governor April 28, 1975.

Filed in Office of Secretary of State April 28, 1975.

CHAPTER 15

[House Bill No. 377]

GAME AND GAME FISH—LICENSE FEES

AN ACT Relating to game and game fish; amending section 10, chapter 177, Laws of 1963 and RCW 77.20.015; amending section 77.28.020, chapter 36, Laws of 1955 as amended by section 14, chapter 29, Laws of 1970 ex. sess. and RCW 77.28.020; amending section 77.32.020, chapter 36, Laws of 1955 as last amended by section 1, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.020; amending section 1, chapter 17, Laws of 1969 ex. sess. and RCW 77.32.031; amending section 77.32.100, chapter 36, Laws of 1955 as last amended by section 3, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.100; amending section 77.32.103, chapter 36, Laws of 1955 as last amended by section 4, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.103; amending section 77.32.105, chapter 36, Laws of 1955 as last amended by section 5, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.105; amending section 77.32.110, chapter 36, Laws of 1955 as last amended by section 6, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.110; amending section 77.32.113, chapter 36,

Laws of 1955 as last amended by section 7, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.113; amending section 77.32.130, chapter 36, Laws of 1955 as last amended by section 8, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.130; amending section 77.32.150, chapter 36, Laws of 1955 as last amended by section 9, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.150; amending section 77.32.160, chapter 36, Laws of 1955 as last amended by section 10, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.160; amending section 77.32.190, chapter 36, Laws of 1955 as last amended by section 11, chapter 29, Laws of 1970 ex. sess.; and RCW 77.32.190; amending section 77.32.200, chapter 36, Laws of 1955 as amended by section 12, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.200; amending section 77.32.210, chapter 36, Laws of 1955 and RCW 77.32.210; amending section 13, chapter 176, Laws of 1957 as amended by section 13, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.225; amending section 15, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.255; adding new sections to chapter 77.32 RCW; providing for the expiration of certain sections; and prescribing effective dates.

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

Section 1. Section 10, chapter 177, Laws of 1963 and RCW 77.20.015 are each amended to read as follows:

It shall be lawful for any resident, licensed under RCW 77.32.190, to trap, hunt, or kill beaver for their skins in such areas and at such times as the commission by rule or regulation may permit.

It shall be unlawful for a licensee to trap, hunt, or kill beaver without first having procured from the director a tag or tags to be known as supplemental beaver tags. The fee for issuing and procuring each tag shall be ~~((one dollar))~~ two dollars on and after July 1, 1975, and shall be paid in addition to all other license fee prescribed by law. Beaver tags shall be prepared and distributed under the supervision of the director in such number and manner each year as he deems advisable. The tags shall bear the name "department of game of the state of Washington" and the year for which it is issued, and any other distinguishing marks deemed necessary by the director. The tags shall be void on the first day of April next following the date of issuance.

Sec. 2. Section 77.28.020, chapter 36, Laws of 1955 as amended by section 14, chapter 29, Laws of 1970 ex. sess. and RCW 77.28.020 are each amended to read as follows:

The director may cause to be issued a game farmer's license that shall authorize the licensee to acquire, grow, breed, keep, or sell all or some of such species of wild animals, wild birds, and game fish as may be designated by the commission as suitable for such acquisition, breeding, growing, keeping, and sale. The cost of such license shall be ~~((forty))~~ forty-one dollars for the first year and ~~((twenty))~~ twenty-one dollars for each yearly renewal thereafter. All such licenses shall expire on December 31st annually and application for renewal shall be made prior thereto.

Sec. 3. Section 77.32.020, chapter 36, Laws of 1955 as last amended by section 1, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.020 are each amended to read as follows:

It shall be unlawful for any person to hunt or kill deer without first having procured from the director a tag to be known as a supplemental deer seal, which tag shall be procured, in addition to any other license, to hunt game animals required by law. The fee for issuing and procuring such tag shall be ~~((three))~~ five dollars on and after July 1, 1975, and shall be paid in addition to all other license fees prescribed by law. It shall be unlawful for any person to hunt or kill elk

without first having procured from the director a tag to be known as a supplemental elk seal, which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be ~~((ten))~~ eleven dollars on and after July 1, 1975, and shall be paid in addition to all other license fees prescribed by law.

It shall be unlawful for any person to hunt or kill mountain goat without first having procured from the director a tag to be known as a supplemental goat seal, which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be ~~((ten))~~ eleven dollars on and after July 1, 1975, and shall be paid in addition to all other license fees prescribed by law.

It shall be unlawful for any person to hunt or kill mountain sheep without first having procured from the director a tag to be known as a supplemental mountain sheep seal, which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be ~~((ten))~~ eleven dollars on and after July 1, 1975, and shall be paid in addition to all other license fees prescribed by law.

It shall be unlawful for any person to hunt or kill wild turkey without first having procured from the director a tag to be known as a supplemental wild turkey seal, which tag shall be procured in addition to any other license to hunt game birds required by law. The fee for issuing and procuring such tag shall be two dollars until December 31, 1975, and three dollars thereafter and shall be paid in addition to all other license fees prescribed by law.

It shall be unlawful for any person to hunt or kill bear in any place where bear is classified as a game animal without first having procured from the director a tag to be known as a supplemental bear seal, which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be two dollars until December 31, 1975, and three dollars thereafter and shall be paid in addition to all other license fees prescribed by law: **PROVIDED**, That the director may issue permits for the control of bears in areas where, in his opinion, property is being damaged. No tag will be required for any bear killed to control damage.

It shall be unlawful for any nonresident or alien to hunt or kill elk without first having procured from the director a tag to be known as a supplemental nonresident elk seal which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be ~~((thirty-five))~~ forty-two dollars on and after July 1, 1975, and shall be paid in addition to all other license fees provided by law.

It shall be unlawful for any nonresident or alien to hunt or kill mountain goat without first having procured from the director a tag to be known as a supplemental nonresident goat seal which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be ~~((thirty-five))~~ forty-two dollars on and after July 1, 1975, and shall be paid in addition to all other license fees prescribed by law.

It shall be unlawful for any nonresident or alien to hunt or kill mountain sheep without first having procured from the director a tag to be known as a supplemental mountain sheep seal, which tag shall be procured in addition to any

other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be ~~((thirty-five))~~ forty-two dollars on and after July 1, 1975, and shall be paid in addition to all other license fees prescribed by law.

It shall be unlawful for any person to hunt or kill any pheasant, quail, or partridge without first having procured from the director an upland bird permit, which permit shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such permit shall be ~~((two))~~ three dollars on and after July 1, 1975.

It shall be unlawful for any person to hunt or kill wild animals or birds with a bow and arrow or muzzle-loading rifle during any special seasons established exclusively for bow and arrow or muzzle-loading rifle without first procuring from the director a permit to be known as an archery and/or muzzle-loading rifle permit, which permit shall be procured in addition to any other license to hunt game animals or birds required by law. The fee for issuing and procuring such permit shall be ~~((five))~~ six dollars on and after July 1, 1975.

Such tags or permits shall be in the possession of all persons while engaged in hunting deer, elk, mountain goat, mountain sheep, wild turkey, bear, pheasant, quail, or partridge; or any game animals during special bow and arrow or muzzle-loading rifle seasons. Such tags or permits shall be prepared by and under the supervision of the director and shall bear the name "department of game of the state of Washington" and the year for which it is issued, and any other distinguishing marks deemed necessary by the director, and shall be void on the first day of April next following the date of issuance. Any person who kills any deer, elk, mountain goat, mountain sheep, wild turkey, or bear shall immediately attach his own tag to the carcass of any such animal or bird and properly seal the same. All moneys received from the issuance or sale of tags or permits as provided herein shall be paid into the state game fund. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars and not more than two hundred fifty dollars or by imprisonment in the county jail for not less than ten days and not more than thirty days or by both such fine and imprisonment.

Sec. 4. Section 1, chapter 17, Laws of 1969 ex. sess. and RCW 77.32.031 are each amended to read as follows:

It shall be unlawful for any person to fish for or take steelhead without first having procured from the director a seal to be known as a supplemental steelhead seal, which shall be procured, in addition to any other license, to fish for steelhead required by law. This seal shall be in the possession of all persons while engaged in fishing for steelhead.

The seal shall be prepared by and under the supervision of the director, and it shall bear the name "Department of Game of the State of Washington", the time period for which it is issued, and any other distinguishing marks deemed necessary by the director. The procuring fee shall be two dollars and shall be in addition to other license fees prescribed by law: PROVIDED, That this fee shall not apply to juveniles and free license holders. All moneys received from the issuance or sale of the seal provided herein shall be paid into the state game fund.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not less than twenty-five dollars nor more than two hundred fifty dollars or by imprisonment in the county jail for not less than ten days nor more than thirty days or by both such fine and imprisonment.

This section shall expire on March 31, 1976, and thereafter be of no further force and effect whatsoever.

Sec. 5. Section 77.32.100, chapter 36, Laws of 1955 as last amended by section 3, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.100 are each amended to read as follows:

Any resident may by paying the sum of twelve dollars obtain a state hunting and fishing license, which shall entitle the holder thereof to hunt and fish in any county of the state until the first day of January next following the date of its issuance, when it is lawful to hunt or fish therein.

This section shall expire on December 31, 1975, and thereafter be of no further force and effect whatsoever.

Sec. 6. Section 77.32.103, chapter 36, Laws of 1955 as last amended by section 4, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.103 are each amended to read as follows:

Any resident may by paying the sum of six dollars and fifty cents obtain a state hunting license which shall entitle the holder thereof to hunt in any county of the state until the first day of January next following the date of its issuance, when it is lawful to hunt therein.

This section shall expire on December 31, 1975, and thereafter be of no further force and effect whatsoever.

Sec. 7. Section 77.32.105, chapter 36, Laws of 1955 as last amended by section 5, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.105 are each amended to read as follows:

Any resident may by paying the sum of seven dollars and fifty cents obtain a state fishing license which shall entitle the holder thereof to fish in any county of the state until the first day of January next following the date of its issuance, when it is lawful to fish therein.

This section shall expire on December 31, 1975, and thereafter be of no further force and effect whatsoever.

Sec. 8. Section 77.32.110, chapter 36, Laws of 1955 as last amended by section 6, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.110 are each amended to read as follows:

Any resident may by paying the sum of eight dollars obtain a hunting and fishing license, which shall entitle the holder thereof to hunt and fish within the county in which he resides and for which the license is issued until the first day of January next following the date of issuance, when it is lawful to hunt or fish therein.

This section shall expire on December 31, 1975, and thereafter be of no further force and effect whatsoever.

Sec. 9. Section 77.32.113, chapter 36, Laws of 1955 as last amended by section 7, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.113 are each amended to read as follows:

Any resident may by paying the sum of six dollars obtain a fishing license which shall entitle the holder thereof to fish within the county in which he resides and for which the license is issued until the first day of January next following the date of issuance, when it is lawful to fish therein.

This section shall expire on December 31, 1975, and thereafter be of no further force and effect whatsoever.

Sec. 10. Section 77.32.130, chapter 36, Laws of 1955 as last amended by section 8, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.130 are each amended to read as follows:

Any nonresident or alien may by paying the sum of fifty dollars obtain a hunting license which shall entitle the holder thereof to hunt in any county of the state until the first day of January next following the date of issuance, when it is lawful to hunt therein.

This section shall expire on December 31, 1975, and thereafter be of no further force and effect whatsoever.

Sec. 11. Section 77.32.150, chapter 36, Laws of 1955 as last amended by section 9, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.150 are each amended to read as follows:

Any nonresident or alien may by paying the sum of twenty dollars obtain a state fishing license, which shall entitle the holder thereof to fish in any county of the state until the first day of January next following the date of issuance, when it is lawful to fish therein.

This section shall expire on December 31, 1975, and thereafter be of no further force and effect whatsoever.

Sec. 12. Section 77.32.160, chapter 36, Laws of 1955 as last amended by section 10, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.160 are each amended to read as follows:

Any nonresident or alien who is temporarily sojourning in the state may by paying the sum of six dollars obtain a state fishing license, which shall entitle the holder thereof to fish in any county of the state for a period of seven days following the date of its issuance, when it is lawful to fish therein: PROVIDED, That the license under this section shall not entitle the holder thereof to fish for steelhead during the winter steelhead seasons as established by rule or regulation of the commission.

This section shall expire on December 31, 1975, and thereafter be of no further force and effect whatsoever.

Sec. 13. Section 77.32.190, chapter 36, Laws of 1955 as last amended by section 11, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.190 are each amended to read as follows:

Any resident may by paying the sum of ten dollars obtain a state trapping license which shall entitle the holder thereof to trap furbearing animals for their hides or their pelts only, within any county of the state until the first day of April

next following the date of its issuance, at any time when it is lawful to trap such animals.

This section shall expire on December 31, 1975, and thereafter be of no further force and effect whatsoever.

NEW SECTION. Sec. 14. There is added to chapter 77.32 RCW a new section to read as follows:

Any nonresident or alien may by paying the sum of fifty dollars obtain a state trapping license which shall entitle the holder thereof to trap furbearing animals for their hides or their pelts only, within any county of the state until the first day of April next following the date of its issuance, at any time when it is lawful to trap such animals.

Sec. 15. Section 77.32.200, chapter 36, Laws of 1955 as amended by section 12, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.200 are each amended to read as follows:

Any person may by paying the sum of ten dollars obtain a license, which shall entitle him to practice taxidermy for profit in any county of the state until the first day of January next following the date of its issuance.

This section shall expire on December 31, 1975, and thereafter be of no further force and effect whatsoever.

Sec. 16. Section 77.32.210, chapter 36, Laws of 1955 and RCW 77.32.210 are each amended to read as follows:

Any person may, by paying the sum of ten dollars, obtain a license, which shall entitle the holder thereof to purchase, receive, or resell raw furs for profit in any county of the state until the first day of January next following the date of its issuance.

This section shall expire on December 31, 1975, and thereafter be of no further force and effect whatsoever.

Sec. 17. Section 13, chapter 176, Laws of 1957 as amended by section 13, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.225 are each amended to read as follows:

A fishing guide license shall be obtained by every person who offers services or who performs the services of a professional guide for others in the taking of game fish.

The fee for such license is seventy-five dollars for a resident and one hundred fifty dollars for a nonresident or alien which shall entitle the holder thereof to act as a fishing guide in any county of the state until the first day of January next following the date of its issuance.

The commission may adopt rules and regulations requiring records to be kept and reports to be made by fishing guides concerning the activities of their clients with respect to the time, manner, and place of taking any game fish by such clients, the quantities taken by them, and such other information as may be helpful in enforcing the provisions of the game code or the rules and regulations of the commission. Such rules and regulations may prescribe the form of such records and reports and may require fishing guides to keep such records current while performing their services, and to display the same, and may authorize the director to prepare and distribute to fishing guides the forms for such records and reports.

This section shall expire on December 31, 1975, and thereafter be of no further force and effect whatsoever.

Sec. 18. Section 15, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.255 are each amended to read as follows:

In the case of loss, mutilation or destruction of a license certificate or permit certificate issued under the provisions of Title 77 RCW, the director shall issue a duplicate thereof upon proof of the facts and payment of a fee of one dollar.

This section shall expire on December 31, 1975, and thereafter be of no further force and effect whatsoever.

NEW SECTION. Sec. 19. It shall be unlawful for any person to fish for or take steelhead without first having procured from the director a seal to be known as a supplemental steelhead seal, which shall be procured, in addition to any other license, to fish for steelhead required by law. This seal shall be in the possession of all persons while engaged in fishing for steelhead.

The seal shall be prepared by and under the supervision of the director, and it shall bear the name "Department of Game of the State of Washington", the time period for which it is issued, and any other distinguishing marks deemed necessary by the director. The procuring fee shall be three dollars and shall be in addition to other license fees prescribed by law: PROVIDED, That this fee shall not apply to juveniles and free license holders. All moneys received from the issuance or sale of the seal provided herein shall be paid into the state game fund.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not less than twenty-five dollars nor more than two hundred fifty dollars or by imprisonment in the county jail for not less than ten days nor more than thirty days or by both such fine and imprisonment.

NEW SECTION. Sec. 20. Any resident may by paying the sum of fourteen dollars obtain a state hunting and fishing license, which shall entitle the holder thereof to hunt and fish in any county of the state until the first day of January next following the date of its issuance, when it is lawful to hunt or fish therein.

NEW SECTION. Sec. 21. Any resident may by paying the sum of seven dollars and fifty cents obtain a state hunting license which shall entitle the holder thereof to hunt in any county of the state until the first day of January next following the date of its issuance, when it is lawful to hunt therein.

NEW SECTION. Sec. 22. Any resident may by paying the sum of eight dollars and fifty cents obtain a state fishing license which shall entitle the holder thereof to fish in any county of the state until the first day of January next following the date of its issuance, when it is lawful to fish therein.

NEW SECTION. Sec. 23. Any resident may by paying the sum of nine dollars obtain a hunting and fishing license, which shall entitle the holder thereof to hunt and fish within the county in which he resides and for which the license is issued until the first day of January next following the date of issuance, when it is lawful to hunt or fish therein.

NEW SECTION. Sec. 24. Any resident may by paying the sum of seven dollars obtain a fishing license which shall entitle the holder thereof to fish within the

county in which he resides and for which the license is issued until the first day of January next following the date of issuance, when it is lawful to fish therein.

NEW SECTION. Sec. 25. Any nonresident or alien may by paying the sum of sixty dollars obtain a hunting license which shall entitle the holder thereof to hunt in any county of the state until the first day of January next following the date of issuance, when it is lawful to hunt therein.

NEW SECTION. Sec. 26. Any nonresident or alien may by paying the sum of twenty-four dollars obtain a state fishing license, which shall entitle the holder thereof to fish in any county of the state until the first day of January next following the date of issuance, when it is lawful to fish therein.

NEW SECTION. Sec. 27. Any nonresident or alien who is temporarily sojourning in the state may by paying the sum of seven dollars and twenty-five cents obtain a state fishing license, which shall entitle the holder thereof to fish in any county of the state for a period of seven days following the date of its issuance, when it is lawful to fish therein: **PROVIDED**, That the license under this section shall not entitle the holder thereof to fish for steelhead during the winter steelhead seasons as established by rule or regulation of the commission.

NEW SECTION. Sec. 28. Any resident may by paying the sum of eleven dollars obtain a state trapping license which shall entitle the holder thereof to trap furbearing animals for their hides or their pelts only, within any county of the state until the first day of April next following the date of its issuance, at any time when it is lawful to trap such animals.

NEW SECTION. Sec. 29. Any person may by paying the sum of eleven dollars obtain a license, which shall entitle him to practice taxidermy for profit in any county of the state until the first day of January next following the date of its issuance.

NEW SECTION. Sec. 30. Any person may, by paying the sum of eleven dollars, obtain a license, which shall entitle the holder thereof to purchase, receive, or resell raw furs for profit in any county of the state until the first day of January next following the date of its issuance.

NEW SECTION. Sec. 31. A fishing guide license shall be obtained by every person who offers services or who performs the services of a professional guide for others in the taking of game fish.

The fee for such license is seventy-six dollars for a resident and one hundred fifty dollars for a nonresident or alien which shall entitle the holder thereof to act as a fishing guide in any county of the state until the first day of January next following the date of its issuance.

The commission may adopt rules and regulations requiring records to be kept and reports to be made by fishing guides concerning the activities of their clients with respect to the time, manner, and place of taking any game fish by such clients, the quantities taken by them, and such other information as may be helpful in enforcing the provisions of the game code or the rules and regulations of the commission. Such rules and regulations may prescribe the form of such records and reports and may require fishing guides to keep such records current while

performing their services, and to display the same, and may authorize the director to prepare and distribute to fishing guides the forms for such records and reports.

NEW SECTION. Sec. 32. In the case of loss, mutilation or destruction of a license certificate or permit certificate issued under the provisions of Title 77 RCW, the director shall issue a duplicate thereof upon proof of the facts and payment of a fee of two dollars.

NEW SECTION. Sec. 33. Sections 20 through 32 of this 1975 amendatory act shall be added to chapter 77.32 RCW.

NEW SECTION. Sec. 34. Section 19 of this 1975 amendatory act shall be effective April 1, 1976. Sections 20 through 32 of this 1975 amendatory act shall be effective January 1, 1976.

Passed the House March 14, 1975.

Passed the Senate April 18, 1975.

Approved by the Governor April 28, 1975.

Filed in Office of Secretary of State April 28, 1975.

CHAPTER 16

[House Bill No. 861]

LEGISLATIVE BUDGET

AN ACT Relating to expenditures by the legislature; adding a new section to chapter 43.88 RCW; making appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds it necessary to adopt a period of funding for legislative activities and costs which relate to the authority and intent of the elected body currently assembled pursuant to the Constitution and laws of this state, by establishing a biennial appropriation period coinciding with the current legislative session and succeeding session of the forty-fifth legislature. A legislative budget as set forth in section 2 of this act is hereby adopted and subject to the provisions set forth in the following sections, the several amounts specified, or so much thereof as shall be necessary, are hereby appropriated and authorized to be disbursed for salaries, wages, and all other expenses of the legislature.

NEW SECTION. Sec. 2. FOR THE STATE
LEGISLATURE

General Fund Appropriation

Senate Expenses and salaries of members.....	\$	6,272,400
House of Representatives Expenses and salaries of members	\$	6,870,351

*NEW SECTION. Sec. 3. *There is added to chapter 43.88 RCW a new section to read as follows:*

In order to continue the constitutionally mandated doctrine of separation of powers and maintain the legislative branch as a separate but co-equal branch of state government and for the purpose of permitting the legislature to effectively

control its own expenditures the senate and house of representatives, their employees, including the chief clerk of the house and the secretary of the senate, and their standing committees shall be exempt from all of the provisions of this chapter and shall not be subject to the rule making powers of any other agency relating to the management or control of expenditures: PROVIDED, HOWEVER, That nothing in this 1975 amendatory act shall preclude post audits by the state auditor under existing statutes.

Each house of the legislature is hereby authorized and directed to establish its own accounting system based on sound budgeting, accounting, and fiscal practices.

***Sec. 3. was vetoed, see message at end of chapter.**

NEW SECTION. Sec. 4. 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 April 30, 1975.

Passed the Senate April 25, 1975.

Approved by the Governor May 1, 1975, with the exception of section 3 which is vetoed.

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

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

"I am returning herewith without my approval as to one section House Bill No. 861 entitled:

"AN ACT Relating to expenditures by the legislature."

This bill appropriates amounts for use by the legislature during a biennial appropriation period.

Section 3 exempts the legislature and all of its officers, employees, and standing committees from all provisions of RCW Chapter 43.88, the Budget and Accounting Act, and the rule making power of any agency relating to the management and control of expenditures. It further directs each house to establish its own accounting system. The stated purpose of the section is to allow the legislature to function as a separate but equal branch of government and to permit effective control of its expenditures.

I have an abiding respect for the constitutional doctrine of separation of powers and believe strongly in the independence of the legislature. As to accountability for expenditure of public funds, however, the same policies and limitations should apply uniformly to all three branches of government, and it would not be in the public interest to exempt any one of the three. The state auditor has the constitutional duty to examine the use or misuse of public funds; such examination should be conducted under the same rules and guidelines for all three branches of government.

While there may be some reluctance on the part of the legislature to conform to budgeting and accounting rules set by the office of program planning and fiscal management, it should be emphasized that such rules are adopted according to policies determined by the legislature itself.

With the exception of section 3, which I have vetoed for the foregoing reasons, the remainder of the bill is approved."

CHAPTER 17

[Engrossed Senate Bill No. 2192]

TEACHERS' RETIREMENT SYSTEM BOARD—
RETIREMENT MEMBERS

AN ACT Relating to public employment; and amending section 4, chapter 80, Laws of 1947 and RCW 41.32.040.

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

Section 1. Section 4, chapter 80, Laws of 1947 and RCW 41.32.040 are each amended to read as follows:

The general administration and responsibility for the proper operation of the retirement system are vested in a board of trustees; the members of the board of trustees shall be the state superintendent of public instruction, ex officio, the state insurance commissioner, ex officio, ~~((and))~~ five members of the retirement system to be chosen by the state board of education for a term of three years, ~~((and))~~ at least three of ~~((said members))~~ whom shall be classroom teachers; and two additional members who shall be former members of the retirement system who are drawing retirement benefits from the system for service or disability. These two are to be selected by the state board of education. One such retirement member will serve an initial term of two years and the other will serve an initial term of three years. Thereafter each such retirement member shall serve for a term of three years.

Passed the Senate April 24, 1975.

Passed the House April 21, 1975.

Approved by the Governor May 2, 1975.

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

CHAPTER 18

[Engrossed Senate Bill No. 2530]

HIGHWAYS—SUPPLEMENTAL APPROPRIATIONS

AN ACT Relating to highways; making supplemental appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1975, the sum of \$265,000, or so much thereof as may be necessary for the completion of the existing construction contract on the parkway connection to the Evergreen State College campus as provided in section 3, chapter 174, Laws of 1973 1st ex. sess.

NEW SECTION. Sec. 2. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1975, the sum of \$11,500 or so much thereof as may be necessary to continue the agreement, in accordance with the provisions of RCW 47.56.720, between Wahkiakum county and the state highway commission for the operation and maintenance of the Puget Island ferry.

NEW SECTION. Sec. 3. There is hereby appropriated from the general fund to the Washington state highway commission for the biennium ending June 30,

1975, \$20,000 for supportive services to minority contractor training programs: PROVIDED, That any funds expended from this appropriation shall be fully reimbursable from federal funds authorized by P. L. 91-6.5 Title 1.

NEW SECTION. Sec. 4. 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 Senate April 24, 1975.

Passed the House April 21, 1975.

Approved by the Governor May 2, 1975.

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

CHAPTER 19

[House Bill No. 155]

PROSECUTING ATTORNEYS—
POWERS—DEPUTIES—APPEARANCE

AN ACT Relating to prosecuting attorneys; amending section 36.27.020, chapter 4, Laws of 1963 and RCW 36.27.020; amending section 36.27.040, chapter 4, Laws of 1963 and RCW 36.27.040; and amending section 5, chapter 126, Laws of 1921 as amended by section 13, chapter 81, Laws of 1971 and RCW 2.48.200; and declaring an emergency.

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

Section 1. Section 36.27.020, chapter 4, Laws of 1963 and RCW 36.27.020 are each amended to read as follows:

The prosecuting attorney shall:

(1) Be legal adviser of the board of county commissioners, giving them his written opinion when required by the board or the chairman thereof touching any subject which the board may be called or required to act upon relating to the management of county affairs;

(2) Be legal adviser to all county and precinct officers and school directors in all matters relating to their official business, and when required he shall draw up all instruments of an official nature for the use of said officers;

(3) Appear for and represent the state, county, and all school districts subject to the supervisory control and direction of the attorney general in all criminal and civil proceedings in which the state or his county or any school district in his county may be a party;

(4) Prosecute all criminal and civil actions in which the state or his county may be a party, defend all suits brought against the state or his county, and prosecute actions upon forfeited recognizances and bonds and actions for the recovery of debts, fines, penalties, and forfeitures accruing to the state or his county;

(5) Attend and appear before and give advice to the grand jury when cases are presented to it for consideration and draw all indictments when required by the grand jury;

(6) Institute and prosecute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of felonies when he has information that any such offense has been committed and he shall for that purpose attend when required by them if he is not then in attendance upon the superior court;

(7) Carefully tax all cost bills in criminal cases and take care that no useless witness fees are taxed as part of the costs and that the officers authorized to execute process tax no other or greater fees than the fees allowed by law;

(8) Receive all cost bills in criminal cases before justices of the peace at the trial of which he was not present, before they are lodged with the board of county commissioners for payment, whereupon he may retax the same and he must do so if the board of county commissioners deems any bill exorbitant or improperly taxed;

(9) Present all violations of the election laws which may come to his knowledge to the special consideration of the proper jury;

(10) Examine at least once in each year the public records and books of the auditor, assessor, treasurer, superintendent of schools, and sheriff of his county and report to the board of county commissioners every failure, refusal, omission, or neglect of such officers to keep such records and books as required by law;

(11) Examine once in each year the official bonds of all county and precinct officers and report to the board of county commissioners any defect in the bonds of any such officer;

(12) Make an annual report to the governor as of the 31st of December of each year setting forth the amount and nature of business transacted by him in that year with such other statements and suggestions as he may deem useful;

(13) Send to the state liquor control board at the end of each year a written report of all prosecutions brought under the state liquor laws in the county during the preceding year, showing in each case, the date of trial, name of accused, nature of charges, disposition of case, and the name of the judge presiding;

(14) Seek to reform and improve the administration of criminal justice and stimulate efforts to remedy inadequacies or injustice in substantive or procedural law.

Sec. 2. Section 36.27.040, chapter 4, Laws of 1963 and RCW 36.27.040 are each amended to read as follows:

The prosecuting attorney may appoint one or more deputies who shall have the same power in all respects as their principal. Each appointment shall be in writing, signed by the prosecuting attorney, and filed in the county auditor's office. Each deputy thus appointed shall have the same qualifications required of the prosecuting attorney, except that such deputy need not be a resident of the county in which he serves. ~~The prosecuting attorney may appoint one or more special deputy prosecuting attorneys ((to aid in the investigation or in the presentment of any matters or testimony to a grand jury, and in the trial of any criminal cause arising out of the indictments of a grand jury and such special deputy prosecuting attorneys need not be residents of the county in which such grand jury is convened, but shall be residents of the state of Washington and admitted to practice as attorneys before the courts of this state)) upon a contract or fee basis whose authority shall be limited to the purposes stated in the writing signed by the prosecuting attorney and filed in the county auditor's office. Such special deputy prosecuting attorney shall be admitted to practice as an attorney before the courts of this state but need not be a resident of the county in which he serves and shall not be under the legal disabilities attendant upon prosecuting attorneys or their deputies except to avoid any conflict of interest with the purpose for which he has~~

been engaged by the prosecuting attorney. The prosecuting attorney shall be responsible for the acts of his deputies and may revoke appointments at will.

Two or more prosecuting attorneys may agree that one or more deputies for any one of them may serve temporarily as deputy for any other of them on terms respecting compensation which are acceptable to said prosecuting attorneys. Any such deputy thus serving shall have the same power in all respects as if he were serving permanently.

The provisions of chapter 39.34 RCW shall not apply to such agreements.

Sec. 3. Section 5, chapter 126, Laws of 1921 as amended by section 13, chapter 81, Laws of 1971 and RCW 2.48.200 are each amended to read as follows:

No person shall practice law who holds a commission as judge in any court of record, or as sheriff, coroner, or deputy sheriff; nor shall the clerk of the supreme court, the court of appeals, or of the superior court or any deputy thereof practice in the court of which he is clerk or deputy clerk: PROVIDED, It shall be unlawful for a deputy prosecuting attorney, or for the employee, partner, or agent of a prosecuting attorney, or for an attorney occupying offices with a prosecuting attorney, to appear for an adverse interest in any proceeding in which a prosecuting attorney is appearing, or to appear in any suit, action or proceeding in which a prosecuting attorney is prohibited by law from appearing, but nothing herein shall prohibit a prosecuting attorney or a deputy prosecuting attorney from appearing in any action or proceeding for an interest divergent from that represented in the same action or proceeding by another attorney or special attorney in or for the same office, so long as such appearances are pursuant to the duties of prosecuting attorneys as set out in RCW 36.27.020 and such appearances are consistent with the code of professional responsibility or other code of ethics adopted by the Washington state supreme court, but nothing herein shall preclude a judge or justice of a court of this state from finishing any business by him undertaken in a court of the United States prior to his becoming a judge or justice.

NEW SECTION. Sec. 4. 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 April 29, 1975.

Passed the Senate April 23, 1975.

Approved by the Governor May 6, 1975.

Filed in Office of Secretary of State May 6, 1975.

CHAPTER 20

[House Bill No. 324]

CARGO CONTAINERS—TAX EXEMPTION

AN ACT Relating to taxation; and adding a new section to chapter 15, Laws of 1961 and to chapter 84.36 RCW.

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 84.36 RCW a new section to read as follows:

All cargo containers principally used for the transportation of cargo by vessels in ocean commerce shall be exempt from taxation. The term "cargo container" means a receptacle:

- (1) Of a permanent character and accordingly strong enough to be suitable for repeated use;
- (2) Specially designed to facilitate the carriage of goods, by one or more modes of transport, one of which shall be by vessels, without intermediate reloading;
- (3) Fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another; and
- (4) Designed to be easy to fill and empty.

Passed the House March 31, 1975.

Passed the Senate April 23, 1975.

Approved by the Governor May 6, 1975.

Filed in Office of Secretary of State May 6, 1975.

CHAPTER 21

[House Bill No. 486]

COUNTY OPERATED FERRIES—STATE FINANCIAL ASSISTANCE—CAPITAL IMPROVEMENT PROGRAMS—APPROPRIATION

AN ACT Relating to county operated ferries; amending section 36.81.121, chapter 4, Laws of 1963 as amended by section 26, chapter 83, Laws of 1967 ex. sess. and RCW 36.81.121; amending section 36.81.130, chapter 4, Laws of 1963 and RCW 36.81.130; adding a new section to chapter 47.56 RCW; adding a new section to Title 36 RCW; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 47.56 RCW a new section to read as follows:

(1) The Washington state highway commission is hereby authorized to enter into a continuing agreement with Pierce, Skagit, and Whatcom counties pursuant to which the state highway commission shall pay to each of the counties from moneys appropriated for such purpose the amounts authorized in subsection (2) of this section.

(2) The Washington state highway commission is authorized to include in the continuing agreement a provision to reimburse Pierce, Skagit, and Whatcom counties each for fifty percent of the deficit incurred during each previous fiscal year in the operation and maintenance of the ferry systems owned and operated by such counties, commencing with the fiscal year ending June 30, 1976: PROVIDED, That the tolls of each county ferry system existing as of the effective date of this 1975 amendatory act shall not be decreased.

(3) The annual fiscal year deficit, if any, shall be determined by Pierce, Skagit, and Whatcom counties subject to review and approval of the Washington state highway commission. The annual fiscal year deficit is defined as the total of operations and maintenance expenditures less the sum of ferry toll revenues and that portion of fuel tax revenue distributions which are attributable to the county ferry as determined by the Washington state highway commission. Payments of the amounts authorized by subsection (2) of this section shall be made by the

Washington state highway commission upon the receipt of properly executed vouchers from each county.

NEW SECTION. Sec. 2. There is added to Title 36 RCW a new section to read as follows:

The legislative authority of every county operating ferries shall prepare, with the advice and assistance of the county engineer, a fourteen year long range capital improvement plan embracing all major elements of the ferry system. Such plan shall include a listing of each major element of the system showing its estimated current value, its estimated replacement cost, and its amortization period.

Sec. 3. Section 36.81.121, chapter 4, Laws of 1963 as amended by section 26, chapter 83, Laws of 1967 ex. sess. and RCW 36.81.121 are each amended to read as follows:

Prior to July 1, 1968, the ~~((board of county commissioners))~~ legislative authority of each county with the advice and assistance of the county road engineer, and pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive road program for the ensuing six calendar years ~~((and shall file the same))~~. Such program shall include proposed road and bridge construction work and for those counties operating ferries shall also include a separate section showing proposed capital expenditures for ferries, docks, and related facilities. Copies of the program shall be filed with the county administration board and with the director of highways not more than thirty days after its adoption by the board. Annually thereafter each board shall review the work accomplished under the program and determine current county road needs. Based on these findings each board shall prepare and after public hearing thereon adopt a revised and extended comprehensive road program, and each one year extension and revision shall be filed with the director of highways not more than thirty days after its adoption by the board. The purpose of this section shall be to assure that perpetually each county shall have available advanced plans, looking to the future for not less than six years as a guide in carrying out a coordinated road construction program. Such program may at any time be revised by a majority of the board but only after a public hearing thereon.

The six year program of each county having an urban area within its boundaries shall contain a separate section setting forth the six year program for arterial road construction based upon its long range construction plan and formulated in accordance with regulations of the urban arterial board. The six year program for arterial road construction shall be submitted to the urban arterial board forthwith after its annual revision and adoption by the board of county commissioners. The six year program for arterial road construction shall be based upon estimated revenues available for such construction together with such additional sums as the county commissioners may request for urban arterials only from the urban arterial trust account for the six year period. The arterial road construction program shall provide for a more rapid rate of completion of the long range construction needs of major arterial roads than for secondary and collector arterial roads, pursuant to regulations of the urban arterial board.

Sec. 4. Section 36.81.130, chapter 4, Laws of 1963 and RCW 36.81.130 are each amended to read as follows:

The laying out, construction, and maintenance of all county roads shall hereafter be in accordance with the following procedure:

On or before the first Monday in July of each year each county road engineer shall file with the (~~(board of county commissioners))~~ county legislative authority a recommended plan for the laying out, construction, maintenance, and special maintenance of county roads for the ensuing fiscal year. Such recommended plan need not be limited to but shall include the following items: Recommended projects, including capital expenditures for ferries, docks, and related facilities, and their priority; the estimated cost of all work, including labor and materials for each project recommended; a statement as to whether such work is to be done by the county forces or by publicly advertised contract; a list of all recommended repairs to and purchases of road equipment, together with the estimated costs thereof. Amounts to be expended for maintenance and special maintenance shall be recommended, but details of these proposed expenditures shall not be made. The recommended plan shall conform as nearly as practicable to the county's long range road program.

Within two weeks after the filing of the road engineer's recommended plan, the (~~(board of county commissioners))~~ county legislative authority shall consider the same. Revisions and changes may be made until a plan which is agreeable to a majority of the (~~(commissioners))~~ members of the county legislative authority has been adopted: PROVIDED, That such revisions shall conform as nearly as practicable to the county's long range road program. Any appropriations contained in the county road budget shall be void unless the county's road plan was adopted prior to such appropriation.

The final road plan for the fiscal year shall not thereafter be changed except by unanimous vote of the county (~~(commissioners))~~ legislative authority.

NEW SECTION. Sec. 5. There is hereby appropriated from the counties share of the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1977, the sum of one hundred twenty thousand dollars or so much thereof as may be necessary to carry out the provisions of section 1 of this 1975 amendatory act.

NEW SECTION. Sec. 6. This 1975 amendatory 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 March 17, 1975.

Passed the Senate April 25, 1975.

Approved by the Governor May 6, 1975.

Filed in Office of Secretary of State May 6, 1975.

CHAPTER 22

[House Bill No. 451]

REVENUE AND TAXATION— UNSTAMPED CIGARETTES

AN ACT Relating to revenue and taxation; and amending section 7, chapter 157, Laws of 1972 ex. sess. and RCW 82.24.260.

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

Section 1. Section 7, chapter 157, Laws of 1972 ex. sess. and RCW 82.24.260 are each amended to read as follows:

~~((Notwithstanding any other provisions of this chapter, a person may acquire and physically possess, if acquired and possessed for purposes other than resale, four hundred or less cigarettes at any single time without incurring tax liability under this chapter, RCW 28A.47.440 and RCW 73.32.130:))~~ Any retailer who sells or otherwise disposes of any unstamped cigarettes other than (1) a federal instrumentality with respect to sales to authorized military personnel and (2) a federally recognized Indian tribal organization with respect to sales to enrolled members of the tribe shall collect from the buyer or transferee thereof the tax imposed on such buyer or transferee by RCW 82.24.020, 28A.47.440, and 73.32.130, and remit the same to the department after deducting from the tax collected the compensation he would have been entitled to under the provisions of this chapter, RCW 28A.47.440 and 73.32.130 if he had affixed stamps to the unstamped cigarettes. Such remittance shall be made at the same time and manner as remittances of the retail sales tax as required under chapters 82.08 and 82.32 RCW. In the event the retailer fails to collect the tax from the buyer or transferee, or fails to remit the same, the retailer shall be personally liable therefor, and shall be subject to the administrative provisions of RCW 82.24.230 with respect to the collection thereof by the department. The provisions of this section shall not relieve the buyer or possessor of unstamped cigarettes from personal liability for the tax imposed by RCW 82.24.020, 28A.47.440 and 73.32.130.

Nothing in this section shall relieve a wholesaler or a retailer from the requirements of affixing stamps pursuant to RCW 82.24.040 and 82.24.050.

Passed the House March 17, 1975.

Passed the Senate April 25, 1975.

Approved by the Governor May 6, 1975.

Filed in Office of Secretary of State May 6, 1975.

CHAPTER 23

[House Bill No. 131]

SCHOOL DISTRICTS—DISSOLUTION, ANNEXATION— "REASONABLE EFFORT" TO MAINTAIN TERM

AN ACT Relating to the organization of school districts; and amending section 28A.57.200, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 86, Laws of 1970 ex. sess. and RCW 28A.57.200; and declaring an emergency.

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

Section 1. Section 28A.57.200, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 86, Laws of 1970 ex. sess. and RCW 28A.57.200 are each amended to read as follows:

In case any school district shall have an average enrollment of fewer than two pupils or shall not have ~~((maintained))~~ made a reasonable effort to maintain, during the preceding school year at least the minimum term of school required by law, the intermediate school district superintendent shall report said fact to the county committee, which committee shall dissolve the school district and annex

the territory thereof to some other district or districts: PROVIDED, That for the purposes of this section, in addition to any other finding, "reasonable effort" shall be deemed to mean the attempt to make up whatever days are short of the legal requirement by the conducting of school classes on any days to include available holidays, though not to include Saturdays and Sundays, prior to June 15 of that year: PROVIDED FURTHER, That school districts operating an extended school year program, most commonly implemented as a 45-15 plan, shall be deemed to be making a reasonable effort: PROVIDED FURTHER, That in the event any school district has suffered any interruption in its normal school calendar due to a strike or other work stoppage or slowdown by any of its employees such district shall not be subject to the requirements of this section. In case any territory is not a part of any school district, the intermediate school district superintendent shall present to the county committee a proposal for the annexation of said territory to some contiguous district or districts.

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 April 30, 1975.

Passed the Senate April 28, 1975.

Approved by the Governor May 8, 1975.

Filed in Office of Secretary of State May 8, 1975.

CHAPTER 24

[House Bill No. 474]

MUNICIPAL AMBULANCE SERVICE— CREATION—SUPPORT

AN ACT Relating to municipal ambulance service; authorizing ambulance service; providing for the support thereof; and adding new sections to chapter 35.21 RCW.

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

NEW SECTION. Section 1. There is added to chapter 35.21 RCW a new section to read as follows:

Whenever the legislative authority of any city or town determines that the city or town or a substantial portion of the city or town is not adequately served by existing private ambulance service, the legislative authority may by appropriate legislation provide for the establishment of a system of ambulance service to be operated as a public utility of the city or town or operated by contract after a call for bids.

NEW SECTION. Sec. 2. There is added to chapter 35.21 RCW a new section to read as follows:

The legislative authority of any city or town is authorized to adopt ordinances for the levy and collection of excise taxes and/or for the imposition of an additional tax for the act or privilege of engaging in the ambulance business. Such business and occupation tax shall be imposed in such amounts as fixed and determined by the legislative authority.

The excise taxes other than the business and occupation tax authorized by this section shall be levied and collected from all persons, businesses, and industries who are served and billed for said ambulance service owned and operated or contracted for by the city or town in such amounts as shall be fixed and determined by the legislative authority of the city or town.

All taxes authorized pursuant to this section shall be construed to be taxes other than a retail sales tax defined in chapter 82.08 RCW and a use tax defined in chapter 82.12 RCW, and the city or town shall appropriate and use the proceeds derived from all taxes authorized by this section only for the operation, maintenance and capital needs of its municipally owned, operated, leased or contracted for ambulance service.

Passed the House April 30, 1975.

Passed the Senate April 23, 1975.

Approved by the Governor May 8, 1975.

Filed in Office of Secretary of State May 8, 1975.

CHAPTER 25

[Senate Bill No. 2074]

SEWER DISTRICT AND WATER DISTRICT REVENUE BONDS AND WARRANTS—REQUISITES— SPECIAL FUNDS

AN ACT Relating to local government; amending section 19, chapter 210, Laws of 1941 as last amended by section 4, chapter 272, Laws of 1971 ex. sess and RCW 56.16.060; amending section 21, chapter 210, Laws of 1941 as amended by section 82, chapter 56, Laws of 1970 ex. sess. and RCW 56.16.080; amending section 3, chapter 128, Laws of 1939 as last amended by section 84, chapter 56, Laws of 1970 ex. sess. and RCW 57.20.020; adding a new section to chapter 56.16 RCW; and adding a new section to chapter 57.20 RCW.

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

Section 1. Section 19, chapter 210, Laws of 1941 as last amended by section 4, chapter 272, Laws of 1971 ex. sess and RCW 56.16.060 are each amended to read as follows:

When sewer revenue bonds are issued for authorized purposes, said bonds shall be ((either registered as to principal only or shall be bearer bonds)) in bearer form or registered as to principal or interest or both, and may provide for conversion between registered and coupon bonds; shall be in such denominations, shall be numbered, shall bear such date, shall be payable at such time or times up to a maximum period of not to exceed thirty years and at such place or places one of which must be the office of the treasurer of the county in which the district is located, or of the county in which fifty-one percent or more of the area of the district is located such place or places to be determined by the board of commissioners of the district; shall bear interest at such rate or rates payable at such time or times as authorized by the board of sewer commissioners ((payable semiannually and evidenced to maturity by coupons attached to said bonds)); shall be executed by the president of the board of commissioners and attested by the secretary thereof, one of which signatures may, with the written permission of the signator whose facsimile signature is being used, be a facsimile and have the seal

of the district impressed thereon; and may have facsimile signatures of the president and secretary imprinted on the interest coupons in lieu of original signatures.

Sec. 2. Section 21, chapter 210, Laws of 1941 as amended by section 82, chapter 56, Laws of 1970 ex. sess. and RCW 56.16.080 are each amended to read as follows:

In creating any special fund or funds the sewer commissioners of such sewer district shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds, and the interest thereon, issued against any such fund as herein provided, shall be a valid claim of the holder thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such sewer district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state upon its face that it is payable from a special fund, naming the said fund and the resolution creating it. Said bonds shall be sold in such manner, at such prices and at such rate or rates of interest as the sewer commissioners shall deem for the best interests of the sewer district, either at public or private sale, and the said commissioners may provide in any contract for the construction and acquirement of the proposed improvement that payment therefor shall be made in such bonds at par value thereof.

When any such special fund shall have been heretofore or shall be created and any such bonds shall have been heretofore or shall hereafter be issued against the same, a fixed proportion or a fixed amount out of and not to exceed such fixed proportion, or a fixed amount without regard to any fixed proportion, of revenue shall be set aside and paid into said special fund as provided in the resolution creating such fund or authorizing such bonds. In case any sewer district shall fail thus to set aside and pay said fixed proportion or amount as aforesaid, the holder of any bond (~~against~~) payable from such special fund may bring suit or action against the sewer district and compel such setting aside and payment.

Sec. 3. Section 3, chapter 128, Laws of 1939 as last amended by section 84, chapter 56, Laws of 1970 ex. sess. and RCW 57.20.020 are each amended to read as follows:

Whenever any issue or issues of water revenue bonds have been authorized in compliance with the provisions of RCW 57.16.010 through 57.16.040, said bonds shall be ~~((either registered as to principal only or shall be bearer bonds))~~ in bearer form or registered as to principal or interest or both, and may provide for conversion between registered and coupon bonds; shall be in such denominations, shall be numbered, shall bear such date, and shall be payable at such time or times up to a maximum period of not to exceed thirty years as shall be determined by the board of water commissioners of the district; shall bear interest at such rate or rates payable at such time or times as authorized by the board ~~((payable semiannually and evidenced to maturity by coupons attached to said~~

bonds)); shall be payable at the office of the county treasurer of the county in which the water district is located and may also be payable at such other place or places as the board of water commissioners may determine; shall be executed by the president of the board of water commissioners and attested and sealed by the secretary thereof, one of which signatures may, with the written permission of the signator whose facsimile signature is being used, be a facsimile; and may have facsimile signatures of said president (~~and~~) or secretary imprinted on the interest coupons in lieu of original signatures.

The water district commissioners shall have power and are required to create a special fund or funds for the sole purpose of paying the interest and principal of such bonds into which special fund or funds the said water district commissioners shall obligate and bind the water district to set aside and pay a fixed proportion of the gross revenues of the water supply system or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount or amounts without regard to any fixed proportion and such bonds and the interest thereof shall be payable only out of such special fund or funds, but shall be a lien and charge against all revenues and payments received from any utility local improvement district or districts pledged to secure such bonds, subject only to operating and maintenance expenses.

In creating any such special fund or funds the water district commissioners of such water district shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds and interest thereon issued against any such fund as herein provided shall be a valid claim of the holder thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such water district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state upon its face that it is payable from a special fund, naming the said fund and the resolution creating it. Said bonds shall be sold in such manner, at such price and at such rate or rates of interest as the water district commissioners shall deem for the best interests of the water district, either at public or private sale, and the said commissioners may provide in any contract for the construction and acquirement of the proposed improvement (and for the refunding of outstanding local improvement district obligations, if any) that payment therefor shall be made in such bonds at par value thereof.

When any such special fund shall have been heretofore or shall be hereafter created and any such bonds shall have been heretofore or shall hereafter be issued against the same a fixed proportion or a fixed amount out of and not to exceed such fixed proportion, or a fixed amount or amounts without regard to any fixed proportion, of revenue shall be set aside and paid into said special fund as provided in the resolution creating such fund or authorizing such bonds, and in case any water district shall fail thus to set aside and pay said fixed proportion or

amount as aforesaid, the holder of any bond (~~against~~) payable from such special fund may bring suit or action against the water district and compel such setting aside and payment.

The water district commissioners of any water district, in the event that such water revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of water supply to those receiving such service, such rates and charges to be fixed as deemed necessary by such water district commissioners, so that uniform charges will be made for the same class of customer or service. In classifying customers served or service furnished by such water supply system, the board of water commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Such rates shall be made on a monthly basis as may be deemed proper by such commissioners and as fixed by resolution and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements and all other charges necessary for efficient and proper operation of the system.

NEW SECTION. Sec. 4. There is added to chapter 56.16 RCW a new section to read as follows:

Sewer districts may also issue revenue warrants and revenue bond anticipation warrants for the same purposes for which such districts may issue revenue bonds. The provisions of this chapter relating to the authorization, terms, conditions, covenants, issuance and sale of revenue bonds (exclusive of provisions relating to refunding) shall be applicable to such warrants. Sewer districts issuing revenue bond anticipation warrants may make covenants relative to the issuance of revenue bonds to provide funds for the redemption of part or all of such warrants and may contract for the sale of such bonds and warrants.

NEW SECTION. Sec. 5. There is added to chapter 57.20 RCW a new section to read as follows:

Water districts may also issue revenue warrants and revenue bond anticipation warrants for the same purposes for which such districts may issue revenue bonds. The provisions of this chapter relating to the authorization, terms, conditions, covenants, issuance and sale of revenue bonds (exclusive of provisions relating to refunding) shall be applicable to such warrants. Water districts issuing revenue bond anticipation warrants may make covenants relative to the issuance of revenue bonds to provide funds for the redemption of part or all of such warrants and may contract for the sale of such bonds and warrants.

Passed the Senate April 24, 1975.

Passed the House April 29, 1975.

Approved by the Governor May 8, 1975.

Filed in Office of Secretary of State May 8, 1975.

CHAPTER 26

[Engrossed Senate Bill No. 2300]

WASHINGTON STATE BOARD ON GEOGRAPHIC
NAMES—COMPOSITION

AN ACT Relating to the Washington state board on geographic names; and amending section 2, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.020.

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

Section 1. Section 2, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126-.020 are each amended to read as follows:

There is hereby created a Washington state board on geographic names. It shall be composed of ((the)):

- (1) the state librarian or representative;
- (2) the commissioner of public lands or representative ((;)) who shall be chairman of the board;
- (3) the president of the Washington state historical society or representative;
- (4) the chairman of the department of geography, University of Washington or representative;
- (5) the chairman of the department of geography, Washington State University or representative;
- (6) Two members from the general public to be appointed by and serve at the pleasure of the commissioner of public lands. ((;
- ~~(7) The commissioner of public lands or his representative shall be chairman of the board.))~~

Passed the Senate March 14, 1975.

Passed the House April 30, 1975.

Approved by the Governor May 8, 1975.

Filed in Office of Secretary of State May 8, 1975.

CHAPTER 27

[Engrossed Senate Bill No. 2647]

TRANSFER OF LANDS TO KITSAP COUNTY

AN ACT Authorizing transfer of certain public lands from the state of Washington to Kitsap county; and creating new sections.

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

NEW SECTION. Section 1. The secretary of the department of social and health services of the state of Washington is authorized and directed to certify in the manner provided by law to the governor for deed to the board of county commissioners for Kitsap county the following described lands:

All that tract or parcel of land lying and being in the county of Kitsap, state of Washington, and being that portion of the west half of the Southeast quarter of section 25, township 24 North, range 1, East, Willamette Meridian, and being more particularly described as follows:

Beginning at the northeast corner of said west half; thence south 0°29'08" west along the east line of said west half 2517.68 feet; thence south 58°13'11" west 79.56 feet to the north margin of state road No. 160, formerly known as state road No. 14; thence along said north margin, north 89°54'44" west 60.00 feet; thence south 0°05'16" west 30.00 feet; thence north 89°54'44" west 100.00 feet; thence south 0°05'16" west 10.00 feet; thence north 89°54'44" west 101.13 feet; thence leaving said north margin, north 0°33'34" west 100.00 feet; thence north 89°54'44" west 120.00 feet; thence north 0°33'34" west 527.46 feet; thence north 88°40'57" west 140.07 feet to the easterly margin of Retsil Road; thence north 0°33'34" west 0.58 feet; thence on a curve to the left of uniform radius of 316.69 feet, an arc distance of 232.15 feet; thence north 42°33'34" west 357.61 feet; thence on a curve to the right of uniform radius of 300.55 feet, an arc distance of 223.50 feet; thence north 0°02'52" east 1084.70 feet; thence on a curve to the right of uniform radius of 200.36 feet, an arc distance of 318.30 feet; thence south 88°55'53" east 123.38 feet; thence north 1°04'07" east 20.00 feet; thence south 88°55'53" east 692.06 feet to the point of beginning, containing 48.609028 acres more or less.

NEW SECTION. Sec. 2. The governor is authorized and directed to execute, and the secretary of state to attest, a deed to the board of county commissioners for Kitsap county, conveying all the land described in section 1 of this act and containing the provisions of section 3 of this act.

NEW SECTION. Sec. 3. The land transferred pursuant to this act shall be used for recreational purposes, and if the grantee, or any subsequent grantee, ceases to use the land for such purposes, the grant of the land shall be terminated thereby, and the land shall revert to the state.

Passed the Senate April 9, 1975.

Passed the House April 30, 1975.

Approved by the Governor May 8, 1975.

Filed in Office of Secretary of State May 8, 1975.

CHAPTER 28

[Engrossed Senate Bill No. 2892]

PORT DISTRICTS—UNCLAIMED PERSONAL PROPERTY—DISPOSITION

AN ACT Relating to unclaimed personal property; amending section 2, chapter 289, Laws of 1959 as amended by section 2, chapter 44, Laws of 1973 1st ex. sess. and RCW 63.36.010; amending section 3, chapter 289, Laws of 1959 as amended by section 3, chapter 44, Laws of 1973 1st ex. sess. and RCW 63.36.020; amending section 4, chapter 289, Laws of 1959 and RCW 63.36.030; and amending section 1, chapter 289, Laws of 1959 and RCW 63.28.360.

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

Section 1. Section 2, chapter 289, Laws of 1959 as amended by section 2, chapter 44, Laws of 1973 1st ex. sess. and RCW 63.36.010 are each amended to read as follows:

Whenever any unclaimed personal property or moneys in the possession of the governing authority of any city, ((or)) town or port district, or department or agency thereof, have not been claimed for a period of sixty days or more from the

date the property first came into such possession or from the date the moneys first became payable or returnable, the governing authority shall cause a notice to be published at least once a week for two successive weeks in a newspaper of general circulation in the county in which such city, ~~((or))~~ town or port district is located. The notice shall set forth the name, if known, and the last known address, if any, of each person appearing from the records of the governing authority to be the owner of any such unclaimed money or personal property; a brief statement concerning the amount of money or a description of the personal property; and the name and address of the governing authority, department or agency possessing the money or personal property and the place where it may be claimed.

Sec. 2. Section 3, chapter 289, Laws of 1959 as amended by section 3, chapter 44, Laws of 1973 1st ex. sess. and RCW 63.36.020 are each amended to read as follows:

If the owner of, or other person having a claim to, any such personal property or money does not claim the property or money within ten days after the last date the notice was published, such governing authority shall cause any such personal property to be sold at public auction pursuant to a public notice ~~((published in a newspaper of general circulation within the city or town))~~ at least ten days prior thereto published in a newspaper of general circulation within the city or town, if the property is in the possession of a city or town, or if the property is in the possession of a port district, in a newspaper of general circulation within the county in which the port district is located. The notice shall state the day, time, and place of sale and contain a description of the personal property to be sold.

Sec. 3. Section 4, chapter 289, Laws of 1959 and RCW 63.36.030 are each amended to read as follows:

The proceeds from the sale of any such personal property less the expenses of advertising and sale together with any unclaimed moneys, less the expenses of advertising, shall accrue to the port district, or where the sale is by a city or town, to the city or town fund pertaining to the department or agency from whose functions the unclaimed personal property or moneys was derived~~((-If))~~ unless there is no such fund or the unclaimed personal property or moneys was not derived from any particular department or agency of a city or town, then the proceeds of any such sale or such moneys shall accrue to the current expense fund of the city or town.

Sec. 4. Section 1, chapter 289, Laws of 1959 and RCW 63.28.360 are each amended to read as follows:

The provisions of chapter 63.28 RCW shall not apply to unclaimed property or moneys in the possession of any city, ~~((or))~~ town or port district or a department or agency thereof.

Passed the Senate April 9, 1975.

Passed the House April 30, 1975.

Approved by the Governor May 8, 1975.

Filed in Office of Secretary of State May 8, 1975.

CHAPTER 29

[Engrossed Substitute Senate Bill No. 2125]

STREAMS—REPAIRS AND RESTORATIONS—
PERMITS—EMERGENCIES

AN ACT Relating to food fish and shellfish; and amending section 75.20.100, chapter 12, Laws of 1955 as amended by section 1, chapter 48, Laws of 1967 and RCW 75.20.100.

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

Section 1. Section 75.20.100, chapter 12, Laws of 1955 as amended by section 1, chapter 48, Laws of 1967 and RCW 75.20.100 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or other work that will use, divert, obstruct, or change the natural flow or bed of any river or stream or that will utilize any of the waters of the state or materials from the stream beds, such person or government agency shall submit to the department of fisheries and the department of game full plans and specifications of the proposed construction or work, complete plans and specifications for the proper protection of fish life in connection therewith, the approximate date when such construction or work is to commence, and shall secure the written approval of the director of fisheries and the director of game as to the adequacy of the means outlined for the protection of fish life in connection therewith and as to the propriety of the proposed construction or work and time thereof in relation to fish life, before commencing construction or work thereon. The director of fisheries and the director of game shall designate and authorize certain employees of their respective departments to act in place of themselves by signing written approvals for such designations and authorizations. If any person or government agency commences construction on any such works or projects without first providing plans and specifications subject to the approval of the director of fisheries and the director of game for the proper protection of fish life in connection therewith and without first having obtained written approval of the director of fisheries and the director of game as to the adequacy of such plans and specifications submitted for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, he is guilty of a gross misdemeanor. If any such person or government agency be convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such. For the purposes of this section, "bed" shall mean that portion of a river or stream and the shorelands within the ordinary high water lines.

PROVIDED, That in case of an emergency arising from weather or stream flow conditions the department of fisheries or department of game, through their authorized representatives, shall issue immediately upon request oral permits to a riparian owner or lessee for removing any obstructions ((or for)), repairing existing structures, restoring stream banks, or to protect property threatened by the stream without the necessity of submitting prepared plans and specifications or obtaining a written permit prior to commencing work. Conditions of an oral permit shall be

reduced to writing within thirty days and complied with as provided for in this section.

Passed the Senate May 1, 1975.

Passed the House April 29, 1975.

Approved by the Governor May 8, 1975.

Filed in Office of Secretary of State May 8, 1975.

CHAPTER 30

[Substitute Senate Bill No. 2183]

BUSINESSES AND PROFESSIONS—LICENSE AND REGISTRATION FEES

AN ACT Relating to businesses and professions; amending section 6, chapter 323, Laws of 1959 and RCW 18.08.150; amending section 10, chapter 323, Laws of 1959 as amended by section 1, chapter 266, Laws of 1971 ex. sess. and RCW 18.08.190; amending section 13, chapter 323, Laws of 1959 and RCW 18.08.220; amending section 3, chapter 75, Laws of 1923 as last amended by section 3, chapter 223, Laws of 1967 and RCW 18.15.040; amending section 6, chapter 75, Laws of 1923 as last amended by section 2, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.050; amending section 7, chapter 75, Laws of 1923 as last amended by section 4, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.060; amending section 3, chapter 84, Laws of 1959 as last amended by section 5, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.065; amending section 2, chapter 84, Laws of 1959 as amended by section 14, chapter 223, Laws of 1967 and RCW 18.15.095; amending section 13, chapter 223, Laws of 1967 as amended by section 7, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.097; amending section 8, chapter 172, Laws of 1901 as last amended by section 8, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.100; amending section 13, chapter 101, Laws of 1957 as last amended by section 18, chapter 223, Laws of 1967 and RCW 18.15.125; amending section 12, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.220; amending section 5, chapter 180, Laws of 1951 as last amended by section 23, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.090; amending section 14, chapter 215, Laws of 1937 as last amended by section 10, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.120; amending section 7, chapter 180, Laws of 1951 as last amended by section 27, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.140; amending section 14, chapter 52, Laws of 1957 as last amended by section 6, chapter 77, Laws of 1973 and RCW 18.22.060; amending section 3, chapter 97, Laws of 1965 as amended by section 8, chapter 77, Laws of 1973 and RCW 18.22.081; amending section 6, chapter 149, Laws of 1955 as last amended by section 10, chapter 77, Laws of 1973 and RCW 18.22.120; amending section 5, chapter 5, Laws of 1919 as last amended by section 9, chapter 97, Laws of 1974 ex. sess. and RCW 18.25.020; amending section 14, chapter 5, Laws of 1919 as amended by section 6, chapter 227, Laws of 1971 ex. sess. and RCW 18.25.040; amending section 8, chapter 5, Laws of 1919 and RCW 18.25.050; amending section 10, chapter 5, Laws of 1919 as last amended by section 11, chapter 97, Laws of 1974 ex. sess. and RCW 18.25.070; amending section 3, chapter 201, Laws of 1967 as amended by section 6, chapter 266, Laws of 1971 ex. sess. and RCW 18.28.030; amending section 28, chapter 16, Laws of 1923 as last amended by section 21, chapter 292, Laws of 1971 ex. sess. and RCW 18.29.020; amending section 33, chapter 16, Laws of 1923 as amended by section 3, chapter 47, Laws of 1969 and RCW 18.29.040; amending section 32, chapter 16, Laws of 1923 as amended by section 5, chapter 47, Laws of 1969 and RCW 18.29.070; amending section 29, chapter 52, Laws of 1957 as amended by section 1, chapter 49, Laws of 1969 and RCW 18.32.110; amending section 5, chapter 93, Laws of 1953 as last amended by section 2, chapter 49, Laws of 1969 and RCW 18.32.120; amending section 25, chapter 52, Laws of 1957 and RCW 18.32.170; amending section 24, chapter 112, Laws of 1935 as last amended by section 3, chapter 49, Laws of 1969 and RCW 18.32.180; amending section 10, chapter 112, Laws of 1935 and RCW 18.32.200; amending section 13, chapter 112, Laws of 1935 as amended by section 4, chapter 47 [49], Laws of 1969 and RCW 18.32.210; amending section 15, chapter 112, Laws of 1935 and RCW 18.32.225; amending section 7, chapter 43, Laws of 1957 as amended by section 22, chapter 292, Laws of 1971 ex. sess. and RCW 18.34.070; amending section 12, chapter 43, Laws of 1957 and RCW 18.34.120; amending section 4, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.040; amending section 6, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.060; amending section 8, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.080; amending section 3, chapter 36, Laws of 1919 and RCW 18.36.040; amending section 11, chapter 36, Laws of 1919 and RCW 18.36.050; amending section 1, chapter 83, Laws of 1953 as amended by section 7, chapter 266, Laws of 1971 ex. sess. and RCW 18.36.115;

amending section 6, chapter 108, Laws of 1937 as amended by section 8, chapter 266, Laws of 1971 ex. sess. and RCW 18.39.050; amending section 10, chapter 108, Laws of 1937 and RCW 18.39.120; amending section 15, chapter 108, Laws of 1937 and RCW 18.39.130; amending section 8, chapter 108, Laws of 1937 and RCW 18.39.150; amending section 8, chapter 283, Laws of 1947 and RCW 18.43.050; amending section 11, chapter 283, Laws of 1947 as last amended by section 1, chapter 126, Laws of 1965 ex. sess. and RCW 18.43.080; amending section 13, chapter 283, Laws of 1947 as amended by section 6, chapter 297, Laws of 1959 and RCW 18.43.100; amending section 14, chapter 283, Laws of 1947 and RCW 18.43.110; amending section 16, chapter 283, Laws of 1947 as last amended by section 2, chapter 126, Laws of 1965 ex. sess. and RCW 18.43-.130; amending section 3, chapter 160, Laws of 1917 and RCW 18.50.050; amending section 7, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.070; amending section 8, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.080; amending section 11, chapter 57, Laws of 1970 ex. sess. as amended by section 9, chapter 266, Laws of 1971 ex. sess. and RCW 18.52.110; amending section 13, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.130; amending section 13, chapter 144, Laws of 1919 as last amended by section 10, chapter 266, Laws of 1971 ex. sess. and RCW 18.53-.050; amending section 9, chapter 144, Laws of 1919 and RCW 18.53.070; amending section 6, chapter 4, Laws of 1919 as amended by section 11, chapter 266, Laws of 1971 ex. sess. and RCW 18.57.050; amending section 17, chapter 4, Laws of 1919 as amended by section 1, chapter 82, Laws of 1921 and RCW 18.57.130; amending section 10, chapter 30, Laws of 1971 ex. sess. and RCW 18.57A.040; amending section 35, chapter 202, Laws of 1955 and RCW 18.71.040; amending section 36, chapter 202, Laws of 1955 as amended by section 12, chapter 266, Laws of 1971 ex. sess. and RCW 18.71.080; amending section 11, chapter 134, Laws of 1919 as last amended by section 9, chapter 284, Laws of 1961 and RCW 18.71.090; amending section 4, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.040; amending section 5, chapter 239, Laws of 1949 as amended by section 4, chapter 64, Laws of 1961 and RCW 18.74.050; amending section 6, chapter 239, Laws of 1949 as amended by section 5, chapter 64, Laws of 1961 and RCW 18.74.060; amending section 7, chapter 239, Laws of 1949 as last amended by section 13, chapter 266, Laws of 1971 ex. sess. and RCW 18.74.070; amending section 9, chapter 222, Laws of 1949 as amended by section 3, chapter 15, Laws of 1963 and RCW 18.78.080; amending section 10, chapter 222, Laws of 1949 as last amended by section 14, chapter 266, Laws of 1971 ex. sess. and RCW 18.78-.090; amending section 3, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.030; amending section 6, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.060; amending section 6, chapter 305, Laws of 1955 as amended by section 6, chapter 70, Laws of 1965 and RCW 18.83.060; amending section 23, chapter 70, Laws of 1965 and RCW 18.83.082; amending section 9, chapter 305, Laws of 1955 as last amended by section 16, chapter 266, Laws of 1971 ex. sess. and RCW 18.83.090; amending section 22, chapter 70, Laws of 1965 and RCW 18.83.105; amending section 17, chapter 305, Laws of 1955 as amended by section 17, chapter 70, Laws of 1965 and RCW 18.83.170; amending section 16, chapter 202, Laws of 1949 as last amended by section 15, chapter 133, Laws of 1973 and RCW 18.88.160; amending section 19, chapter 202, Laws of 1949 as last amended by section 18, chapter 133, Laws of 1973 and RCW 18.88.190; amending section 20, chapter 202, Laws of 1949 as last amended by section 19, chapter 133, Laws of 1973 and RCW 18.88.200; amending section 4, chapter 200, Laws of 1959 as amended by section 19, chapter 266, Laws of 1971 ex. sess. and RCW 18.90.040; amending section 5, chapter 200, Laws of 1959 and RCW 18-.90.050; amending section 10, chapter 71, Laws of 1941 as last amended by section 7, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.115; amending section 17, chapter 71, Laws of 1941 and RCW 18.92.142; amending section 19, chapter 71, Laws of 1941 as last amended by section 20, chapter 266, Laws of 1971 ex. sess. and RCW 18.92.145; amending section 8, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.080; amending section 10, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.100; amending section 11, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.110; amending section 14, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.140; amending section 35, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.350; amending section 5, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.140; amending section 6, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.150; amending section 14, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.140; and amending section 21, chapter 266, Laws of 1971 ex. sess. and RCW 43.24.085.

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

Section 1. Section 6, chapter 323, Laws of 1959 and RCW 18.08.150 are each amended to read as follows:

All applications for examination must be filed with the director (~~(of licenses)~~) not less than sixty days prior to the date set for the examination. The application fee shall be (~~(forty dollars, twenty dollars of which shall accompany the applica-~~
~~tion, the remaining twenty dollars to be paid upon issuance of the certificate))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter

amended. Should the director deny issuance of a certificate of registration to any applicant, the ~~((initial))~~ examination fee shall not be refundable. Graduates of an approved architectural college may apply for and take the examination but shall not be granted certificates of registration until their required office experience is completed.

Sec. 2. Section 10, chapter 323, Laws of 1959 as amended by section 1, chapter 266, Laws of 1971 ex. sess. and RCW 18.08.190 are each amended to read as follows:

Certificates of registration shall expire on the last day of June following their issuance or renewal. The director shall set the yearly fee for renewal which fee shall be ~~((not more than twenty-five dollars to be))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended. Renewal may be effected during the month of June by payment to the director of the fee set. In case any registrant fails to pay the renewal fee before thirty days after the due date, the renewal fee shall be the current fee plus an amount equal to one year's fee: **PROVIDED**, That any registrant in good standing may withdraw from practice by giving written notice to the director, and may thereafter resume practice at any time upon payment of the then current annual renewal fee.

Sec. 3. Section 13, chapter 323, Laws of 1959 and RCW 18.08.220 are each amended to read as follows:

The director may reinstate a certificate of registration to any person whose certificate has been revoked, ~~((provided))~~ if three or more members of the board vote in favor of such reissuance, whenever the board shall find that the circumstances or conditions that brought about the revocation are not likely to recur and that the person is then sufficiently trustworthy and reliable that the best interests of the public will be served by reinstatement of his registration. A new certificate of registration to replace any certificate lost, destroyed, or mutilated may be issued by the director and a charge ~~((of one dollar))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended shall be made for such issuance.

Sec. 4. Section 3, chapter 75, Laws of 1923 as last amended by section 3, chapter 223, Laws of 1967 and RCW 18.15.040 are each amended to read as follows:

Any person of good moral character, free from contagious or infectious disease, at least eighteen years of age, having a diploma showing graduation from an eighth grade grammar school or capable of proving an equivalent education, and holding a license authorizing him to practice barbering in any one of the other states of the United States, the District of Columbia, or any territory of the United States or any foreign country (if such person is lawfully entitled to reside in the United States) and submits with his application a certificate of graduation from a barber school or college with requirements equal to the requirements of approved barber schools of this state, or provides an affidavit from the barber board of the state in which he is licensed, that applicant has graduated from said barber school or college of that state, shall be deemed qualified to make application for a license to practice barbering in this state.

Any applicant who is licensed in a foreign country shall furnish the board with an authenticated English translation of his license, applicable licensing law, and other supporting documents. Every applicant for such license, qualified under either of the foregoing provisions, shall file his application in the manner provided by law, on forms prescribed by the director (~~(of licenses)~~). Each such application shall have attached thereto the certificate of a licensed physician and surgeon that the said applicant is not afflicted with any contagious or infectious disease, and a certificate signed by two reputable citizens living in the community in which the applicant now resides or has recently resided that he is of good moral character. Each application shall be accompanied by two signed photographs of the applicant and a photostatic copy of his license authorizing him to practice barbering as hereinbefore provided, and a certificate of graduation or affidavit from barber board as aforementioned. Every applicant for such license shall pay a fee (~~(of thirty-five dollars)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended, which fee shall accompany his application. The director (~~(of licenses)~~) upon the receipt of such application and fee shall notify the applicant of the particular date, city, and place where he is to appear for his examination for a license to practice barbering in this state.

Sec. 5. Section 6, chapter 75, Laws of 1923 as last amended by section 2, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.050 are each amended to read as follows:

Barber examinations shall be held six times in each year in the months of February, April, June, August, October, and December; and on such particular dates, within the said times, and in such particular cities and places as the director of motor vehicles shall determine. Every applicant for a license or permit to practice barbering in this state shall be required to take an examination in each branch as follows: (1) Sanitation as applied to the practice of barbering, (2) sterilization as applied to the practice of barbering, (3) and as to whether he has sufficient knowledge of the common contagious and infectious diseases of the face, skin, and scalp, to avoid spreading thereof in the practice of barbering; (4) and as to whether he has sufficient knowledge of the use of chemicals, creams, lotions, and solutions as applied in the practice of barbering; (5) and in any other portion of the curriculum as required by this law; and such applicant shall be required to demonstrate to the barber examining committee his professional skill and ability in performing the following barber services: (1) Haircutting, (2) shaving, (3) massaging, (4) shampooing, and (5) conditioning his barber tools.

Any applicant, other than one applying under the provisions of RCW 18.15.040, who secures a passing grade in each branch of not less than seventy-five percent in his examination and who demonstrates to the satisfaction of the barber examining committee that he possesses the required professional skill and ability to properly perform each of the said barber services, not less than sixty-five percent of perfect, and possesses the other particular qualifications provided in this chapter, shall be entitled to receive, and the director (~~(of licenses)~~) shall issue to him, a permit to practice barbering in this state. Every person receiving such permit shall be required to serve one and one-half years (eighteen months) under the direct supervision of a licensed barber. A year shall be construed to mean a period of not less than fifty-two weeks consisting of forty hours per week of service by

the permittee. He must then pass an examination not less than seventy-five percent of perfect, and demonstrate to the satisfaction of the barber examining committee that he possesses the required professional skill and ability to properly perform each of the said barber services, not less than seventy-five percent of perfect, and possesses the qualifications required in this chapter, after which the director shall issue to him a license to practice barbering.

Any applicant under the provisions of RCW 18.15.040 who secures a grade in each branch of not less than seventy-five percent in his examination and who demonstrates to the satisfaction of the barber examining committee that he possesses the required professional skill and ability to properly perform each of the said barber services, not less than seventy-five percent of perfect, and possesses the other particular qualifications provided in this chapter, shall be entitled to receive, and the director (~~of licenses~~) shall issue to him a license to practice barbering in this state, until the first day of July next following the issuance of such license. Every applicant for such license shall pay a fee (~~of thirty-five dollars~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended, which fee shall accompany his application. The director upon receipt of such application and fee shall notify the applicant of the particular date, city, and place where he is to appear for his examination for a license or permit to practice barbering in this state.

Any unsuccessful applicant for a license or permit to practice barbering in this state shall be entitled to appear at any subsequent barber examination and be reexamined for a license or permit, as the case may be, to practice barbering in this state upon the payment of a reexamination fee (~~of fifteen dollars~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended, and which reexamination fee shall be paid at the time of application for such reexamination, said application and fee to be submitted to the director at least fifteen days prior to an examination date: PROVIDED, That an unsuccessful applicant for a permit shall return to an approved school or college for an additional two hundred fifty hours of instruction before he may be reexamined.

Any person who applies for a license or permit to practice barbering under this chapter, and who does not appear for examination at the time, date, and place as notified by the director, shall forfeit application fees, and must reapply with a fee (~~of fifteen dollars~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended, which fee shall accompany his new application.

Any person holding a current manager-operator license of this state issued under the provisions of chapter 18.18 RCW shall be deemed qualified to apply to the director to be examined for a license to practice barbering, pursuant to the provisions of this chapter: PROVIDED, That any such applicant who fails said examination must then enroll in a licensed barber school of this state and complete a course of instruction of not less than two hundred fifty hours before applying to be reexamined for a barber license. The curriculum for such course of instruction shall be determined by the barber examining committee and approved by the director.

Sec. 6. Section 7, chapter 75, Laws of 1923 as last amended by section 4, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.060 are each amended to read as follows:

Every person licensed as a barber or a permit barber shall pay an annual license fee ~~((of not less than five dollars nor more than fifteen dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended, for a license or permit renewal certificate on or before the thirtieth day of June each year. ~~((The annual license and permit renewal fee shall be determined by the director under the provisions of chapter 34.04 RCW.))~~ Failure to pay the annual license or permit renewal fees before delinquency shall work a forfeiture of the license or permit, but the license or permit may be renewed within three years thereafter without examination upon application therefor by the licentiate or permittee, and payment of a fee ~~((of fifteen dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended plus all lapsed fees. Should the licentiate or permittee allow his license or permit to elapse for more than three years, he must be reexamined as for a new license or permit.

Sec. 7. Section 3, chapter 84, Laws of 1959 as last amended by section 5, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.065 are each amended to read as follows:

It shall be unlawful for any firm, corporation, or person to operate a barber shop without a shop location license for each barber shop. Application therefor shall be made to the director of motor vehicles. Each application for a license shall be accompanied by a fee ~~((of twenty-five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Upon receipt of the application and fee, the director shall issue a shop location license, if the barber shop meets the requirements of this chapter. Each license shall be issued for the shop and persons named in the application. Application for the transfer or assignment of a shop location license shall be upon such form as the director shall prescribe, and application shall be made within ten days of the sale or transfer. Upon the receipt of the application and a fee ~~((of twenty-five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended, the director shall assign or transfer the shop location license, if the assignee or transferee and the barber shop meets the requirements of this chapter. If the application for transfer or assignment is not made within ten days, a penalty fee ~~((of twenty-five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended will be made, prior to issuance of a license.

All licenses issued under this section shall expire on the first day of July next succeeding the date of issue. Each such license shall be renewable annually on or before the expiration date, and the application for renewal shall be accompanied by a fee ~~((of four dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended. Failure to obtain a renewal before delinquency shall work a forfeiture of the shop location license, but the license may be reinstated at any time after forfeiture upon the payment of the annual renewal fee, together with a penalty fee ~~((of twenty-five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended, upon satisfactory inspection.

Sec. 8. Section 2, chapter 84, Laws of 1959 as amended by section 14, chapter 223, Laws of 1967 and RCW 18.15.095 are each amended to read as follows:

It shall be unlawful for any firm, corporation, or person to operate a barber school or college without a license for each location. Application therefore shall be made to the director (~~(of licenses)~~). Each application for a school location license shall be accompanied by a fee (~~(of one hundred fifty dollars)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Upon receipt of the application and fee, the director may issue a location license, if the barber school or college meets the requirements of this chapter. Each license shall be issued for the school or college and persons named in the application and may be transferable(~~(-PROVIDED)~~), if the transferee meets the requirements of this chapter. Whenever a registered school or barber college is discontinued the person to whom the registration is issued shall notify the director of such action and shall return to the director the certificate of registration of such school or barber college within ten days.

All licenses issued under this section shall expire on the first day of July next succeeding the date of issue. Each such license shall be renewable annually on or before the expiration date, and the application for renewal shall be accompanied by a fee (~~(of one hundred fifty dollars)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended. Failure to obtain a renewal before delinquency shall work a forfeiture of the location license, but the license may be reinstated at any time after forfeiture upon the payment of the annual renewal fee, together with a penalty fee (~~(of one hundred dollars)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Sec. 9. Section 13, chapter 223, Laws of 1967 as amended by section 7, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.097 are each amended to read as follows:

No person shall engage in teaching or instructing in barber schools or colleges without an instructor's license issued by the director. Each applicant for an instructor's license shall submit an application to the director on such forms as he may prescribe, and must comply with the following qualifications: (1) Each applicant must be at least twenty-five years of age; (2) must be of good health; (3) must be of good moral character; (4) must have had at least five years of experience as a licensed barber of this state in a licensed barber shop of this state immediately preceding application; (5) must have a current barber license; (6) must have at least a tenth grade education or be capable of proving an equivalent education as determined by the board for vocational education and local schools; (7) (~~(each applicant must)~~) take an examination administered by the examining committee(~~(-The examination shall cover)~~) covering such subjects as are usually taught in barber schools and colleges in practical and theory work; (8) such applicant shall be required to demonstrate to the barber examining committee his professional skill and ability in performing all of the barbering services as required by this chapter. Applications for an instructor's license must be made before becoming engaged in teaching or instructing, but applicant may be permitted to engage in teaching or instructing for a period of not more than sixty days, at which time he must present himself for examination. The fee for such license and examination shall be (~~(fifty dollars)~~) determined by the director as provided in RCW

43.24.085 as now or hereafter amended. Each license shall be renewed on or before July 1st; the renewal fee shall be ~~((twenty-five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended. If application for a renewal is not received on or before July 1st, the renewal fee shall ~~((be twenty-five dollars plus))~~ include a penalty ((of twenty-five dollars)) fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended. The instructor's license shall stand revoked if not used for a period of two years, and an examination as for a new license will be required before a license will be reissued.

Any person engaged as an instructor or manager-instructor on effective date of this chapter, in a barber school or college of this state, shall be issued a license under this section upon payment of the fees herein prescribed.

Sec. 10. Section 8, chapter 172, Laws of 1901 as last amended by section 8, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.100 are each amended to read as follows:

It shall be unlawful for any person to study the practice of barbering in any barber school or barber college authorized under this chapter unless he shall first have obtained and holds a valid student barber certificate issued pursuant to this chapter. Any person of good moral character, free from contagious or infectious disease, at least eighteen years of age, and showing completion of the tenth grade, or has an equivalent education as determined by the director whose determination shall be conclusive, shall be deemed qualified to make an application for and be entitled to obtain a student barber certificate authorizing him to study the practice of barbering in any barber school or barber college in this state. Application therefor shall be made to the director. Each application shall have attached thereto the certificate of a licensed physician and surgeon that the said applicant is not afflicted with any contagious or infectious disease, and a certificate signed by two reputable citizens living in the community in which the applicant now resides or has recently resided, that he is of good moral character. Each application shall be accompanied by two signed photographs of the applicant. Every such applicant shall pay a fee ~~((of five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended, which fee shall accompany his application. The director upon the receipt of such application and fee shall issue to each qualified applicant a student barber certificate which shall be valid for one year from the date of its issue, and which shall be subject to one renewal thereafter upon the payment of a fee ~~((of five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended: PROVIDED, That any student barber holding (1) a valid student barber certificate, and (2) a graduation certificate from any barber school or barber college authorized under this chapter shall be deemed qualified to make application for a permit to practice barbering in this state. Application therefor shall be made to the director. Each applicant shall pay a fee ~~((of twenty-five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended plus an amount equal to the annual renewal fee, which fee shall accompany his application. The director upon the receipt of such application and fee shall notify the applicant of the particular date, city, and place where he is to appear for his examination for a permit to practice

barbering in this state. Failure of applicant to appear for said examination will cause a forfeiture of fees.

Sec. 11. Section 13, chapter 101, Laws of 1957 as last amended by section 18, chapter 223, Laws of 1967 and RCW 18.15.125 are each amended to read as follows:

The examining committee shall arrange with the director for the employment of one or more inspectors who shall have the same qualifications as a committee member. The secretary of the committee shall have the right to inspect any barber shop or barber school. Any member, agent, or assistant of the committee, when authorized by the committee, may enter any such shop or school during business hours for the purpose of inspection. Every new barber shop, school, or college shall be inspected before being opened for business. If no inspection is made by the committee within fifteen days after receipt by the director of an application for a location license, and all other qualifications for said licenses are met, the director may issue such license and the new shop, school, or college may open for business and remain open unless, upon inspection, the shop, school, or college fails to meet the standards set forth in this chapter or in the rules and regulations of the committee. The fee of such original inspection shall be ~~((twenty-five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended, said fee to accompany application.

Sec. 12. Section 12, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.220 are each amended to read as follows:

Any person duly licensed as a barber in this state, and who has satisfactorily completed a course of instruction in the practice of men's hairstyling as approved by the barber examining committee, shall be entitled to make application to be examined for a Washington state men's hairstyling certificate. The fee for such examination and certificate shall be ~~((fifty dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended; and the application and fee ~~((to))~~ shall be submitted to the director at least fifteen days prior to an examination date. Any applicant for a certificate under this chapter who secures a grade in each branch of not less than seventy-five percent in his examination and who demonstrates to the satisfaction of the examining committee that he possesses the required professional skill and ability to properly perform each of the said men's hairstyling services, shall be entitled to receive, and the director shall issue to him an official Washington state men's hairstyling certificate, recognizing him as a certified men's hairstylist, and when accompanied by a current barber license of this state, shall entitle him to practice men's hairstyling.

PROVIDED, That persons engaged in the practice of men's hairstyling under this chapter are authorized to perform body waving and permanent waving to the extent necessary to style or arrange the hair on male patrons, but persons engaged in the practice of men's hairstyling under this chapter are not authorized to otherwise engage in the practice of cosmetology unless such person is licensed under chapter 18.18 RCW.

Sec. 13. Section 5, chapter 180, Laws of 1951 as last amended by section 23, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.090 are each amended to read as follows:

Each application (~~(shall be accompanied by the following fees:)~~) for student enrollment, ((five dollars;)) manicurist, ((seven dollars and fifty cents;)) operator, ((ten dollars;)) instructor operator, ((fifteen dollars;)) manager operator, ((five dollars;)) shop, ((twenty-five dollars;)) or school((, one hundred fifty dollars)) shall be accompanied by a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended. Any applicant who fails to pass the examination may take the next succeeding examination with payment of an additional fee ((of seven dollars and fifty cents)) determined by the director as provided in RCW 43.24.085.

Sec. 14. Section 14, chapter 215, Laws of 1937 as last amended by section 10, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.120 are each amended to read as follows:

Any person who has been licensed by proper authority of any state or territory or possession of the United States or any country may be issued a license without examination, provided the applicant's qualifications are substantially equal to the requirements of this chapter. Each application for a license under this section shall be accompanied by a fee ((of fifty dollars)) determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Sec. 15. Section 7, chapter 180, Laws of 1951 as last amended by section 27, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.140 are each amended to read as follows:

Operator, manicurist, instructor operator, manager operator, shop, or school licenses may be renewed from year to year upon the payment on or before the first day of each July following their issuance, of a renewal fee ((as follows: Manicurist, not more than five dollars; operator, not more than five dollars; instructor operator, not more than six dollars; manager operator, not more than six dollars; shop, not more than seven dollars; school, not more than one hundred and fifty dollars, all such fees to be)) determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

A certificate of health is required with an application for an original license, one must also be filed with a renewal application.

Any manicurist, operator, manager operator, or instructor operator whose license has lapsed may have the same renewed upon payment of all fees which the applicant would have been required to pay to keep such license in effect, and an additional fee ((of five dollars)) determined by the director as provided in RCW 43.24.085 as now or hereafter amended for each lapsed year: PROVIDED, That any person whose license has lapsed for more than three years shall be reexamined, as in the case of any applicant for an original license.

Sec. 16. Section 14, chapter 52, Laws of 1957 as last amended by section 6, chapter 77, Laws of 1973 and RCW 18.22.060 are each amended to read as follows:

Every applicant for a license to practice podiatry shall pay to the state treasurer a fee ((of fifty dollars)) determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

An applicant who fails to pass an examination satisfactorily after the expiration of six months from the date of the examination at which he failed, is entitled

to a reexamination at a meeting called for the examination of applicants, upon the payment of a fee ~~((of twenty-five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended for each reexamination.

Sec. 17. Section 3, chapter 97, Laws of 1965 as amended by section 8, chapter 77, Laws of 1973 and RCW 18.22.081 are each amended to read as follows:

Any applicant who has been examined and licensed under the laws of another state, which through a reciprocity provision in its laws, similarly accredits the holders of certificates from the proper authorities of this state to the full privileges of practice within its borders or an applicant who has satisfactorily passed examinations given by the national board of podiatry examiners, may, in the discretion of the examining committee be granted a license without examination on the payment of a fee ~~((of fifty dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended to the state treasurer: PROVIDED, That he has not previously failed to pass an examination held in this state. If the applicant was licensed in another state, he must file with the director ~~((of licenses))~~ a copy of his license certified by the proper authorities of the issuing state to be a full and true copy thereof, and must show that the standards, eligibility requirements, and examinations of that state are at least equal in all respects to those of this state.

Sec. 18. Section 6, chapter 149, Laws of 1955 as last amended by section 10, chapter 77, Laws of 1973 and RCW 18.22.120 are each amended to read as follows:

Every person practicing podiatry must renew his license each year and pay a renewal fee ~~((of not more than twenty-five dollars to be))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Any podiatry license that has been allowed to lapse may be renewed by presentation of a new character certificate as required for examination, together with the payment of the annual license fee.

Sec. 19. Section 5, chapter 5, Laws of 1919 as last amended by section 9, chapter 97, Laws of 1974 ex. sess. and RCW 18.25.020 are each amended to read as follows:

(1) Any person not now licensed to practice chiropractic in this state and who desires to practice chiropractic in this state, before it shall be lawful for him to do so, shall make application therefor to the director ~~((of licenses))~~, upon such form and in such manner as may be adopted and directed by the director. Each applicant who matriculates after January 1, 1975, shall have completed not less than one-half of the requirements for a baccalaureate degree at an accredited and approved college or university and shall be a graduate of a chiropractic school or college accredited and approved by the board of chiropractic examiners and shall show satisfactory evidence of completion by each applicant of a resident course of study of not less than four thousand classroom hours of instruction in such school or college. Applications shall be in writing and shall be signed by the applicant in his own handwriting and shall be sworn to before some officer authorized to administer oaths, and shall recite the history of the applicant as to his educational advantages, his experience in matters pertaining to a knowledge of the care of the sick, how long he has studied chiropractic, under what teachers, what collateral

branches, if any, he has studied, the length of time he has engaged in clinical practice; accompanying the same by reference therein, with any proof thereof in the shape of diplomas, certificates, and shall accompany said application with satisfactory evidence of good character and reputation.

(2) There shall be paid to the director (~~(of licenses)~~) by each applicant for a license, a fee (~~(of twenty-five dollars, ten dollars of)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended which shall accompany application and ~~((the remainder, fifteen dollars,))~~ a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, which shall be paid upon issuance of license. Like fees shall be paid for any subsequent examination and application.

Sec. 20. Section 14, chapter 5, Laws of 1919 as amended by section 6, chapter 227, Laws of 1971 ex. sess. and RCW 18.25.040 are each amended to read as follows:

Persons licensed to practice chiropractic under the laws of any other state having equal requirements of this chapter, may, in the discretion of the board of chiropractic examiners, and after examination by the board in principles of chiropractic, x-ray, and adjusting, as taught by chiropractic schools and colleges, be issued a license to practice in this state without further examination, upon payment of ~~((the))~~ a fee ~~((of twenty-five dollars as herein provided))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Sec. 21. Section 8, chapter 5, Laws of 1919 and RCW 18.25.050 are each amended to read as follows:

(1) The director (~~(of licenses)~~) may refuse to grant or may revoke a license to practice chiropractic in this state or may cause a licentiate's name to be removed from the records in the office of the county clerk of any county in this state upon any of the following grounds, to wit: The employment of fraud or deception in applying for a license or in passing an examination provided for in this chapter; the practice of chiropractic under a false or assumed name, or the impersonation of another practitioner of like or different name; the conviction of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits, ~~((narcotics))~~ controlled substances, or stimulants to such an extent as to incapacitate him or her for the performance of ~~((their))~~ his or her professional duties(;;); exploiting or advertising through the press, or by the use of handbills, circulars, or other periodicals, other than professional cards, giving only name, address, profession, office hours, and telephone connections. Any person who is a licentiate, or who is an applicant for a license to practice chiropractic against whom any of the foregoing grounds for revoking or refusing a license, is presented to said director with a view of having the director revoke or refuse to grant a license, shall be furnished with a copy of the complaint, and shall have a hearing before said director in person or by attorney, and witnesses may be examined by said director respecting the guilt or innocence of said accused.

(2) Said director may at any time within two years of the refusal or revocation or cancellation of registration under this section, issue a new license or grant a license to the person affected, restoring him to, or conferring upon him all the rights and privileges of, and pertaining to the practice of chiropractic as defined and regulated by this chapter. Any person to whom such have been restored shall

pay to the director (~~((the sum of twenty-five dollars))~~) a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended upon issuance of a new license.

Sec. 22. Section 10, chapter 5, Laws of 1919 as last amended by section 11, chapter 97, Laws of 1974 ex. sess. and RCW 18.25.070 are each amended to read as follows:

Every person practicing chiropractic shall, as a prerequisite to annual renewal of license, submit to the director at the time of application therefor, satisfactory proof showing attendance during the preceding year, at one or more chiropractic symposiums which are recognized and approved by the board of chiropractic examiners: PROVIDED, That the board may, for good cause shown, waive said attendance.

(1) Symposiums approved, by the board, for licensees practicing or residing within the state of Washington are those sponsored or conducted by the Washington Chiropractor's Association, the Chiropractic Society of Washington, the American Chiropractic Association, or The International Chiropractic Association, or an approved chiropractic college and which devote themselves to lectures or demonstrations concerning matters which are recognized in the state of Washington chiropractic licensing laws.

(2) Symposiums approved, by the board, for licensees practicing and residing outside the state are those sponsored or conducted by an approved chiropractic college or a recognized chiropractic organization which is representative of the chiropractors of a state, a territory, a province, or a country.

(3) To be eligible for approval, a symposium shall:

(a) Be sponsored by an approved chiropractic college or a recognized chiropractic organization which is representative of the chiropractors of a state, a territory, a province, or a country; and

(b) Extend over a period of at least two days, and offer an education program consisting of at least eight hours; and

(c) Include instruction by at least two outstanding chiropractic educators.

Every person practicing chiropractic within this state shall pay on or before the first day of September of each year, after a license is issued to him as herein provided, to said director a renewal license fee (~~((of not more than twenty-five dollars))~~) to be determined by the director as provided in RCW 43.24.085 as now or hereafter amended. The director shall, thirty days or more before September first, of each year mail to all chiropractors in the state a notice of the fact that the renewal fee will be due on or before the first of September. Nothing in this chapter shall be construed so as to require that the receipts shall be recorded as original licenses are required to be recorded.

The failure of any licensed chiropractor to pay his annual license renewal fee by the first day of October following the date on which the fee was due shall work a forfeiture of his license. It shall not be reinstated except upon written application and the payment of a penalty (~~((of twenty-five dollars))~~) to be determined by the director as provided in RCW 43.24.085 as now or hereafter amended, together with all annual license renewal fees delinquent at the time of the forfeiture, and

those for each year thereafter up to the time of reinstatement. Should the licentiate allow his license to elapse for more than three years, he must be reexamined as for a new license.

Sec. 23. Section 3, chapter 201, Laws of 1967 as amended by section 6, chapter 266, Laws of 1971 ex. sess. and RCW 18.28.030 are each amended to read as follows:

An application for a license shall be in writing, under oath, and in the form prescribed by the director. The application shall contain such relevant information as the director may require, but in all cases shall contain the name and residential and business addresses of each individual applicant, and of each member when the applicant is a partnership or association, and of each director and officer when the applicant is a corporation.

Except as provided hereinafter in this section the applicant shall pay an investigation fee (~~(of fifty dollars)~~) and a licensing fee (~~(of not more than eighty dollars to be)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended: PROVIDED, That a branch office of a licensed debt adjusting agency need not pay an investigation fee but only the licensing fee. If a license is not issued in response to the application, the director shall return the licensing fee to the applicant. An annual license fee (~~(of not more than eighty dollars, to be)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended, shall be paid to the director by January 1st of each year. If the annual license fee is not paid by January 1st, the licensee shall be assessed a penalty for late payment (~~(in the amount of twenty-five dollars)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended. And if the fee and penalty are not paid by January 31st, reapplication for a new license will be necessary, which may include taking any examination prescribed by the director.

The applicant shall file a surety bond with the director or in lieu thereof the applicant may file with the director a cash deposit or other negotiable security acceptable to the director and under conditions set forth in RCW 18.28.040: PROVIDED, That each branch office of a debt adjusting agency shall be required to be bonded as provided herein, but no bond will be required of an individual applicant while he is employed by a bonded debt adjusting agency or branch thereof.

The applicant shall furnish the director with such proof as the director may reasonably require to establish the qualifications set forth in RCW 18.28.060.

If the applicant is an individual person making an original license application he shall pay an examination fee (~~(of fifty dollars)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

If the applicant is applying for a debt adjusting agency license it shall furnish the director with complete forms of all contracts and assignments designed for execution by debtors making any assignments to or placing any property with the applicant for the purpose of paying the creditors of such debtors, and complete forms of all contracts and agreements designed for execution by creditors to whom payments are made by the applicant. Only such forms furnished the director and not disapproved by him shall be used by a debt adjusting agency licensee.

Sec. 24. Section 28, chapter 16, Laws of 1923 as last amended by section 21, chapter 292, Laws of 1971 ex. sess. and RCW 18.29.020 are each amended to read as follows:

Any citizen of this state of good moral character who shall have attained the age of eighteen years may file his application for license as a dental hygienist in the manner provided by law on forms furnished by the director of motor vehicles and shall submit with said application proof of said applicant's graduation from a training school for dental hygienists. Said application shall be signed and sworn to by said applicant. Each applicant shall pay a fee ~~((of twenty-five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended which shall accompany his application.

Sec. 25. Section 33, chapter 16, Laws of 1923 as amended by section 3, chapter 47, Laws of 1969 and RCW 18.29.040 are each amended to read as follows:

Applicants licensed as dental hygienists under the laws of other states whose requirements are equal to those of this state and who have been engaged in the lawful practice of dental hygiene for a period of not less than three years in such state may, upon the payment of a fee ~~((of twenty-five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended, be granted licenses as dental hygienists in this state without examination: PROVIDED, HOWEVER, That the privileges of this section shall be extended only to those states which extend to this state the same privilege.

Sec. 26. Section 32, chapter 16, Laws of 1923 as amended by section 5, chapter 47, Laws of 1969 and RCW 18.29.070 are each amended to read as follows:

Every person licensed as a dental hygienist shall pay on or before the first day of October of each year after a license is issued to him a license renewal fee ~~((of ten dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended and the license renewal certificate which shall be thereupon issued by the director of motor vehicles shall be displayed with the license of said licensee.

Sec. 27. Section 29, chapter 52, Laws of 1957 as amended by section 1, chapter 49, Laws of 1969 and RCW 18.32.110 are each amended to read as follows:

Except as otherwise provided in RCW 18.32.210, as now or hereafter amended each applicant shall pay a fee ~~((of fifty dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended, which shall accompany his application: PROVIDED, That applicants not licensed in another state and not residents of this state for at least six consecutive months shall pay an additional investigation fee ~~((of thirty-five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Sec. 28. Section 5, chapter 93, Laws of 1953 as last amended by section 2, chapter 49, Laws of 1969 and RCW 18.32.120 are each amended to read as follows:

When the application and the accompanying proof are found satisfactory, the director shall notify the applicant to appear before the board at a time and place to be fixed by the director, which time shall be not less than sixty days after the receipt of such application by the director.

Examination shall be made in writing in all theoretic subjects. Both theoretic and practical examinations shall be of a character to give a fair test of the qualifications of the applicant to practice dentistry or dental surgery.

The examination papers, and all grading thereon, and the grading of the practical work, shall be deemed public documents, and preserved for a period of not less than three years after the board has made and published its decisions thereon. All examinations shall be conducted by the board under fair and wholly impartial methods.

Any applicant who fails to make the required grade in his first examination is entitled to take as many subsequent examinations as he desires upon the prepayment of a fee ~~((of fifty dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended for each subsequent examination. At least two examinations shall be given in each calendar year.

Sec. 29. Section 25, chapter 52, Laws of 1957 and RCW 18.32.170 are each amended to read as follows:

A fee ~~((of five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended shall be charged for every duplicate license issued by the director.

Sec. 30. Section 24, chapter 112, Laws of 1935 as last amended by section 3, chapter 49, Laws of 1969 and RCW 18.32.180 are each amended to read as follows:

Every person granted a license under this chapter shall pay to the director a license renewal fee ~~((of fifteen dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended for the year commencing with the first day of October next following the issuance of his license, and annually thereafter. Payment must be made within thirty days following the commencement of the year for which the same accrues. The license renewal certificate issued by the director shall be indispensable evidence that the same has been made.

The failure of any licensed dentist to pay his annual license renewal fee by the first day of November following the date on which the fee was due shall work a forfeiture of his license. It shall not be reinstated except upon written application and the payment of a penalty ~~((of twenty-five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended, together with all annual license renewal fees delinquent at the time of the forfeiture, and those for each year thereafter up to the time of reinstatement.

Sec. 31. Section 10, chapter 112, Laws of 1935 and RCW 18.32.200 are each amended to read as follows:

Any failure, neglect, or refusal on the part of any person obtaining a license to practice dentistry from the said director, to register such license with the county auditor of some county in this state, within ninety days from the date of issue of the same or to notify the director of any change of address within ninety days thereof, as above directed, shall work a forfeiture of such license, and no license~~(:)~~ when once forfeited shall be restored, except upon payment to the said director of the sum ~~((of fifteen dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended for such neglect, failure, or refusal to register such license, and the surrender of forfeited license.

Sec. 32. Section 13, chapter 112, Laws of 1935 as amended by section 4, chapter 47 [49], Laws of 1969 and RCW 18.32.210 are each amended to read as follows:

Any dentist who has been lawfully licensed to practice in another state or territory which has and maintains a standard for the practice of dentistry or dental surgery which in the opinion of the board is equal to that at the time maintained in this state, and who has been lawfully and continuously engaged in the practice of dentistry for five years or more immediately before filing his application to practice in this state and who shall deposit in person with the director a duly attested certificate from the examining board of the state or territory in which he is registered, certifying to the fact of his registration and of his being a person of good moral character and of professional attainments, may, upon the payment of a fee (~~(of eighty-five dollars)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended and after satisfactory practical examination demonstrating his proficiency, be granted a license to practice dentistry in this state, without being required to take an examination in theory: PROVIDED, HOWEVER, That no license shall be issued to any such applicant, unless the state or territory from which such certificate has been granted to such applicant shall have extended a like privilege to engage in the practice of dentistry within its own borders to dentists heretofore and hereafter licensed by this state, and removing to such other state: AND PROVIDED FURTHER, That the Washington state board of dental examiners shall have power to enter into reciprocal relations with similar boards of other states whose laws are practically identical with the provisions of this chapter.

Sec. 33. Section 15, chapter 112, Laws of 1935 and RCW 18.32.225 are each amended to read as follows:

The fee for issuing a certificate to a legal practitioner of this state under RCW 18.32.220 shall be (~~(five dollars)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended and in each case the fee shall be paid to the director before the certificate shall be issued.

Sec. 34. Section 7, chapter 43, Laws of 1957 as amended by section 22, chapter 292, Laws of 1971 ex. sess. and RCW 18.34.070 are each amended to read as follows:

Any applicant for a license shall be examined if he pays an examination fee (~~(of fifty dollars)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended and certifies under oath that:

- (1) He is eighteen years or more of age; and
- (2) He has graduated from an accredited high school; and
- (3) He is a citizen of the United States or has declared his intention of becoming such citizen in accordance with law; and
- (4) He is of good moral character; and
- (5) He has either:
 - (a) Had at least three years of apprenticeship training; or
 - (b) Successfully completed a prescribed course in opticianry in a college or university approved by the director; or
 - (c) Been principally engaged in practicing as a dispensing optician not in the state of Washington for five years.

Sec. 35. Section 12, chapter 43, Laws of 1957 and RCW 18.34.120 are each amended to read as follows:

Each licensee hereunder shall pay an annual renewal registration fee (~~(of twenty-five dollars)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended, on or before the first day of July of each year, and thereupon the license of such person shall be renewed for a period of one year. Any failure to pay the annual renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the director and payment of a penalty (~~(of ten dollars)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended, together with all delinquent annual license renewal fees.

Sec. 36. Section 4, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.040 are each amended to read as follows:

An applicant for license shall be at least eighteen years of age, shall pay a fee (~~(of sixty dollars)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended, and shall show to the satisfaction of the department that he is free of any infectious or contagious disease which would involve undue risk to the public. An applicant shall not be issued a license under the provisions of this chapter unless he:

- (1) Satisfactorily completes the examination required by this chapter; or
- (2) Has been engaged in the fitting and dispensing of hearing aids in the state of Washington for a period of six months immediately prior to July 16, 1973: PROVIDED, That any person receiving a license under this section shall be required to complete and pass the examination by the date on which the names of those persons who have passed the third examination subsequent to July 16, 1973, are disclosed by the department; or
- (3) Holds a current, unsuspended, unrevoked license or certificate from a state or jurisdiction with whom the department has entered into a reciprocal agreement.

Sec. 37. Section 6, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.060 are each amended to read as follows:

(1) The department shall issue a trainee license to any applicant who has shown to the satisfaction of the department that:

- (a) He is at least eighteen years of age;
- (b) He is free of any infectious or contagious disease;
- (c) If issued a trainee license, he would be employed and directly supervised in the fitting and dispensing of hearing aids by a person licensed under this chapter in a capacity other than trainee; and
- (d) He has paid an application fee (~~(of twenty-five dollars)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended, to the department.

The provisions of RCW 18.35.030 and 18.35.110 through 18.35.130 shall apply to any person issued a trainee license. Pursuant to the provisions of this section, a person issued a trainee license may engage in the fitting and dispensing of hearing aids without having first passed the examination provided under this chapter.

(2) The trainee license shall contain the name of the person licensed under this chapter who is employing and supervising the trainee and an acknowledgment

executed by such person that he is responsible for all acts of the trainee in connection with the fitting and dispensing of hearing aids.

(3) A trainee may fit and dispense hearing aids, but only if he is under the direction and supervision of a person licensed under this chapter in a capacity other than trainee.

(4) The trainee license shall expire one year from the date of its issuance except that at the discretion of the department on recommendation of the council the license may be reissued for one additional year only.

(5) No person licensed under this chapter may assume the responsibility for more than three trainees at any one time, unless approved in writing by the department.

Sec. 38. Section 8, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.080 are each amended to read as follows:

The department shall license each applicant, without discrimination, who satisfactorily completes the required examination and, upon payment of ~~((one hundred twenty-five dollars))~~ a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended to the department, shall issue to the applicant a license. The license shall be effective until December 31st of the year in which it is issued.

Sec. 39. Section 3, chapter 36, Laws of 1919 and RCW 18.36.040 are each amended to read as follows:

Only persons desiring to practice drugless therapeutics in this state shall apply to said director ~~((of licenses))~~ for a license and pay a fee ~~((of twenty-five dollars as hereinafter specified))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended, which sum in no case shall be refunded. If at a time appointed, or at the next regular examination, he or she shall prove he or she has completed a residence course of three entire sessions of thirty-six weeks each at a chartered drugless school, the entrance requirements of which was a high school education, or its equivalent and shall pass an examination in the following subjects, to wit: anatomy, physiology, hygiene, symptomatology, urinalysis, dietetics, hydrotherapy, radiography, electrotherapy, gynecology, obstetrics, psychology, mechanical and manual manipulation, they shall be granted a license by said director, or if the school attendance of said applicant was prior to the passage of RCW 18.36.010 through 18.36.165 a diploma from a chartered drugless school, the entrance requirements of which was a common school education or its equivalent, and two years continuous practice in this state shall suffice; or if the applicant has no diploma but has been in continuous practice in any of the drugless systems herein mentioned for the past four years, two years of which shall have been in continuous practice in one place in this state, he or she shall be allowed to practice: PROVIDED, said applicant shall take an examination on the following subjects: anatomy, physiology, hygiene, symptomatology, mechanical and manual manipulation. After such examination the director shall grant the applicant a license to practice drugless therapeutics in the state of Washington. The examinations shall be both scientific and practical and thoroughly test the fitness of the candidate. All answers to questions peculiar to any school of therapeutics shall be scrutinized and their sufficiency passed upon by the director, but the following subjects, to wit: anatomy, physiology, hygiene, urinalysis, and gynecology, shall

be construed to be in common with all systems herein mentioned, and each candidate shall be examined in each of said subjects: PROVIDED, after 1921, the following subjects shall be construed as common to all systems, to wit: anatomy, physiology, hygiene, urinalysis, symptomatology, hydrotherapy, and gynecology. The director may refuse to grant a license to, or may revoke the license of any person guilty of unprofessional conduct, subject to the right of appeal within ninety days, to the superior court of the county where the board met when said license was refused, or revocation made. Any license granted without a full and fair compliance with the provisions of RCW 18.36.010 through 18.36.165 may be canceled in any action brought in the name of the state by the prosecuting attorney of the county where the examination was held, or said action may be brought by the attorney general; and if a license is denied an applicant shall have the right to petition the superior court where said examination was held for an order compelling said board to issue said license.

Continuous practice as herein provided shall be construed to apply to drugless physicians who have actually been practicing in this state, even if they have not received a license under the present medical laws.

Sec. 40. Section 11, chapter 36, Laws of 1919 and RCW 18.36.050 are each amended to read as follows:

The examination held by the director (~~(of licenses)~~) under RCW 18.36.010 through 18.36.165 shall be conducted in accordance with the following regulations:

(1) Each applicant is required to make an affidavit setting forth his age, place of residence, time and place of each course of lectures, or other work connected with his drugless education and the date of graduation, or length of time in practice. The affidavit must be corroborated by the exhibition of a certificate from the proper officers of the college, showing that the applicant had completed the prescribed course for graduation. No advance standing shall be recognized for work done at other than drugless colleges.

(2) A fee (~~(of twenty-five dollars)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended must accompany the application. This fee is under no consideration to be returned, but if the applicant should fail to secure an average of sixty-five percent, and should be denied a license, such applicant shall, without paying a further fee and without losing his classification under the provisions of RCW 18.36.010 through 18.36.165, be permitted to take another examination any time within two years. Drugless practitioners who hold a diploma from a legally incorporated drugless school who have practiced in this state two years previous to the passing of RCW 18.36.010 through 18.36.165 and those having no diploma but who have been in continuous practice in this state for three years, shall be given a credit of fifteen percent on the general average.

(3) The examination shall be in charge of the director, and the papers of candidates shall be known by numbers which shall be arranged as follows: Envelopes shall be numbered and each containing a blank corresponding to the number, on which blank the applicant shall write his name and address, and return to the envelope, sealed by the applicant, and delivered to the director. Each candidate shall place on his paper the number given him and the year of graduation.

(4) The director shall examine the papers and place the mark opposite each candidate's number. When the markings are completed, the envelopes containing the names are to be opened and the names placed opposite their respective numbers.

(5) No dishonest methods will be tolerated, and any candidate disregarding these rules shall be debarred from further examination.

(6) Each subject for examination shall be covered by ten questions, and two hours' time shall be allowed for each subject.

(7) No candidate shall be allowed to leave the examination room after the question papers have been distributed, until the questions are answered and delivered to the examiners in charge.

(8) All examinations shall be in English. Within twenty days after a license is granted or refused, the reasons shall be set forth in writing and placed with the papers used in the examination, and all of said examination papers shall be filed with the director within thirty days after said license has been granted or refused.

Sec. 41. Section 1, chapter 83, Laws of 1953 as amended by section 7, chapter 266, Laws of 1971 ex. sess. and RCW 18.36.115 are each amended to read as follows:

Every person heretofore or hereafter granted a license under this chapter shall pay to the director an annual license renewal fee ~~((of not more than twenty-five dollars,))~~ to be determined by the director as provided in RCW 43.24.085 as now or hereafter amended, on or before the first day of July of each year, and thereupon the license of such person shall be renewed for a period of one year. Any failure to register and pay the annual license renewal fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the director, and payment to the state of a penalty ~~((of ten dollars))~~ fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, together with all delinquent annual license renewal fees.

Sec. 42. Section 6, chapter 108, Laws of 1937 as amended by section 8, chapter 266, Laws of 1971 ex. sess. and RCW 18.39.050 are each amended to read as follows:

Every application for a license hereunder, whether for an initial issue or for a renewal of one already granted, shall be made in writing on a form prescribed by the director and be verified by oath or affirmation before some person authorized by law to administer the same. The original application shall be accompanied by a natural photo of applicant. Every person making application for an initial issue of a license when an examination is required shall pay to the state treasurer ~~((the sum of twenty-five dollars))~~ a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended and, in case such application is granted he shall pay the further ~~((sum of fifteen dollars))~~ fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended prior to the issuance of such license. Every licensed embalmer or licensed funeral director shall make an application for a renewal of his license for the succeeding year, on or before the 31st day of December of the current year, and pay to the state treasurer ~~((the sum of not more than ten dollars,))~~ a fee to be determined by the director as provided in RCW 43.24.085 as now or hereafter amended, and upon the payment thereof shall be entitled to a renewal of his license.

Sec. 43. Section 10, chapter 108, Laws of 1937 and RCW 18.39.120 are each amended to read as follows:

Every person engaged in the business of funeral directing or embalming, who shall employ an apprentice or apprentices to assist him in the conduct of such business, shall register the name of each apprentice so employed with said director ~~((of licenses))~~ at the time of the beginning of said apprenticeship, and such person shall also forward to the said director ~~((of licenses))~~ notice of the termination of such apprenticeship. Such registration shall also be made in the month of January of every year thereafter by the employer of such apprentice during the continuance of such apprenticeship. A fee ~~((of five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended shall be paid to the state treasurer for the initial registration of such apprentice, and thereafter a fee ~~((of two dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended shall be paid to the state treasurer for each annual renewal of the same.

Sec. 44. Section 15, chapter 108, Laws of 1937 and RCW 18.39.130 are each amended to read as follows:

The director ~~((of licenses))~~ may recognize licenses issued to funeral directors or embalmers from other states and, upon presentation of such licenses may, upon the payment of ~~((the sum of twenty-five dollars))~~ a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, issue to the lawful holder thereof the funeral director's or embalmer's license herein provided for: PROVIDED, HOWEVER, That such recognition shall not be extended to funeral directors or embalmers holding licenses from other states unless reciprocal rights are granted to holders of funeral directors' or embalmers' licenses granted in the state of Washington. Such reciprocal licenses may be renewed annually upon payment of the renewal license fee as herein provided in the case of license holders residing in the state of Washington. No person shall be entitled to such reciprocal license as a funeral director or embalmer unless he shall furnish proof that he has, in the state in which he is regularly licensed, complied with requirements substantially equal to those set out in this chapter.

Sec. 45. Section 8, chapter 108, Laws of 1937 and RCW 18.39.150 are each amended to read as follows:

When a licensee has, for any reason, allowed his license to lapse, he may be granted a license upon application therefor made to the director ~~((of licenses))~~, upon payment to the state treasurer of the ~~((sum of twenty-five dollars))~~ fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended: PROVIDED, Such application is made within one year after the expiration of his previous license. If such application is not made within such one year period, as in this section provided, then the applicant shall be required to take an examination before the director ~~((of licenses))~~ and pay the license fee, as required by the provisions of this chapter in the case of initial applications.

Sec. 46. Section 8, chapter 283, Laws of 1947 and RCW 18.43.050 are each amended to read as follows:

Application for registration shall be on forms prescribed by the board and furnished by the director ~~((of licenses))~~, shall contain statements made under oath,

showing the applicant's education and detail summary of his technical work and shall contain not less than five references, of whom three or more shall be engineers having personal knowledge of his engineering experience.

The registration fee for professional engineers shall be ~~((twenty-five dollars, fifteen dollars of))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended, which shall accompany the application~~((, the remaining ten dollars))~~. The director shall also determine a fee as provided in RCW 43.24.085 as now or hereafter amended to be paid upon issuance of the certificate. The fee for engineer-in-training shall be ~~((ten dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended, which shall accompany the application and shall include the cost of examination and issuance of certificate. When registration as a professional engineer is completed by an engineer-in-training an additional fee ~~((of fifteen dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended shall be paid before issuance of certificate as professional engineer.

The registration fee for land surveyors shall be ~~((fifteen dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended, which shall accompany the application and shall include the cost of examination and issuance of certificate. The registration fee for professional engineers also qualified as land surveyors shall be the same as for professional engineers.

Should the board deny the issuance of a certificate of registration to any applicant, the initial fee deposited shall be retained as an application fee.

Sec. 47. Section 11, chapter 283, Laws of 1947 as last amended by section 1, chapter 126, Laws of 1965 ex. sess. and RCW 18.43.080 are each amended to read as follows:

Certificates of registration, and certificates of authorization and renewals thereof shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the administrator of the division of professional licensing to notify every person, firm or corporation registered under this chapter, of the date of the expiration of his certificate and the amount of the renewal fee that shall be required for its renewal for one year. Such notice shall be mailed at least thirty days before the end of December of each year. Renewal may be effected during the month of December by the payment of a fee ~~((of seven dollars and fifty cents for professional engineer, professional engineer and land surveyor, and seven dollars and fifty cents for land surveyor))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended. In case any professional engineer and/or land surveyor registered under this chapter shall fail to pay the renewal fee hereinabove provided for, within ninety days from the date when the same shall become due, the renewal fee shall be the current fee plus an amount equal to one year's fee.

Sec. 48. Section 13, chapter 283, Laws of 1947 as amended by section 6, chapter 297, Laws of 1959 and RCW 18.43.100 are each amended to read as follows:

The board may, upon application therefor, and the payment of a fee ~~((of fifteen dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended issue a certificate without further examination as a professional engineer or land surveyor to any person who holds a certificate of qualification of

registration issued to him following examination by proper authority, of any state or territory or possession of the United States, the District of Columbia, or of any foreign country, provided: (1) That the applicant's qualifications meet the requirements of the chapter, and the rules established by the board, (2) that the applicant is in good standing with the licensing agency in said state, territory, possession, district, or foreign country; and (3) that the said state, territory, possession, district, or foreign country gives like consideration on a reciprocal basis to those persons who have been registered by examination in this state.

Sec. 49. Section 14, chapter 283, Laws of 1947 and RCW 18.43.110 are each amended to read as follows:

The board shall have the exclusive power to revoke the certificate of registration of any registrant who is found guilty of:

The practice of any fraud or deceit in obtaining a certificate of registration; or
Any gross negligence, incompetency, or misconduct in the practice of engineering or land surveying as a registered engineer or land surveyor.

Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or misconduct against any registrant. Such charges shall be in writing and shall be sworn to by the person making them and shall be filed with the secretary of the board.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three months after the date on which they have been preferred.

The time and place for said hearing shall be fixed by the board and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such registrant, at least thirty days before the date set for the hearing. At any hearing the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

If, after such hearing, three or more members of the board vote in favor of finding the accused guilty, the board shall revoke the certificate of registration of such registered professional engineer or land surveyor.

The board, for reasons it deems sufficient, may reissue a certificate of registration to any person whose certificate has been revoked, providing three or more members of the board vote in favor of such issuance. A new certificate of registration to replace any certificate revoked, lost, destroyed, or mutilated may be issued by the director (~~(of licenses)~~), subject to the rules of the board, and a charge (~~(of one dollar)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended shall be made for such issuance.

Any person who shall feel aggrieved by any action of the board in denying or revoking his certificate of registration may appeal therefrom to the superior court of the county in which such person resides, and after full hearing, said court shall make such decree sustaining or revoking the action of the board as it may deem just and proper.

Sec. 50. Section 16, chapter 283, Laws of 1947 as last amended by section 2, chapter 126, Laws of 1965 ex. sess. and RCW 18.43.130 are each amended to read as follows:

This chapter shall not be construed to prevent or affect:

- (1) The practice of any other legally recognized profession or trade; or
- (2) The practice of a person not a resident and having no established place of business in this state, practicing or offering to practice herein the profession of engineering or land surveying, when such practice does not exceed in the aggregate more than thirty days in any calendar year: PROVIDED, Such person is legally qualified by registration to practice the said profession in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this chapter; or
- (3) The practice of a person not a resident and having no established place of business in this state, or who has recently become a resident thereof, practicing or offering to practice herein for more than thirty days in any calendar year the profession of engineering or land surveying, if he shall have filed with the board an application for a certificate of registration and shall have paid the fee required by this chapter: PROVIDED, That such person is legally qualified by registration to practice engineering or land surveying in his own state or country in which the requirements and qualifications of obtaining a certificate of registration are not lower than those specified in this chapter. Such practice shall continue only for such time as the board requires for the consideration of the application for registration; or
- (4) The work of an employee or a subordinate of a person holding a certificate of registration under this chapter, or an employee of a person practicing lawfully under provisions of this section: PROVIDED, That such work does not include final design or decisions and is done under the direct responsibility, checking, and supervision of a person holding a certificate of registration under this chapter or a person practicing lawfully under the provisions of this section; or
- (5) The work of a person rendering engineering or land surveying services to a corporation, as an employee of such corporation, when such services are rendered in carrying on the general business of the corporation and such general business does not consist, either wholly or in part, of the rendering of engineering services to the general public: PROVIDED, That such corporation employs at least one person holding a certificate of registration under this chapter or practicing lawfully under the provisions of this chapter; or
- (6) The practice of officers or employees of the government of the United States while engaged within the state in the practice of the profession of engineering or land surveying for said government; or
- (7) Nonresident engineers employed for the purpose of making engineering examinations; or
- (8) The practice of engineering in this state by a corporation or joint stock association: PROVIDED, That
 - (a) Such corporation shall file with the board an application for certificate of authorization upon a form to be prescribed by the board and containing information required to enable the board to determine whether such corporation is qualified in accordance with the provisions of this chapter to practice engineering in this state;
 - (b) Such corporation shall file with the board a certified copy of a resolution of the board of directors of the corporation which shall designate a person holding a

certificate of registration under this chapter as responsible for the practice of engineering by said corporation in this state and shall provide that full authority to make all final engineering decisions on behalf of said corporation with respect to work performed by the corporation in this state shall be granted and delegated by the board of directors to the person so designated in said resolution: PROVIDED, That the filing of such resolution shall not relieve the corporation of any responsibility or liability imposed upon it by law or by contract;

(c) Such corporation shall file with the board a designation in writing setting forth the name or names of a person or persons holding certificates of registration under this chapter who shall be in responsible charge of each project and each major branch of the engineering activities in which the corporation shall specialize in this state. In the event there shall be a change in the person or persons in responsible charge of any project or major branch of the engineering activities, such changes shall be designated in writing and filed with the board within thirty days after the effective date of such changes;

(d) Upon the filing with the board of the application for certificate for authorization, certified copy of resolution, affidavit and designation of persons specified in subparagraphs (a), (b), and (c) of this section the board shall issue to such corporation a certificate of authorization to practice engineering in this state upon a determination by the board (1) that:

(i) The bylaws of the corporation contain provisions that all engineering decisions pertaining to any project or engineering activities in this state shall be made by the specified engineer in responsible charge, or other responsible engineers under his direction or supervision;

(ii) The application for certificate of authorization states the type, or types, of engineering practiced, or to be practiced by such corporation;

(iii) A current certified financial statement accurately reflecting the financial condition of the corporation has been filed with the board and is available for public inspection;

(iv) The applicant corporation has the ability to provide through qualified engineering personnel, professional services or creative work requiring engineering experience, and that with respect to the engineering services which the corporation undertakes or offers to undertake such personnel have the ability to apply special knowledge of the mathematical, physical, and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design, and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects;

(v) The application for certificate of authorization states the professional records of the designated person or persons who shall be in responsible charge of each project and each major branch of engineering activities in which the corporation shall specialize;

(vi) The application for certificate of authorization states the experience of the corporation, if any, in furnishing engineering services during the preceding five year period and states the experience of the corporation, if any, in the furnishing of all feasibility and advisory studies made within the state of Washington;

(vii) The applicant corporation meets such other requirements related to professional competence in the furnishing of engineering services as may be established and promulgated by the board in furtherance of the objectives and provisions of this chapter; and

(2) Upon a determination by the board based upon an evaluation of the foregoing findings and information that the applicant corporation is possessed of the ability and competence to furnish engineering services in the public interest.

The board may in the exercise of its discretion refuse to issue or may suspend and/or revoke a certificate of authorization to a corporation where the board shall find that any of the officers, directors, incorporators, or the stockholders holding a majority of stock of such corporation has committed misconduct or malpractice as defined in RCW 18.43.105 or has been found personally responsible for misconduct or malpractice under the provisions of subsections (f) and (g) hereof.

The certificate of authorization shall specify the major branches of engineering of which the corporation has designated a person or persons in responsible charge as provided in subsection (8) (c) of this section.

(e) In the event a corporation, organized solely by a group of engineers, each holding a certificate of registration under this chapter, applies for a certificate of authorization, the board may, in its discretion, grant a certificate of authorization to such corporation based on a review of the professional records of such incorporators, in lieu of the required qualifications set forth in this subsection. In the event the ownership of such corporation shall be altered, the corporation shall apply for a revised certificate of authorization, based upon the professional records of the owners, if exclusively engineers or, otherwise, under the qualifications required by subparagraphs (a), (b), (c), and (d) hereof.

(f) Any corporation authorized to practice engineering under this chapter, together with its directors and officers for their own individual acts, are responsible to the same degree as an individual registered engineer, and must conduct its business without misconduct or malpractice in the practice of engineering as defined in this chapter.

(g) Any corporation which has been duly certified under the provisions of this chapter and has engaged in the practice of engineering shall have its certificate of authorization either suspended or revoked by the board if, after a proper hearing, the board shall find that the corporation has committed misconduct or malpractice as defined in RCW 18.43.105. In such case any individual engineer holding a certificate of registration under this chapter, involved in such malpractice or misconduct, shall have his certificate of registration suspended or revoked also.

(h) All plans, specifications, designs, and reports when issued in connection with work performed by a corporation under its certificate of authorization shall be prepared by or under the responsible charge of and shall be signed by and shall be stamped with the official seal of a person holding a certificate of registration under this chapter.

(i) For each certificate of authorization issued under the provisions of this subsection (8) of this section there shall be paid an initial fee (~~of five hundred dollars~~) determined by the director as provided in RCW 43.24.085 as now or

hereafter amended and an annual renewal fee ((of one hundred dollars)) determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

(9) The practice of engineering and/or land surveying in this state by partnership: PROVIDED, That

(a) A majority of the members of the partnership are engineers or architects or land surveyors duly certificated by the state of Washington or by a state, territory, possession, district, or foreign country meeting the reciprocal provisions of RCW 18.43.100: PROVIDED, That at least one of the members is a professional engineer or land surveyor holding a certificate issued by the director ((of licenses)) under the provisions of RCW 18.43.070; and

(b) Except where all members of the partnership are professional engineers or land surveyors or a combination of professional engineers and land surveyors or where all members of the partnership are either professional engineers or land surveyors in combination with an architect or architects all of which are holding certificates of qualification therefor issued under the laws of the state of Washington, the partnership shall file with the board an instrument executed by a partner on behalf of the partnership designating the persons responsible for the practice of engineering by the partnership in this state and in all other respects such person so designated and such partnership shall meet the same qualifications and shall be subject to the same requirements and the same penalties as those pertaining to corporations and to the responsible persons designated by corporations as provided in subsection (8) of this section.

For each certificate of authorization issued under the provisions of this subsection (9) of this section there shall be paid an initial fee ((of one hundred dollars)) determined by the director as provided in RCW 43.24.085 as now or hereafter amended and an annual renewal fee ((of twenty-five dollars)) determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Sec. 51. Section 3, chapter 160, Laws of 1917 and RCW 18.50.050 are each amended to read as follows:

If the application is approved and the candidate shall have deposited ((~~the sum of fifteen dollars as~~)) an examination fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended with the director, the candidate shall be admitted to the examination, and in case of failure to pass the examination, may be reexamined at any regular examination within one year without the payment of an additional fee, said fee to be retained by the director after failure to pass the second examination.

Sec. 52. Section 7, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.070 are each amended to read as follows:

Upon the director's receipt of ((~~a fifty dollar~~)) an application and examination fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, and completed application forms provided by the director, a nursing home administrator's license shall be issued to any person who:

- (1) Is at least twenty-one years of age and of good moral character.
- (2) Has satisfactorily completed a course of instruction and training concerning nursing home or health facility administration approved by the board, or has

presented upon his affidavit evidence satisfactory to the board of at least two years of practical experience in the field of institutional administration which, regardless of formal training or instruction, is in the opinion of the board equivalent to two years of experience in the operation of a nursing home.

(3) Has passed an examination administered by the board which shall be designed to test the candidate's competence to administer a nursing home on the basis of the candidate's formal instruction and training or actual experience: **PROVIDED HOWEVER, That** nothing in this chapter or the rules and regulations thereunder shall be construed to require an applicant for a license or provisional license as a nursing home administrator who is certified by any well established and generally recognized church or religious denomination which teaches reliance on spiritual means alone for healing as having been approved to administer institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teachings, to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided in such institutions: **PROVIDED FURTHER, That** any such individual shall demonstrate in the process of application for the examination his membership in such church or religious denomination and his license shall indicate the limited extent of his authority to act as an administrator.

(4) The initial administrator members of the board shall be selected and appointed by the governor to meet the requirements of subsection (1) of this section and of RCW 18.52.040 and 18.52.050. The three nonadministrator members of the first board shall administer to the initial administrator members an appropriate examination, and the initial administrator members shall thereafter be issued their licenses under this chapter as nursing home administrators. The three nonadministrator members of the first board may exercise the powers of the board to carry out licensing of the initial administrator members, regardless of the normal quorum or procedural requirements for board action. The licensing of the initial administrator members of the first board shall be carried out within thirty days after appointment of the board, and in all events prior to April 1, 1970.

Sec. 53. Section 8, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.080 are each amended to read as follows:

(1) Upon the ~~((directors'))~~ director's receipt of ~~((a one hundred dollar))~~ an annual fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, a provisional license may be issued to any individual applying therefor who has served, as shown by such individual's affidavit, as a nursing home administrator during all of the calendar year immediately preceding July 1, 1970, and meets the standards of RCW 18.52.070(1). Any such provisional license shall terminate after two years or at midnight, June 30, 1972, whichever is earlier. If prior to the expiration of such provisional license, the provisional licensee has qualified to take and has passed the examination required by the board, a nursing home administrator's license shall be issued to him.

(2) If a provisional license is issued to any individual, there shall be provided in this state during all of the period for which such provisional license remains in effect a program of training and instruction designed to enable all provisional licensed nursing home administrators to attain the qualifications necessary to be

fully licensed as a nursing home administrator as provided under this chapter. The single state agency administering the program of this state under Title XIX of the Federal Social Security Act shall apply for, receive, and administer such federal funds as are made available to carry out the educational programs contemplated by this section.

Sec. 54. Section 11, chapter 57, Laws of 1970 ex. sess. as amended by section 9, chapter 266, Laws of 1971 ex. sess. and RCW 18.52.110 are each amended to read as follows:

(1) Every holder of a nursing home administrator's license shall reregister it annually with the director on dates specified by the director by making application for reregistration on forms provided by the director. Such reregistration shall be granted automatically upon receipt of a fee ~~((of not more than fifty dollars to be))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended. In the event that any license is not reregistered within thirty days after the date for reregistration specified by the director, the director shall, in accordance with rules prescribed by the board, give notice to the license holder, and may thereafter in accordance with rules prescribed by the board charge up to double the normal reregistration fee. In the event that the license of an individual is not reregistered within three years from the most recent date for reregistration it shall lapse and such individual must again apply for licensing and meet all requirements of this chapter for a new applicant. The board may prescribe rules for maintenance of a license at a reduced fee for temporary or permanent withdrawal or retirement from the active practice of nursing home administration.

(2) A condition of reregistration shall be the presentation of proof by the applicant that he has attended the number of classroom hours of approved educational programs, classes, seminars, or proceedings set by the board. The board shall have the power to approve programs, classes, seminars, or proceedings offered in this state or elsewhere by any accredited institution of higher learning or any national or local group or society if such programs, classes, seminars, or proceedings are reasonably related to the administration of nursing homes. The board shall establish rules and regulations providing that the applicant for reregistration may present such proofs yearly, or may obtain the cumulative number of required hours over a three year period and present such proofs over periods of three years. In no event shall the number of classroom hours required for any time period exceed the number of such board approved classroom hours reasonably available over such time period on an adult or continuing education basis to nonmatriculating participants in this state.

(3) An individual may obtain and reregister a license under this chapter although he does not actively engage in nursing home administration.

Sec. 55. Section 13, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.130 are each amended to read as follows:

Upon receipt of ~~((a fifty dollar))~~ an application fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended and an annual license fee, the director may issue ~~(([nursing]))~~ a nursing home administrator's license, without examination, to any person who holds a current license as a nursing home administrator from another jurisdiction: PROVIDED, That the board finds that the standards for licensing in such other jurisdiction are at least

the substantial equivalent of those prevailing in this state, and that the applicant is otherwise qualified. In the event that there is developed a nationally recognized standard for the licensing of nursing home administrators which is in fact utilized in licensing procedures on a reasonably uniform basis the board may by rule or regulation provide for granting reciprocal licensing on a showing of compliance with such standard.

Sec. 56. Section 13, chapter 144, Laws of 1919 as last amended by section 10, chapter 266, Laws of 1971 ex. sess. and RCW 18.53.050 are each amended to read as follows:

During the month of January of each year, every registered optometrist shall pay to the state treasurer a ~~((fee of not more than twenty-five dollars as a))~~ renewal fee, to be determined by the director as provided in RCW 43.24.085 as now or hereafter amended, and failure to pay such fee within the prescribed time shall cause the suspension of his certificate. The state treasurer shall place two dollars and forty cents from each renewal fee into the general fund and shall place the balance into an optometry account which is hereby created for the enforcement of this chapter. Any residue in such account shall be accumulated and shall not revert to the general fund at the end of any biennium.

In the event of failure to pay the renewal fee, the director shall mail a notice of such suspension to the last known post office address of the holder between the first and fifth days of February, March, and April next following and if the fee is not paid by May 1st the director may declare the certificate revoked and immediately notify the county clerk of the county in which the certificate is recorded, and the clerk shall mark his records accordingly.

Sec. 57. Section 9, chapter 144, Laws of 1919 and RCW 18.53.070 are each amended to read as follows:

The fees for application for examination ~~((shall be fifteen dollars))~~ and ~~((the fee))~~ for issuing a certificate of registration shall be ~~((ten dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended, which shall be paid to the director as he shall prescribe.

Sec. 58. Section 6, chapter 4, Laws of 1919 as amended by section 11, chapter 266, Laws of 1971 ex. sess. and RCW 18.57.050 are each amended to read as follows:

Each applicant on making application shall pay the director a fee ~~((of twenty-five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended which shall be paid to the state treasurer by said director and used to defray the expenses and compensation of said director. In case the applicant's credentials are insufficient, or in case he does not desire to take the examination, the sum of fifteen dollars shall be returned. All persons licensed to practice osteopathy or osteopathy and surgery within this state who are engaged in active practice shall pay on or before the first day of May of each year to the director a renewal license fee ~~((of not more than fifteen dollars to be))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended. Licenses not so renewed will not be valid. The director shall thirty days or more before May 1st of each year mail to all active practitioners of osteopathy or osteopathy and

surgery in this state at their last known address a notice of the fact that the renewal fee will be due on or before the first of May. Nothing in this chapter shall be construed so as to require that the receipt shall be recorded as original licenses are required to be recorded.

Sec. 59. Section 17, chapter 4, Laws of 1919 as amended by section 1, chapter 82, Laws of 1921 and RCW 18.57.130 are each amended to read as follows:

Any person who holds a license authorizing him to practice osteopathy from a board of medical examiners heretofore existing, under the provision of any laws of this state, past or present, shall be entitled to practice osteopathy in this state the same as if issued under this chapter, and any person, who shall have been examined and licensed to practice osteopathy by a state board of osteopathic examiners of another state or the duly constituted authorities of another state authorized to issue licenses to practice osteopathy upon examination, shall be entitled to receive a license to practice osteopathy in this state upon the payment of a fee ~~((of twenty-five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended to the state treasurer and filing a copy of his license in such other state, duly certified by the authorities granting the license to be a full, true, and correct copy thereof, and certifying also that the standard of requirements adopted by such authorities as provided by the law of such state is equal to that provided for by the provisions of this chapter: PROVIDED, That no license shall issue without examination to any person who has previously failed in an examination held in this state: PROVIDED, FURTHER, That all licenses herein mentioned may be revoked for unprofessional conduct, in the same manner and upon the same grounds as if issued under this chapter: PROVIDED, FURTHER, That the term osteopathy, as used in this chapter, shall be held to be the practice and procedure as taught and recognized by the regular colleges of osteopathy: PROVIDED, FURTHER, That no one shall be permitted to practice surgery who has not a license therefor.

Sec. 60. Section 10, chapter 30, Laws of 1971 ex. sess. and RCW 18.57A.040 are each amended to read as follows:

No osteopathic physician practicing in this state shall utilize the services of an osteopathic physician's assistant without the approval of the board.

Any osteopathic physician licensed in this state may apply to the board for permission to use the services of an osteopathic physician's assistant. The application shall be accompanied by a fee ~~((of fifty dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended, shall detail the manner and extent to which the physician's assistant would be used and supervised, shall detail the education, training, and experience of the osteopathic physician's assistant and shall provide such other information in such form as the board may require.

The board may approve or reject such applications. In addition, the board may modify the proposed utilization of the osteopathic physician's assistant, and approve the application as modified. No such approval shall extend for more than one year, but approval once granted may be renewed annually upon payment of a fee ~~((of ten dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended. Whenever it appears to the board that an osteopathic physician's assistant is being utilized in a manner inconsistent with the approval

granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of an approval, a hearing shall be conducted in accordance with RCW 18.57.180.

Sec. 61. Section 35, chapter 202, Laws of 1955 and RCW 18.71.040 are each amended to read as follows:

Every applicant for a certificate to practice medicine and surgery shall pay a fee ~~((of twenty-five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Sec. 62. Section 36, chapter 202, Laws of 1955 as amended by section 12, chapter 266, Laws of 1971 ex. sess. and RCW 18.71.080 are each amended to read as follows:

Every person licensed to practice medicine and surgery in this state shall register with the director of department of motor vehicles annually, and pay an annual renewal registration fee ~~((of not more than ten dollars to be))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended, on or before the first day of July of each year, and thereupon the license of such person shall be renewed for a period of one year. Any failure to register and pay the annual renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the director, and payment to the state of a penalty ~~((of ten dollars))~~ fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, together with all delinquent annual license renewal fees.

Sec. 63. Section 11, chapter 134, Laws of 1919 as last amended by section 9, chapter 284, Laws of 1961 and RCW 18.71.090 are each amended to read as follows:

Any applicant who has been examined and licensed under the laws of another state, which through a reciprocity provision in its laws, similarly accredits the holders of certificates from the proper authorities of this state to the full privileges of practice within its borders or an applicant who has satisfactorily passed examinations given by the national board of medical examiners may, in the discretion of the board, be granted a license without examination on the payment of a fee ~~((of twenty-five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended to the state treasurer: PROVIDED, That he has not previously failed to pass an examination held in this state. He must file with the board a copy of his license certified by the proper authorities of the issuing state to be a full, true copy thereof, and must show that the standards, eligibility requirements, and examinations of that state are at least equal in all respects to those of this state.

Sec. 64. Section 4, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.040 are each amended to read as follows:

No physician practicing in this state shall utilize the services of a physician's assistant without the approval of the board.

Any physician licensed in this state may apply to the board for permission to use the services of a physician's assistant. The application shall be accompanied by a fee ~~((of fifty dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended, shall detail the manner and extent to which the

physician's assistant would be used and supervised, shall detail the education, training, and experience of the physician's assistant and shall provide such other information in such form as the board may require.

The board may approve or reject such applications. In addition, the board may modify the proposed utilization of the physician's assistant, and approve the application as modified. No such approval shall extend for more than one year, but approval once granted may be renewed annually upon payment of a fee (~~(of ten dollars)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended. Whenever it appears to the board that a physician's assistant is being utilized in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of an approval, a hearing shall be conducted in accordance with RCW 18.71.140.

Sec. 65. Section 5, chapter 239, Laws of 1949 as amended by section 4, chapter 64, Laws of 1961 and RCW 18.74.050 are each amended to read as follows:

The director (~~(of licenses)~~) shall furnish a certificate of registration upon the authority of the examining committee as follows:

(1) A certificate of registration shall be issued to any person who applies for such registration and who has qualified under the provisions of this chapter. At the time of making such application such applicant shall pay to the state treasurer a fee (~~(of twenty-five dollars)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended, provided no person previously registered as a physical therapist shall be required to pay an additional fee for registration under this chapter.

(2) A probational certificate of registration may be issued to any domestic trained physical therapist who has credentials acceptable to the Washington state examining committee of physical therapists and who pays the required Washington state registration fee. Such probational certificate of registration shall be available to an applicant only with respect to his first application for registration, and such certificate of registration shall expire when the examining committee publishes the results of the first Washington state examination for registration for which applicant is eligible under the regulations of the examining committee.

(3) A probational certificate of registration may be issued for a period of one year to a foreign trained physical therapist who (a) makes the required application for registration, (b) holds a diploma from a foreign school of physical therapy, (c) presents credentials as required by the Washington state examining committee of physical therapists which establish professional qualifications substantially equivalent to those required of domestic trained physical therapists, and (d) pays the required Washington state registration fee. A person holding a probational certificate may practice physical therapy solely under the supervision of a person registered as a physical therapist under this chapter. Such probational certificate of registration shall be available to an applicant only with respect to his first application for registration. Such certificate of registration shall be continued until the examining committee publishes the results of the first Washington state examination for registration held after the period for which the certificate was originally issued.

(4) A regular certificate of registration may be issued to a foreign trained physical therapist who fulfills the above requirements in subsection (3) of this section and who passes the Washington state examination for registration.

(5) A temporary certificate of registration limited to six months may be issued, without examination, to any person who submits satisfactory evidence to the examining committee that he is in this state on a temporary basis to assist in a case of medical emergency or to engage in a special physical therapy project, and who meets the qualifications for a physical therapist as set forth in RCW 18.74.030.

Sec. 66. Section 6, chapter 239, Laws of 1949 as amended by section 5, chapter 64, Laws of 1961 and RCW 18.74.060 are each amended to read as follows:

Upon the recommendation of the examining committee, the director (~~(of licenses)~~) shall register as a physical therapist and shall furnish a certificate of registration to any person who is a physical therapist registered under the laws of another state or territory, or the District of Columbia, if the qualifications for such registration required of applicant were substantially equal to the requirements under this chapter and such person has practiced in such other state or territory or the District of Columbia for at least one year prior to application. At the time of making application, such applicant shall pay to the state treasurer a fee (~~(of twenty-five dollars)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Sec. 67. Section 7, chapter 239, Laws of 1949 as last amended by section 13, chapter 266, Laws of 1971 ex. sess. and RCW 18.74.070 are each amended to read as follows:

Every registered physical therapist shall, during the month of January, apply to the director for a renewal of his registration and pay a fee (~~(of not more than ten dollars, to be)~~) determined by the director as provided in RCW 43.24.085(;) as now or hereafter amended to the state treasurer. Registration that is not so made before February 1st of every year, shall automatically lapse. Upon the recommendation of the examining committee the director shall revive a lapsed registration on the payment of all past unpaid renewal fees.

Sec. 68. Section 9, chapter 222, Laws of 1949 as amended by section 3, chapter 15, Laws of 1963 and RCW 18.78.080 are each amended to read as follows:

All applicants applying for a license to practice as a licensed practical nurse with or without examination, as provided in this chapter, shall pay a license fee (~~(of twenty dollars)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended to the department of (~~(licenses)~~) motor vehicles: PROVIDED, HOWEVER, That the applicant applying for a reexamination shall pay a fee (~~(of five dollars)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Sec. 69. Section 10, chapter 222, Laws of 1949 as last amended by section 14, chapter 266, Laws of 1971 ex. sess. and RCW 18.78.090 are each amended to read as follows:

Every licensed practical nurse in this state shall register annually with the division of professional licensing in the department of motor vehicles, on or before the first day of March, and shall pay an annual fee (~~(of not more than five dollars~~

~~to be~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended, and thereupon the license of such person shall be renewed for a period of one year. Any failure to register and pay the annual renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefore to the division of professional licensing, and upon payment to the state of a penalty ~~((of ten dollars))~~ fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, together with all delinquent annual license renewal fees.

Sec. 70. Section 3, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.030 are each amended to read as follows:

No proprietary school may offer a course of instruction within this state without first registering as a proprietary school with the director and paying an annual registration fee ~~((of twenty-five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended before July first of each year to the director. Such registration shall be on forms provided by the director and shall contain: (1) The names of the individual owner, or if the owner is a corporation or partnership, the names of the officers and directors or members thereof; (2) the administrator, business address, and location of the proprietary school; (3) the field or fields of endeavor for which the proprietary school purports to train or prepare persons, and a brief description of the courses offered by the proprietary school.

Sec. 71. Section 6, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.060 are each amended to read as follows:

(1) No person shall for remuneration sell any course or courses in this state for any proprietary school, or solicit students therefor in this state, without first obtaining an agent's permit from the director. If the agent represents more than one school, a separate permit shall be obtained for each school represented by him: PROVIDED, That if an agent represents a school with more than one location or branches he need only obtain a single permit for such school. Upon approval for a permit the director shall issue a pocket card to the agent, giving his name and address, the name and address of his employing correspondence school, and certifying that the person whose name appears on the card is an authorized agent of the school. A permit shall be valid until the subsequent July 1st from the date on which it was issued.

(2) The application for a permit or renewal shall be made on forms to be furnished by the director and shall be accompanied by a fee ~~((of ten dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

(3) Any permit applied for pursuant to this section shall be granted or denied within thirty days of the receipt of the application therefor by the director. If the director has not completed his determination with respect to the issuance of a permit pursuant to this section within such thirty-day period, he shall issue a temporary permit to the applicant, which permit shall be sufficient to meet the requirements of this chapter until such time as such determination is made. An agent's permit shall be issued if the director is satisfied that the applicant does in

fact represent the proprietary school for which a permit is requested, that the applicant is of good moral character, and that a previous permit for such person has not been revoked.

(4) Any permit issued may be revoked by the director if the holder of the permit solicits or enrolls students through fraud, deception, or misrepresentation or upon a finding that a fact or condition exists which would have warranted the denial of the issuance of the permit, had such fact or condition existed at the time of original application.

(5) The applicant for, or holder of, an agent's permit shall be entitled to an opportunity for an agency hearing with respect to the denial of an application therefor, or the revocation or suspension thereof, by the director, and the applicable provisions of the Administrative Procedure Act found in chapter 34.04 RCW, as it now exists or may hereafter be amended, shall apply with respect thereto.

(6) The issuance of a permit pursuant to this section shall not be deemed to constitute approval of any course or the proprietary school offering or administering the same. Any representation contrary to this paragraph or tending to imply that a permit issued pursuant to this section constitutes such approval shall be misrepresentation within the meaning of this chapter.

Sec. 72. Section 6, chapter 305, Laws of 1955 as amended by section 6, chapter 70, Laws of 1965 and RCW 18.83.060 are each amended to read as follows:

Each applicant for a license shall file with the director an application duly verified, in such form and setting forth such information as the board shall prescribe. An application fee (~~in the sum of forty dollars~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended shall accompany each application.

Sec. 73. Section 23, chapter 70, Laws of 1965 and RCW 18.83.082 are each amended to read as follows:

(1) All "certified psychologists" who are certified under the provisions of chapter 18.83 RCW shall be promptly issued a license by the director. The fee for this license shall be determined by the director (~~but shall not exceed twenty dollars~~) as provided in RCW 43.24.085 as now or hereafter amended.

(2) The words "certification" and "licensing" shall be known as interchangeable terms in this chapter.

(3) A valid receipt for an initial application for license hereunder, provided the applicant meets the requirements of subsections (1) and (2) of RCW 18.83.070, shall constitute a temporary permit to practice psychology until the board of examiners completes action on the application. The board must complete action within one year of the date such receipt is issued.

(4) A person, not licensed in this state, who wishes to perform practices under the provisions of this chapter for a period not to exceed ninety days within a calendar year, must petition the board for a temporary permit to perform such practices. If the person is licensed or certified in another state deemed by the board to have standards equivalent to this chapter, a permit may be issued. No fee shall be charged for such temporary permit.

Sec. 74. Section 9, chapter 305, Laws of 1955 as last amended by section 16, chapter 266, Laws of 1971 ex. sess. and RCW 18.83.090 are each amended to read as follows:

Each licensed psychologist shall renew his license by paying to the state treasurer, on or before the tenth day of January of each year, a renewal fee (~~(in the amount of not more than fifteen dollars to be)~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended. Upon receipt of such payment by the state treasurer the director shall issue a certificate of renewal in such form as the director shall determine.

Sec. 75. Section 22, chapter 70, Laws of 1965 and RCW 18.83.105 are each amended to read as follows:

The board may issue certificates of qualification with appropriate title to applicants who meet all the licensing requirements except the possession of the degree of Doctor of Philosophy or its equivalent in psychology from an accredited educational institution. These certificates of qualification certify that the holder has been examined by the board and is deemed competent to perform certain functions within the practice of psychology under the periodic direct supervision of a psychologist licensed by the board. Such functions will be specified on the certificate issued by the board. Such applicant shall pay to the board of examiners a fee (~~((not to exceed twenty-five dollars))~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended for certification in a single area of qualification and a fee for amendment of the certificate to include each additional area of qualification. Upon petition by a holder the board of examiners may grant authority to function without immediate supervision.

Sec. 76. Section 17, chapter 305, Laws of 1955 as amended by section 17, chapter 70, Laws of 1965 and RCW 18.83.170 are each amended to read as follows:

Upon application accompanied by a fee (~~((of forty dollars))~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended, the board may recommend and the director shall be empowered to grant a license, without written or oral examination, to any applicant who has not previously failed any examination held by the board of psychology of the state of Washington and furnishes evidence satisfactory to the board that he:

(1) Holds a doctoral degree with primary emphasis on psychology from an accredited college or university; and

(2) Is licensed or certified to practice psychology in another state in which the requirements for such licensing or certification are, in the judgment of the board, essentially equivalent to those required by this chapter and the rules and regulations of the board. Such individuals must have been licensed or certified in another state for a period of at least two years; or

(3) Is a (~~((diplomat[e]))~~) diplomat in good standing of the American Board of Examiners in Professional Psychology.

Sec. 77. Section 16, chapter 202, Laws of 1949 as last amended by section 15, chapter 133, Laws of 1973 and RCW 18.88.160 are each amended to read as follows:

Each applicant for a license to practice as a registered nurse or a specialized or advanced registered nurse shall pay a fee ((of twenty dollars)) determined by the director as provided in RCW 43.24.085 as now or hereafter amended to the state treasurer.

Sec. 78. Section 19, chapter 202, Laws of 1949 as last amended by section 18, chapter 133, Laws of 1973 and RCW 18.88.190 are each amended to read as follows:

Every license issued under the provisions of this chapter shall be renewed, except as hereinafter provided. At least thirty days prior to expiration, the director shall mail a notice for renewal of license to every person licensed for the current licensing period. The applicant shall return the notice to the department with a renewal fee ((of five dollars)) determined by the director as provided in RCW 43.24.085 as now or hereafter amended before the expiration date. Upon receipt of the notice and appropriate fee the department shall issue to the applicant a license which shall render the holder thereof a legal practitioner of nursing for the period stated on the license.

Sec. 79. Section 20, chapter 202, Laws of 1949 as last amended by section 19, chapter 133, Laws of 1973 and RCW 18.88.200 are each amended to read as follows:

Any licensee who allows his or her license to lapse by failing to renew the license, shall upon application for renewal pay a penalty ((of five dollars)) determined by the director as provided in RCW 43.24.085 as now or hereafter amended. If the applicant fails to renew the license before the end of the current licensing period, the license shall be issued for the next licensing period by the department upon written application and fee ((of twenty dollars)) determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Sec. 80. Section 4, chapter 200, Laws of 1959 as amended by section 19, chapter 266, Laws of 1971 ex. sess. and RCW 18.90.040 are each amended to read as follows:

Applicants for registration shall pay a fee ((of twenty-five dollars)) determined by the director as provided in RCW 43.24.085 as now or hereafter amended at the time of making application. A sanitarian registered under the provisions of this chapter shall renew his certificate by paying an annual renewal fee ((of not more than fifteen dollars to be)) determined by the director as provided in RCW 43.24.085 as now or hereafter amended. All receipts realized in the administration of this chapter shall be paid into the general fund into a special account to be known as the sanitarians' licensing account. All fees shall be due and payable on or before the first day of July for the current year for which the renewal certificate shall be issued. All certificates shall expire on the renewal date unless renewed prior to such date. When such fees are not paid in full before September 1st they shall become delinquent and there shall be added to the renewal fee a penalty ((of five dollars)) determined by the director as provided in RCW 43.24.085 as now or hereafter amended. Any certificate not having been renewed by October 1st of the year of expiration shall be considered lapsed. In the event an applicant shall fail to pass any examinations provided for under this chapter and the board shall grant permission for a reexamination, such applicant on reexamination shall pay

an additional fee ~~((of fifteen dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Sec. 81. Section 5, chapter 200, Laws of 1959 and RCW 18.90.050 are each amended to read as follows:

The board upon written application together with such references and proof as it may prescribe, shall certify to the director ~~((of licenses))~~ without examination any person who is registered as a sanitarian under the laws of any other state, the requirements of which for receiving such registration were at the time such registration was issued, equal to the requirements so imposed by this state for registration of sanitarians. The application fee for an applicant by reciprocity shall be ~~((notwithstanding any other provisions of this chapter the sum of fifteen dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Sec. 82. Section 10, chapter 71, Laws of 1941 as last amended by section 7, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.115 are each amended to read as follows:

Any applicant who shall fail to secure the required grade in his first examination may take the next regular veterinary examination. The fee for reexamination shall be ~~((twenty-five dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Sec. 83. Section 17, chapter 71, Laws of 1941 and RCW 18.92.142 are each amended to read as follows:

Any failure, neglect, or refusal on the part of any person duly licensed to practice veterinary medicine, surgery, and dentistry by said director, to register and pay the annual registration fee to the director on or before July 1st of each year shall render the license invalid, and it shall not be reinstated except upon written application therefor to the director and payment of a penalty ~~((of ten dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended, together with all delinquent annual license renewal fees.

Sec. 84. Section 19, chapter 71, Laws of 1941 as last amended by section 20, chapter 266, Laws of 1971 ex. sess. and RCW 18.92.145 are each amended to read as follows:

The ~~((following fees shall be charged by the))~~ director shall determine the fees, as provided in RCW 43.24.085 as now or hereafter amended, for the issuance, renewal, or administration of the following licenses, permit, or examination:

(1) For a license to practice veterinary medicine, surgery, and dentistry issued upon an examination given by the examining board ~~((fifty dollars));~~

(2) For a license to practice veterinary medicine, surgery, and dentistry issued upon the basis of a license issued in another state ~~((one hundred dollars));~~

(3) For the annual renewal of a license to practice veterinary medicine, surgery, and dentistry ~~((not more than fifteen dollars such fee to be determined by the director as provided in RCW 43.24.085));~~

(4) For a temporary permit to practice veterinary medicine, surgery, and dentistry ~~((fifteen dollars)).~~ The temporary permit fee shall be accompanied by the full amount of the examination fee ~~((of fifty dollars)).~~

Sec. 85. Section 8, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.080 are each amended to read as follows:

Application for registration shall be filed with the director prior to the date set for examination and shall contain statements made under oath showing the applicant's education and a detailed summary of his practical experience, and shall contain not less than five references, of whom three or more shall be landscape architects having personal knowledge of his landscape architectural experience.

The application fee shall be ~~((forty dollars. PROVIDED, That twenty dollars shall accompany the application as))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended and shall include a nonrefundable examination fee, and ((twenty dollars)) a fee for issuance of the certificate.

The application fee for reexamination shall be ~~((forty dollars of which twenty dollars shall be nonrefundable and twenty dollars payable for issuance of the certificate))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended and shall include, and must be filed with the director not less than six days prior to the date set for examination.

At any time within the first two years following August 11, 1969, the board shall certify for registration, without examination, any applicant who submits proof that he has had at least a combination of education and experience substantially equivalent to six years of practice in landscape architecture prior to August 11, 1969.

Sec. 86. Section 10, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.100 are each amended to read as follows:

The director may, upon payment of a filing and investigation fee including the current registration fee in an amount as determined by the ~~((board))~~ director as provided in RCW 43.24.085 as now or hereafter amended, grant a certificate of registration without examination to any applicant who is a registered landscape architect in any other state or country whose requirements for registration are at least substantially equivalent to the requirements of this state for registration by examination, and which extends the same privileges of reciprocity to landscape architects registered in this state.

Sec. 87. Section 11, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.110 are each amended to read as follows:

Certificates of registration shall expire on the last day of June following their issuance or renewal. The ~~((board))~~ director shall set the yearly fee for renewal which shall ~~((not))~~ be ~~((less than fifty dollars))~~ determined as provided in RCW 43.24.085 as now or hereafter amended. Renewal may be effected during the month of June by payment to the director of the required fee.

In case any registrant fails to pay the renewal fee before thirty days after the due date, the renewal fee shall be the current fee plus an amount equal to one year's fee at the discretion of the board: PROVIDED, That any registrant in good standing, upon fully retiring from landscape architectural practice, may withdraw from practice by giving written notice to the director, and may thereafter resume practice at any time upon payment of the then current annual renewal fee. Any registrant, other than a properly withdrawn licensee, who fails to renew his registration for a period of one year may reinstate only on reexamination as is required for new registrants.

Sec. 88. Section 14, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.140 are each amended to read as follows:

Upon the recommendations of the board, the director may restore a license to any person whose license has been suspended or revoked. Application for the re-issuance of a license shall be made in such a manner as indicated by the board.

A new certificate of registration to replace any certificate lost or destroyed, or mutilated may be issued by the director, and a charge ~~((of one dollar))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended shall be made for such issuance.

Sec. 89. Section 35, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.350 are each amended to read as follows:

To defray the cost of administering this chapter the director shall collect fees for the following ~~((fees))~~ services in amounts determined by the director as provided in RCW 43.24.085: ~~((For))~~ Filing a registration of a charitable organization, ~~((fifteen dollars, for))~~ renewal of such registration, ~~((five dollars, for))~~ filing each separate financial statement of the solicitation of funds by a charitable organization, ~~((ten dollars, for))~~ filing the registration of a professional fund raiser, ~~((fifty dollars, for))~~ filing the registration of a professional solicitor~~((, five dollars))~~: PROVIDED, That no specific fee provided for under this section shall be collected from any person or organization more than once in any calendar year.

All such fees, when received by the director, shall be transmitted to the state treasurer.

Sec. 90. Section 5, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.140 are each amended to read as follows:

Each applicant when submitting his application shall pay a licensing fee ~~((of one hundred dollars))~~ and an investigation fee ~~((of one hundred dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended. If a license is not issued in response to the application, the ~~((one hundred dollar))~~ license fee shall be returned to the applicant.

An annual license fee ~~((of one hundred dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended shall be paid to the director on or before January first of each year. If the annual license fee is not paid on or before January first, the licensee shall be assessed a penalty for late payment in ~~((the))~~ an amount ~~((of fifty dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended. If the fee and penalty are not paid by January thirty-first, it will be necessary for the licensee to submit a new application for a license: PROVIDED, That no license shall be issued upon such new application unless and until all fees and penalties previously accrued under this section have been paid.

Any license or branch office certificate issued under the provisions of this chapter shall expire on December thirty-first following the issuance thereof.

Sec. 91. Section 6, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.150 are each amended to read as follows:

If a licensee maintains a branch office, he or it shall not operate a collection agency business in such branch office until he or it has secured a branch office certificate therefor from the director. A licensee, so long as his or its license is in

full force and effect and in good standing, shall be entitled to branch office certificates for any branch office operated by such licensee upon payment of the fee therefor provided in this chapter.

Each licensee when applying for a branch office certificate shall pay a fee ~~((of fifty dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended. An annual fee ~~((of fifty dollars))~~ determined by the director as provided in RCW 43.24.085 as now or hereafter amended for a branch office certificate shall be paid to the director on or before January first of each year. If the annual fee is not paid on or before January first, a penalty for late payment in ~~((the))~~ an amount ((of ten dollars)) determined by the director as provided in RCW 43.24.085 as now or hereafter amended shall be assessed. If the fee and the penalty are not paid by January thirty-first, it will be necessary for the licensee to apply for a new branch office certificate: PROVIDED, That no such new branch office certificate shall be issued unless and until all fees and penalties previously accrued under this section have been paid.

Sec. 92. Section 14, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.140 are each amended to read as follows:

The ~~((following fees shall be charged by the))~~ director shall determine the fees, as provided in RCW 43.24.085 as now or hereafter amended, charged to those parties licensed as employment agencies(;-) for original applications, ((one hundred dollars;)) renewal per year, ((one hundred dollars;)) branch license, both original and renewal, ((twenty-five dollars;)) transfer of license, ((fifteen dollars;)) and approval of amended or new contracts and/or fee schedules(;- fifteen dollars per contract or fee schedule)).

Sec. 93. Section 21, chapter 266, Laws of 1971 ex. sess. and RCW 43.24.085 are each amended to read as follows:

It shall be the policy of the state of Washington ~~((to determine license fees for businesses and professions on the following basis:~~

~~(a) There shall be a minimum fee of five dollars for any vocation. Those vocations which normally work for others shall be in this classification. Variations in fees by vocation shall be in multiples of five dollars as authorized by the legislature:~~

~~(b) There shall be a minimum fee of fifteen dollars for professions or proprietary vocations. Each vocational group as set up by law shall have fees increased to cover the costs of that group as determined by the director: PROVIDED, That no fee shall exceed twenty-five dollars except those specifically authorized by the legislature: PROVIDED, FURTHER, That licensees over sixty-five years of age and retired or residing out-of-state shall pay only fifty percent of the standard fee for their classification))~~ that the director of the department of motor vehicles shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or registration of professions, occupations, or businesses, administered by the professional licensing division of the department of motor vehicles. In fixing said fees the director shall, insofar as is practicable, fix the fees relating to each profession, occupation, or business in such a manner that the income from each will match the anticipated expenses to be incurred in the administration of the laws relating to each such profession, occupation, or business. All

such fees shall be fixed by rule and regulation adopted by the director in accordance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW: PROVIDED, That

(1) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than five dollars or in excess of fifteen dollars:

Barber
Student barber
Cosmetologist (manager-operator)
Cosmetologist (operator)
Cosmetologist (instructor-operator)
Apprentice embalmers
Manicurist
Apprentice funeral directors
Registered nurse
Licensed practical nurse
Charitable organization
Professional solicitor;

(2) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than ten dollars or in excess of twenty dollars:

Dental hygienist
Barber instructor
Barber manager instructor
Psychologist
Embalmer
Funeral director
Sanitarian
Veterinarian
Cosmetology shop
Barber shop
Proprietary school agent
Specialized and advance registered nurse
Physician's assistant
Osteopathic physician's assistant;

(3) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than fifteen dollars or in excess of thirty-five dollars:

Architect
Dentist
Engineer
Land Surveyor
Podiatrist
Chiropractor
Drugless therapeutic
Osteopathic physician
Osteopathic physician and surgeon
Physical therapist
Physician and surgeon

Optometrist
Dispensing optician
Landscape architect
Nursing home administrator
Hearing aid fitter;

(4) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than fifty dollars or in excess of two hundred dollars:

Engineer corporation
Engineer partnership
Cosmetology school
Barber school
Debt adjuster agency
Debt adjuster branch office
Debt adjuster
Proprietary school
Employment agency
Employment agency branch office
Collection agency
Collection agency branch office
Professional fund raiser.

Passed the Senate March 27, 1975.

Passed the House May 1, 1975.

Approved by the Governor May 8, 1975.

Filed in Office of Secretary of State May 8, 1975.

CHAPTER 31

[Substitute Senate Bill No. 2507]

CITIES AND TOWNS—ANNEXATION—

POPULATION—CERTIFICATES—FILING OFFICE

AN ACT Relating to annexation; amending section 35.13.260, chapter 7, Laws of 1965 as last amended by section 1, chapter 50, Laws of 1969 ex. sess. and RCW 35.13.260; and amending section 35A.14.700, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.700.

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

Section 1. Section 35.13.260, chapter 7, Laws of 1965 as last amended by section 1, chapter 50, Laws of 1969 ex. sess. and RCW 35.13.260 are each amended to read as follows:

Whenever any territory is annexed to a city or town, a certificate as hereinafter provided shall be submitted in triplicate to the ~~((planning and community affairs agency))~~ office of program planning and fiscal management, hereinafter in this section referred to as "the office", within thirty days of the effective date of annexation specified in the relevant ordinance. After approval of the certificate, the ~~((agency))~~ office shall retain the original copy in its files, and transmit the second copy to the ~~((secretary of state,))~~ department of highways and return the third copy to the city or town. Such certificates shall be in such form and contain such information as shall be prescribed by the ~~((agency))~~ office. A copy of the complete

ordinance containing a legal description and a map showing specifically the boundaries of the annexed territory shall be attached to each of the three copies of the certificate. The certificate shall be signed by the mayor and attested by the city clerk. Upon request, the ((agency)) office shall furnish certification forms to any city or town.

The resident population of the annexed territory shall be determined by, or under the direction of, the mayor of the city or town. Such population determination shall consist of an actual enumeration of the population which shall be made in accordance with practices and policies, and subject to the approval of, the ((agency)) office. The population shall be determined as of the effective date of annexation as specified in the relevant ordinance.

Until an annexation certificate is filed and approved as provided herein, such annexed territory shall not be considered by the ((agency)) office in determining the population of such city or town.

Upon approval of the annexation certificate, the ((agency)) office shall forward to each state official or department responsible for making allocations or payments to cities or towns, a revised certificate reflecting the increase in population due to such annexation. Upon and after the date of the commencement of the next quarterly period, the population determination indicated in such revised certificate shall be used as the basis for the allocation and payment of state funds to such city or town.

For the purposes of this section, each quarterly period shall commence on the first day of the months of January, April, July, and October. Whenever a revised certificate is forwarded by the ((agency)) office thirty days or less prior to the commencement of the next quarterly period, the population of the annexed territory shall not be considered until the commencement of the following quarterly period.

Sec. 2. Section §5A.14.700, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.700 are each amended to read as follows:

Whenever any territory is annexed to a code city, a certificate as hereinafter provided shall be submitted in triplicate to the ~~((state census board))~~ office of program planning and fiscal management, hereinafter in this section referred to as "the office", within thirty days of the effective date of annexation specified in the relevant ordinance. After approval of the certificate, the ((board)) office shall retain the original copy in its files, and transmit the second copy to the ~~((secretary of state,))~~ department of highways and return the third copy to the code city. Such certificates shall be in such form and contain such information as shall be prescribed by the ((board)) office. A copy of the complete ordinance containing a legal description and a map showing specifically the boundaries of the annexed territory shall be attached to each of the three copies of the certificate. The certificate shall be signed by the mayor and attested by the city clerk. Upon request, the ((board)) office shall furnish certification forms to any code city.

Upon approval of the annexation certificate, the office shall forward to each state official or department responsible for making allocations or payments to cities or towns, a revised certificate reflecting the increase in population due to such annexation. Upon and after the date of the commencement of the next quarterly period, the population determination indicated in such revised certificate shall be

used as the basis for the allocation and payment of state funds to such city or town.

For the purposes of this section, each quarterly period shall commence on the first day of the months of January, April, July, and October. Whenever a revised certificate is forwarded by the office thirty days or less prior to the commencement of the next quarterly period, the population of the annexed territory shall not be considered until the commencement of the following quarterly period.

~~((Whenever the effective date of annexation as specified in the relevant ordinance is between April 2nd and August 31st inclusive, in any year, and the annexation certificate is submitted as provided herein, the population of the annexed territory shall be added to the April 1st population as determined for that year by the board, and shall be used for the allocation and distribution of state funds to code cities commencing January 1st next following. When a certificate is submitted subsequent to the thirty-day period from the effective date of the annexation as specified in the relevant ordinance, the population of the annexed territory shall not be considered until April 1st of the following year.))~~ The resident population of the annexed territory shall be determined by, or under the direction of, the mayor of the code city. Such population determination shall consist of an actual enumeration of the population which shall be made in accordance with practices and policies, and subject to the approval of the ~~((board))~~ office. The population shall be determined as of the effective date of annexation as specified in the relevant ordinance.

Until an annexation certificate is filed and approved as provided herein, such annexed territory shall not be considered by the ~~((board))~~ office in determining the population of such code city.

Passed the Senate May 1, 1975.
Passed the House April 30, 1975.
Approved by the Governor May 8, 1975.
Filed in Office of Secretary of State May 8, 1975.

CHAPTER 32

[Engrossed Senate Bill No. 2650]
COUNTY LEGISLATIVE AUTHORITY OFFICE—
SALARY ADJUSTMENT—VALIDATION

AN ACT Relating to county budgets; adding a new section to chapter 4, Laws of 1963 and to chapter 36.40 RCW.

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

NEW SECTION. Section 1. There is added to chapter 4, Laws of 1963 and to chapter 36.40 RCW a new section to read as follows:

If prior to the election for any county legislative authority office, a salary adjustment for such position to become effective upon the commencement of the term next following such election is adopted by ordinance or resolution of the legislative authority of such county, and a salary adjustment coinciding with such preceding ordinance or resolution thereof is properly adopted as part of the county budget for the years following such election, such action shall be deemed a

continuing part of and shall ratify and validate the pre-election action as to such salary adjustment.

Passed the Senate May 1, 1975.

Passed the House April 30, 1975.

Approved by the Governor May 8, 1975.

Filed in Office of Secretary of State May 8, 1975.

CHAPTER 33

[House Bill No. 104]

STATE MOTOR VEHICLES— OFFICIAL USE

AN ACT Relating to state employees; and adding a new section to chapter 43.01 RCW.

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

NEW SECTION. Section 1. There is added to chapter 43.01 RCW a new section to read as follows:

Notwithstanding any other provision of law, whenever any state agency, institution of higher education, or other appointing authority is empowered to employ or appoint administrators or other personnel and to fix their compensation, such power, in the absence of a specific contrary statutory authorization to the agency, institution of higher education, or appointing authority, shall not extend to the power to provide a state owned or leased motor vehicle for any use other than official state business.

Passed the House March 14, 1975.

Passed the Senate May 2, 1975.

Approved by the Governor May 12, 1975.

Filed in Office of Secretary of State May 12, 1975.

CHAPTER 34

[Substitute House Bill No. 177]

ALL-TERRAIN VEHICLES—MOTOR VEHICLE FUEL TAX REVENUE DISTRIBUTION

AN ACT Relating to all-terrain vehicles; amending section 22, chapter 47, Laws of 1971 ex. sess. as last amended by section 3, chapter 144, Laws of 1974 ex. sess. and RCW 46.09.170; repealing section 21, chapter 47, Laws of 1971 ex. sess., section 14, chapter 153, Laws of 1972 ex. sess., section 2, chapter 144, Laws of 1974 ex. sess. and RCW 46.09.160; creating a new section; declaring an emergency; and providing an effective date.

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

Section 1. Section 22, chapter 47, Laws of 1971 ex. sess. as last amended by section 3, chapter 144, Laws of 1974 ex. sess. and RCW 46.09.170 are each amended to read as follows:

From time to time, but at least once each biennium, the director of the department of motor vehicles shall request the state treasurer to refund from the motor vehicle fund (~~amounts which have been determined to be the tax on fuel used and purchased for providing the motive power for all-terrain vehicles, but~~

which shall in no event exceed)) one percent of the motor vehicle fuel tax revenues collected pursuant to chapter 82.36 RCW ((for the 1973-75 biennium)), less proper deductions for refunds and costs of collection as provided in RCW 46.68-.090. The treasurer shall refund and place such amounts in the outdoor recreation account of the general fund to be administered by the interagency committee for outdoor recreation, and such amounts shall be distributed to departments of state government, to counties, and to municipalities on a basis determined by the amount of present or proposed ATV trails or areas on which they permit ATV use. Such distribution shall be reviewed and may be revised by the committee at least once each biennium. These moneys shall be expended by each agency only for all-terrain vehicle trail and area related expenses.

NEW SECTION. Sec. 2. Amounts transferred to the outdoor recreation account pursuant to chapter 46.09 RCW may be used for the necessary administrative and coordinative expenditures of the interagency committee for outdoor recreation in carrying out the provisions of RCW 46.09.110 and 46.09.170.

NEW SECTION. Sec. 3. Section 21, chapter 47, Laws of 1971 ex. sess., section 14, chapter 153, Laws of 1972 ex. sess., section 2, chapter 144, Laws of 1974 ex. sess. and RCW 46.09.160 are each hereby repealed.

NEW SECTION. Sec. 4. This 1975 amendatory 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 July 1, 1975.

Passed the House March 25, 1975.

Passed the Senate May 2, 1975.

Approved by the Governor May 12, 1975.

Filed in Office of Secretary of State May 12, 1975.

CHAPTER 35

[Substitute House Bill No. 246]

MEDICAL MALPRACTICE ACTIONS— PLAINTIFF'S BURDEN OF PROOF

AN ACT Relating to civil procedure; and adding a new section to chapter 4.24 RCW.

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

NEW SECTION. Section 1. There is added to chapter 4.24 RCW a new section to read as follows:

In any civil action for damages based on professional negligence against a hospital which is licensed by the state of Washington or against the personnel of any such hospital, or against a member of the healing arts including, but not limited to, a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, a chiropractor licensed under chapter 18.25 RCW, a dentist licensed under chapter 18.32 RCW, a podiatrist licensed under chapter 18.22 RCW, or a nurse licensed under chapters 18.78 or 18.88 RCW, the plaintiff in order to prevail shall be required to prove by a preponderance of the evidence that the defendant or defendants failed to exercise that degree of skill, care and learning possessed by other persons in the same profession and that as a proximate result of such failure the plaintiff suffered damages, but in no event

shall the provisions of this section apply to an action based on the failure to obtain the informed consent of a patient.

Passed the House March 31, 1975.

Passed the Senate May 2, 1975.

Approved by the Governor May 12, 1975.

Filed in Office of Secretary of State May 12, 1975.

CHAPTER 36

[House Bill No. 311]

CORPORATIONS—ANNUAL LICENSE FEES— FAILURE TO PAY—REINSTATEMENT

AN ACT Relating to corporations; and amending section 4, chapter 92, Laws of 1969 ex. sess. as amended by section 1, chapter 142, Laws of 1971 ex. sess. and RCW 23A.40.075.

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

Section 1. Section 4, chapter 92, Laws of 1969 ex. sess. as amended by section 1, chapter 142, Laws of 1971 ex. sess. and RCW 23A.40.075 are each amended to read as follows:

The annual license fee required by RCW 23A.40.060, as now or hereafter amended, and RCW 23A.40.140 is a tax on the privilege of doing business as a corporation in the state of Washington (~~(, but is not a tax on the privilege of existing as a corporation)~~). No corporation shall do business in this state without first having paid its annual license fee, except as provided in RCW 23A.36.010 and 23A.36.020.

Failure of the corporation to pay its annual license fees shall not derogate from the rights of its creditors, or prevent the corporation from being sued and from defending lawsuits, nor shall it release the corporation from any of the duties or liabilities of a corporation under law.

Every domestic corporation which shall fail for three consecutive years to acquire an annual license for the privilege of doing business in this state shall cease to exist as a corporation on the third anniversary of the date it was last licensed to do business in this state (~~(or in the case of a corporation which has never been licensed, on the third anniversary of the date of filing its articles of incorporation)~~). When a corporation has ceased to exist by operation of this section, remedies available to or against it shall survive in the manner provided in RCW 23A.28.250 and the directors of the corporation shall hold the title to the property of the corporation as trustees for the benefit of its creditors and shareholders.

A domestic corporation which has not ceased to exist by operation of law may restore its privilege to do business by paying the current annual license fee and a restoration fee which shall include a sum equivalent to the amount of annual license fees the corporation would have paid had it continuously maintained its privilege to do business plus an additional fee equivalent to one percent per month or fraction thereof computed upon each annual license fee from the time it would have been paid had the corporation maintained its privilege to do business to the date when the corporation restored its privilege to do business: **PROVIDED**, That the minimum additional license fee due under this section shall be two dollars and fifty cents. A corporation which has ceased to exist may reinstate

within two years by paying all fees specified above plus a reinstatement fee of ten dollars and upon doing so shall be reinstated and again be entitled to do business, and may use its former corporate name if that name is not then in use by a corporation then in existence. If the former name is not available, the corporation may file amended articles to adopt a new name simultaneous with reinstatement. Upon payment of the above fees, restoration and reinstatement of the privilege to do business shall be effective, and the corporation shall have all the rights and privileges it would have possessed had it continually maintained its privilege to do business.

When any domestic corporation (~~(loses its privilege to do business for failure))~~ first fails to pay its annual license fee when due, the secretary of state shall, in that year only, mail to the corporation at its registered office, by first class mail, a notice that ((the corporation)) if it does not pay its annual license fee it will no longer ((has)) have the privilege of doing business in this state, and that the corporation's privilege may be restored as provided in this section, and ((a)) the notice shall contain a reminder that, if the privilege is not restored for three consecutive years, the existence of the corporation shall cease without further notice.

Passed the House March 14, 1975.

Passed the Senate May 2, 1975.

Approved by the Governor May 12, 1975.

Filed in Office of Secretary of State May 12, 1975.

CHAPTER 37

[House Bill No. 544]

JOINT OPERATING AGENCIES—POWERS

AN ACT Relating to joint operating agencies (power commission); amending section 43.52.300, chapter 8, Laws of 1965 and RCW 43.52.300.

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

Section 1. Section 43.52.300, chapter 8, Laws of 1965 and RCW 43.52.300 are each amended to read as follows:

The commission, or an operating agency formed under RCW 43.52.360, shall have authority:

- (1) To generate, produce, transmit, deliver, exchange, purchase or sell electric energy and to enter into contracts for any or all such purposes.
- (2) To construct, condemn, purchase, lease, acquire, add to, extend, maintain, improve, operate, develop and regulate plants, works and facilities for the generation and/or transmission of electric energy, either within or without the state of Washington, and to take, condemn, purchase, lease and acquire any real or personal, public or private property, franchise and property rights, including but not limited to state, county and school lands and properties, for any of the purposes herein set forth and for any facilities or works necessary or convenient for use in the construction, maintenance or operation of any such works, plants and facilities; provided that the commission shall not be authorized to acquire by condemnation any plants, works and facilities owned and operated by any city or district,

or by a privately owned public utility. The commission shall be authorized to contract for and to acquire by lease or purchase from the United States or any of its agencies, any plants, works or facilities for the generation and transmission of electricity and any real or personal property necessary or convenient for use in connection therewith.

(3) To negotiate and enter into contracts with the United States or any of its agencies, with any state or its agencies, with Canada or its agencies or with any district or city of this state, for the lease, purchase, construction, extension, betterment, acquisition, operation and maintenance of all or any part of any electric generating and transmission plants and reservoirs, works and facilities or rights necessary thereto, either within or without the state of Washington, and for the marketing of the energy produced therefrom. Such negotiations or contracts shall be carried on and concluded with due regard to the position and laws of the United States in respect to international agreements.

(4) To negotiate and enter into contracts for the purchase, sale, exchange, transmission or use of electric energy or falling water with any person, firm or corporation, including political subdivisions and agencies of any state of Canada, or of the United States, at fair and nondiscriminating rates.

(5) To apply to the appropriate agencies of the state of Washington, the United States or any thereof, and to Canada and/or to any other proper agency for such permits, licenses or approvals as may be necessary, and to construct, maintain and operate works, plants and facilities in accordance with such licenses or permits, and to obtain, hold and use such licenses and permits in the same manner as any other person or operating unit.

(6) To establish rates for electric energy sold or transmitted by the commission. When any revenue bonds or warrants are outstanding the commission shall have the power and shall be required to establish and maintain and collect rates or charges for electric energy, falling water and other services sold, furnished or supplied by the commission which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal and interest on such bonds or warrants and all payments which the commission is obligated to set aside in any special fund or funds created for such purposes, and for the proper operation and maintenance of the public utility owned by the commission and all necessary repairs, replacements and renewals thereof.

(7) To act as agent for the purchase and sale at wholesale of electricity for any city or district whenever requested so to do by such city or district.

(8) To contract for and to construct, operate and maintain fishways, fish protective devices and facilities and hatcheries as necessary to preserve or compensate for projects operated by the commission.

(9) To construct, operate and maintain channels, locks, canals and other navigational, reclamation, flood control and fisheries facilities as may be necessary or incidental to the construction of any electric generating project, and to enter into agreements and contracts with any person, firm or corporation, including political subdivisions of any state, of Canada or the United States for such construction, operation and maintenance, and for the distribution and payment of the costs thereof.

(10) To employ legal, engineering and other professional services and fix the compensation of a managing director and such other employees as the commission may deem necessary to carry on its business, and to delegate to such manager or other employees such authority as the commission shall determine. Such manager and employees shall be appointed for an indefinite time and be removable at the will of the commission.

(11) To study, analyze and make reports concerning the development, utilization and integration of electric generating facilities and requirements within the state and without the state in that region which affects the electric resources of the state.

(12) To acquire any land bearing coal, uranium, geothermal, or other energy resources, within or without the state, or any rights therein, for the purpose of assuring a long-term, adequate supply of coal, uranium, geothermal, or other energy resources to supply its needs, both actual and prospective, for the generation of power and may make such contracts with respect to the extraction, sale, or disposal of such energy resources that it deems proper.

Passed the House March 26, 1975.

Passed the Senate May 2, 1975.

Approved by the Governor May 12, 1975.

Filed in Office of Secretary of State May 12, 1975.

CHAPTER 38

[House Bill No. 218]

STATE EMPLOYEES' INSURANCE BOARD— POWERS—ADMINISTRATIVE EXPENSE

AN ACT Relating to public employment; amending section 3, chapter 39, Laws of 1970 ex. sess. as amended by section 2, chapter 147, Laws of 1973 1st ex. sess. and RCW 41.05.030; and amending section 5, chapter 39, Laws of 1970 ex. sess. as amended by section 3, chapter 147, Laws of 1973 1st ex. sess. and RCW 41.05.050.

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

Section 1. Section 3, chapter 39, Laws of 1970 ex. sess. as amended by section 2, chapter 147, Laws of 1973 1st ex. sess. and RCW 41.05.030 are each amended to read as follows:

(1) The state employees' insurance board shall have the following powers and duties, in addition to any other powers and duties prescribed by law: (a) To authorize the director of personnel to appoint a benefits supervisor, to whom the director may delegate his duties hereunder, and other necessary personnel, subject to the jurisdiction of the state civil service law, chapter 41.06 RCW; (b) to authorize other necessary administrative expenses; and (c) to provide for the expenditure of funds in the state employees' insurance revolving fund for payment of premiums, to reduce employee contributions or increase benefits, and, subject to legislative appropriation, to pay salaries and wages and other necessary administrative expenses.

(2) ~~The director of the department of personnel shall be trustee and administrator of all health benefit and insurance contracts ((awarded by the board and shall have power to employ a benefits supervisor and such other assistants and~~

employees as may be necessary subject to the jurisdiction of the state civil service law, chapter 41.06 RCW. The director of personnel shall provide any other personnel and facilities necessary for assistance to the board. He may delegate his duties hereunder to the benefits supervisor)).

~~((2) The director of personnel, as trustee,))~~ He shall transmit contributions for health care and other insurance plans in payment of premiums and receive and deposit contributions and dividends or refunds into the state employees insurance revolving fund~~((, which shall be used for payment of premiums, administrative expenses as provided in RCW 41.05.030(1), to reduce employee contributions or to increase benefits in accordance with instructions of the board))~~. He shall provide facilities and services necessary for the purpose of the board and its operations, subject to full reimbursement by the board for the cost thereof.

(3) Every division, department, or separate agency of state government shall fully cooperate in administration of the plans, education of employees, claims administration, and other duties as required by the trustee or the board.

Sec. 2. Section 5, chapter 39, Laws of 1970 ex. sess. as amended by section 3, chapter 147, Laws of 1973 1st ex. sess. and RCW 41.05.050 are each amended to read as follows:

(1) Every department, division, or separate agency of state government shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the state employees insurance board. Such contributions shall include an amount determined by the state employee's insurance board to pay the administrative expenses of the board and the salaries and wages and expenses of the benefits supervisor and other necessary personnel: PROVIDED, That this administrative service charge shall not result in an employer contribution in excess of the amount authorized by the governor and the legislature as prescribed in RCW 41.05.050(2), and that the sum of an employee's insurance premiums and administrative service charge in excess of such employer contribution shall be paid by the employee. All such contributions will be paid into the state employees insurance fund to be expended ~~((by the trustee for the payment of required insurance premiums and health care fees))~~ in accordance with RCW 41.05.030.

(2) The contributions of any department, division, or separate agency of the state government shall be set by the state employees insurance board, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose: PROVIDED, That nothing herein shall be a limitation on employees employed under chapter 47.64 RCW: PROVIDED FURTHER, That provision for school district personnel shall not be made under this chapter.

(3) The trustee with the assistance of the department of personnel shall annually survey private industry in the state of Washington to determine the maximum average employer contribution for group insurance programs under the jurisdiction of the state employees insurance board. Such survey shall be reported to the

board for its use in setting the amount of the contributions to the various insurance programs by departments, divisions, and separate agencies of state government.

Passed the House March 14, 1975.

Passed the Senate May 5, 1975.

Approved by the Governor May 13, 1975.

Filed in Office of Secretary of State May 13, 1975.

CHAPTER 39

[Substitute House Bill No. 651]

CHIROPRACTIC DISCIPLINARY PROCEEDINGS

AN ACT Relating to chiropractic disciplinary proceedings; amending section 3, chapter 171, Laws of 1967 as amended by section 12, chapter 97, Laws of 1974 ex. sess. and RCW 18.26.030; amending section 11, chapter 171, Laws of 1967 and RCW 18.26.110; amending section 12, chapter 171, Laws of 1967 and RCW 18.26.120; amending section 13, chapter 171, Laws of 1967 and RCW 18.26.130; amending section 16, chapter 171, Laws of 1967 and RCW 18.26.160; amending section 17, chapter 171, Laws of 1967 and RCW 18.26.170; amending section 18, chapter 171, Laws of 1967 and RCW 18.26.180; amending section 27, chapter 171, Laws of 1967 and RCW 18.26.270; adding new sections to chapter 18.26 RCW; repealing section 26, chapter 171, Laws of 1967 and RCW 18.26.260; and declaring an emergency.

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

Section 1. Section 3, chapter 171, Laws of 1967 as amended by section 12, chapter 97, Laws of 1974 ex. sess. and RCW 18.26.030 are each amended to read as follows:

The term "unprofessional conduct" as used in this chapter and chapter 18.25 RCW shall mean the following items or any one or combination thereof:

(1) Conviction in any court of any offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence;

(2) Fraud or deceit in the obtaining of a license to practice chiropractic;

(3) All advertising of chiropractic practice or business (~~which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons and so be harmful or injurious to public morals or safety~~), other than professional cards, telephone listings, window and street signs, announcements of office openings or change in locations, as regulated by the board: PROVIDED, That nothing in this section shall prohibit public relations material which is distributed in a licensee's office or directly to a bona fide patient of a licensee: PROVIDED FURTHER, That any such public relations material does not have a tendency to deceive the public or impose upon credulous or ignorant persons and so be harmful or injurious to public morals or safety;

(4) The impersonation of another licensed practitioner;

(5) Habitual intemperance;

(6) The wilful betrayal of a professional secret;

(7) Acts of gross misconduct in the practice of the profession;

(8) Aiding or abetting an unlicensed person to practice chiropractic;

(9) A declaration of mental incompetency by a court of competent jurisdiction;

(10) Failing to differentiate chiropractic care from any and all other methods of healing at all times;

(11) Practicing contrary to laws regulating the practice of chiropractic;

(12) Unprofessional conduct as defined in chapter 19.68 RCW;

(13) Violation of any ethical standard as established by the board;

(14) Suspension or revocation of license to practice chiropractic by competent authority in any state or foreign jurisdiction;

(15) Incompetency to practice chiropractic by reason of illness, drunkenness, excessive use of controlled substances, chemicals, or any other type of material or as a result of any mental or physical condition.

Sec. 2. Section 11, chapter 171, Laws of 1967 and RCW 18.26.110 are each amended to read as follows:

The board shall have the following powers and duties:

(1) To adopt, amend and rescind such rules and regulations as it deems necessary to carry out the provisions of this chapter;

(2) To establish and promulgate by rules and regulations ethical standards for the chiropractic profession including, but not limited to, regulations relating to advertising, or excessive charging for professional services;

(3) To investigate all complaints and charges of unprofessional conduct against any holder of a license to practice chiropractic and to hold hearings to determine whether such charges are substantiated or unsubstantiated;

~~((3))~~ (4) To employ necessary stenographic or clerical help;

~~((4))~~ (5) To issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter;

~~((5))~~ (6) To take or cause depositions to be taken as needed in any investigation, hearing, or proceeding.

Sec. 3. Section 12, chapter 171, Laws of 1967 and RCW 18.26.120 are each amended to read as follows:

Any person, firm, corporation, or public officer may submit a written complaint to the secretary charging the holder of a license to practice chiropractic with unprofessional conduct, specifying the grounds therefor. If the board determines that such complaint merits consideration, or if the board shall have reason to believe, without a formal complaint, that any holder of a license has been guilty of unprofessional conduct, the chairman ~~((shall))~~ may designate three members to serve as a committee to hear and report upon such charges, or the board may sit as a whole to hear such charges, or the board may designate a hearing officer to hear and report to the board upon such charges.

Sec. 4. Section 13, chapter 171, Laws of 1967 and RCW 18.26.130 are each amended to read as follows:

~~((When a hearing committee is named))~~ Prior to any hearing being conducted, the secretary or the attorney for the board shall prepare a specification of the charge or charges of unprofessional conduct made against a license holder, a copy of which shall be served upon the accused, together with a notice of the hearing.

Sec. 5. Section 16, chapter 171, Laws of 1967 and RCW 18.26.160 are each amended to read as follows:

If a hearing officer or hearing committee has been appointed, within a reasonable time after holding a hearing, the hearing committee or hearing officer shall make a written report of its findings of fact and its recommendations, and the same shall be forthwith transmitted to the secretary, with a transcript of the evidence.

Sec. 6. Section 17, chapter 171, Laws of 1967 and RCW 18.26.170 are each amended to read as follows:

If a hearing officer or hearing committee has been appointed, and the board deems it necessary, the board may, after further notice to the accused, take further testimony at a second hearing before the full board(~~(; conducted as provided for hearings before the three man hearing committee)~~).

Sec. 7. Section 18, chapter 171, Laws of 1967 and RCW 18.26.180 are each amended to read as follows:

In any event, whether the board makes its determination on the findings of the ~~((hearing committee or on the findings of the committee as supplemented by a second hearing before the board))~~ board acting as a whole, or on the findings of the hearing officer or the hearing committee, or on the findings of the hearing officer or the hearing committee as supplemented by a second hearing before the board, the board shall determine the charge or charges upon the merits on the basis of the evidence in the record before it.

Sec. 8. Section 27, chapter 171, Laws of 1967 and RCW 18.26.270 are each amended to read as follows:

The procedure governing appeals to the superior court under ~~((Title 51 RCW, as amended))~~ chapter 34.04 RCW, the Administrative Procedure Act, shall govern in matters of appeal from a decision of the board(~~(; insofar as applicable and to the extent such procedure is not inconsistent with the type of review provided in this chapter)~~).

NEW SECTION. Sec. 9. In enforcing any provision of this 1975 amendatory act relating to the competency of a chiropractor to practice chiropractic, the board shall, upon probable cause, have authority to compel a chiropractor to submit to a mental or physical examination. Failure of a chiropractor to submit to such examination when directed shall constitute an admission of the allegations against him unless the failure was due to circumstances beyond his control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence: PROVIDED, HOWEVER, That upon request a chiropractor may obtain an independent mental or physical examination by a licensed physician of his choice, and the results of such examination shall also be considered by the board.

For the purposes of this section, every chiropractor licensed under this chapter who shall accept the privilege to practice chiropractic in this state shall by so practicing or by the making and filing of annual registration to practice chiropractic in this state, be deemed to have given his consent to submit to a mental or physical examination when directed in writing by the board and, further, to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute a privileged communication.

In any proceeding under this section, neither the record of proceedings nor the orders entered by the board shall be used against a chiropractor in any other proceeding.

NEW SECTION. Sec. 10. 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. 11. Sections 9 and 10 of this 1975 amendatory act shall be added to chapter 18.26 RCW.

NEW SECTION. Sec. 12. Section 26, chapter 171, Laws of 1967 and RCW 18.26.260 are each hereby repealed.

NEW SECTION. Sec. 13. This 1975 amendatory 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 March 26, 1975.

Passed the Senate May 5, 1975.

Approved by the Governor May 13, 1975.

Filed in Office of Secretary of State May 13, 1975.

CHAPTER 40

[House Bill No. 130]

SMALL CLAIMS COURT—JUDGMENTS

AN ACT Relating to justice courts; and amending section 11, chapter 187, Laws of 1919 as amended by section 2, chapter 128, Laws of 1973 and RCW 12.40.110.

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

Section 1. Section 11, chapter 187, Laws of 1919 as amended by section 2, chapter 128, Laws of 1973 and RCW 12.40.110 are each amended to read as follows:

The judgment of said court shall be conclusive. If the ~~((defendant))~~ losing party fails to pay the judgment according to the terms and conditions thereof within twenty days, and the prevailing party so notifies the court, the justice before whom such hearing was had shall certify such judgment in substantially the following form:

Washington.

In the Justice's Court of County, before Justice of the Peace for Precinct.

..... Plaintiff,

vs.

..... Defendant.

In the Small Claims Department.

This is to certify that in a certain action before me, the undersigned, had on this the day of 19.., wherein was plaintiff and defendant, jurisdiction of said defendant having been had

by personal service (or otherwise) as provided by law, I then and there entered judgment against said defendant in the sum of Dollars; which judgment has not been paid.

Witness my hand this day of, 19...

.....
Justice of the Peace sitting in the Small Claims Department.

The justice of the peace of said justice's court shall forthwith enter such judgment transcript on the judgment docket of such justice's court; and thereafter garnishment, execution and other process on execution provided by law may issue thereon, as obtains in other cases of judgments of justice's courts, and transcripts of such judgments may be filed and entered in judgment lien dockets in superior courts with like effect as in other cases.

Passed the House March 14, 1975.

Passed the Senate May 7, 1975.

Approved by the Governor May 15, 1975.

Filed in Office of Secretary of State May 15, 1975.

CHAPTER 41

[House Bill No. 158]

SECOND AND THIRD CLASS SCHOOL DISTRICTS—
HOUSING FOR SUPERINTENDENTS—DIRECTORS,
OFFICERS, CONFLICTS OF INTEREST

AN ACT Relating to second and third class school districts; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.60 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.60 RCW a new section to read as follows:

Notwithstanding any other provision of law, any second or third class school district with an enrollment of three hundred students or less may provide housing for the superintendent of the school district, or any person acting in the capacity of superintendent, by such means and with such moneys as the school district shall determine: PROVIDED, That any second or third class school district presently providing such housing may continue to provide the same: PROVIDED FURTHER, That if such housing is exempt from real property taxation by virtue of school district ownership, the school district shall charge for such housing, rent at least equal to the amount of real property tax for which such housing would be liable were it not so owned.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.60 RCW a new section to read as follows:

Any contracts heretofore entered into by the board of directors of any second or third class school district relating to the providing of housing for the superintendent of the school district, or any person acting in the capacity of superintendent, and any indebtedness in any amount heretofore contracted by the board of

directors of any second or third class school district for providing such housing, are hereby validated.

NEW SECTION. Sec. 3. No school director or officer of a second or third class school district shall be beneficially interested, directly or indirectly, in any contract which may be made, by, through or under the supervision of such officer, in whole or in part or which may be made for the benefit of his office, or accept, directly or indirectly any compensation, gratuity or reward in connection with such contract by or through any other person beneficially interested therein. This section shall not apply to the letting of any contract for the driving of a school bus in a second or third class school district provided the remuneration to the driver of such school bus shall not exceed thirty-six hundred dollars in any calendar year.

NEW SECTION. Sec. 4. 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 7, 1975.

Passed the Senate May 1, 1975.

Approved by the Governor May 15, 1975.

Filed in Office of Secretary of State May 15, 1975.

CHAPTER 42

[House Bill No. 366]

INTERSTATE COMMERCIAL VEHICLES— SINGLE CAB CARDS

AN ACT Relating to motor vehicles; amending section 5, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.040; and amending section 13, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.120.

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

Section 1. Section 5, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.040 are each amended to read as follows:

The single cab card issued pursuant to this chapter shall be in lieu of any (~~commercial vehicle use fuel tax identification card issued pursuant to RCW 82-40.050 and 82-40.270,~~) separate evidence of compliance with proportional registration issued pursuant to chapter 46.85 RCW, a utilities and transportation commission identification card issued pursuant to chapter 81.80 RCW and a special weight permit issued pursuant to RCW 46.44.095.

Sec. 2. Section 13, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.120 are each amended to read as follows:

Nothing in this chapter shall be construed to alter (~~the requirements of the use fuel tax act, chapter 82.40 RCW, or~~) the requirements of chapter 81.80 RCW, or the requirements of RCW 46.44.095, or the requirements of chapter 46.85 RCW except as stated in this chapter.

Passed the House March 26, 1975.

Passed the Senate May 6, 1975.

Approved by the Governor May 15, 1975.

Filed in Office of Secretary of State May 15, 1975.

CHAPTER 43

[House Bill No. 431]

BOARDING HOMES—AGED AMBULATORY
BOARDERS—MEDICATION

AN ACT Relating to boarding homes; and amending section 16, chapter 253, Laws of 1957 and RCW 18.20.160.

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

Section 1. Section 16, chapter 253, Laws of 1957 and RCW 18.20.160 are each amended to read as follows:

No person operating a boarding home licensed under this chapter shall admit to or retain in the boarding home any aged person requiring nursing or medical care of a type provided by institutions licensed under chapters 18.51, 70.41 or 71-.12 RCW, except that when registered nurses are available from a visiting nurse service or home health agency or from an adjacent or nearby skilled nursing facility or one located in the facility, and upon a doctor's order that a supervised medication service is needed, it may be provided. Such medication service shall be provided only to ambulatory boarders who otherwise meet all requirements for residency in a boarding home.

Passed the House March 26, 1975.

Passed the Senate May 6, 1975.

Approved by the Governor May 15, 1975.

Filed in Office of Secretary of State May 15, 1975.

CHAPTER 44

[House Bill No. 573]

GRASS BURNING RESEARCH ADVISORY COMMITTEE

AN ACT Relating to grass burning within the state of Washington; creating a grass burning research advisory committee and setting out its powers and duties, its reimbursement for travel and per diem expenses, and providing for its termination; and declaring an emergency.

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

NEW SECTION. Section 1. Within thirty days of the effective date of this 1975 act the director of the Washington state department of ecology shall appoint a grass burning research advisory committee consisting of five voting members.

Two members shall be grass growers selected from the area of the state east of the Cascade mountain range, one representing irrigated and one representing dryland growing areas. One member shall be a grass grower selected from the area of the state west of the Cascade mountain range. One member shall be a representative of the Washington state department of agriculture, and one member shall represent the public, and may be selected at large. The committee shall select its own chairman. The state department of ecology shall provide an ex officio, nonvoting member to the committee to act as secretary.

NEW SECTION. Sec. 2. The grass burning research advisory committee as provided for in section 1 of this 1975 act shall solicit and review research proposals for reducing or to develop alternates to open burning of grass fields. The committee shall advise and make recommendations to the director of the Washington state department of ecology regarding research priorities and the expenditure of mandatory research permit fees and such other grass burning research funds that may be provided by the legislature or from any other sources.

NEW SECTION. Sec. 3. Travel and per diem expenses shall be paid to the grass burning research advisory committee members not otherwise employed by the state for meetings called by the director of the department of ecology at the same rate that would otherwise apply to state employees under chapter 43.03 RCW upon vouchers approved by said director and paid from funds budgeted for operation purposes of the state department of ecology.

NEW SECTION. Sec. 4. It is the intent and purpose of this 1975 act that as soon as an alternative means of grass burning is developed for the state, or by January 1, 1980, whichever is sooner the grass burning research advisory committee shall be dissolved and its actions terminated, and the director of the state department of ecology shall see that such purpose is so carried out.

NEW SECTION. Sec. 5. This 1975 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.

NEW SECTION. Sec. 6. If any provision of this 1975 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 March 26, 1975.

Passed the Senate May 6, 1975.

Approved by the Governor May 15, 1975.

Filed in Office of Secretary of State May 15, 1975.

CHAPTER 45

[House Bill No. 665]

PUBLIC LANDS—VALUABLE MATERIALS— SALE PROCEDURE

AN ACT Relating to the sale of public lands; amending section 50, chapter 255, Laws of 1927 as last amended by section 3, chapter 123, Laws of 1971 ex. sess. and RCW 79.01.200; and declaring an emergency.

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

Section 1. Section 50, chapter 255, Laws of 1927 as last amended by section 3, chapter 123, Laws of 1971 ex. sess. and RCW 79.01.200 are each amended to read as follows:

All sales of land shall be at public auction, and all sales of valuable materials shall be at public auction or by sealed bid to the highest bidder, on the terms prescribed by law and as specified in the notice hereinbefore provided, and no land or materials shall be sold for less than its appraised value: PROVIDED, That on public lands granted to the state for educational purposes sealed bids

may be accepted for sales of timber or stone only: PROVIDED FURTHER, That when valuable material has been appraised at an amount not exceeding ~~((five))~~ ten thousand dollars, the commissioner of public lands, when authorized by the board of natural resources, may arrange for the sale at public auction of said valuable material and for its removal under such terms and conditions as the commissioner may prescribe, after said commissioner shall have caused to be published ten days prior to sale a notice of such sale in a newspaper of general circulation located nearest to property to be sold: AND PROVIDED FURTHER, That any sale of timber, fallen timber, stone, gravel, sand, fill material, or building stone of an appraised value of five hundred dollars or less may be sold directly to the applicant for cash without notice or advertising.

NEW SECTION. Sec. 2. This 1975 amendatory 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 March 28, 1975.

Passed the Senate May 6, 1975.

Approved by the Governor May 15, 1975.

Filed in Office of Secretary of State May 15, 1975.

CHAPTER 46

[Senate Bill No. 2024]

HIGHWAYS—FRANCHISE GRANTS AND RENEWALS—PROCEDURE

AN ACT Relating to public highways; amending section 47.44.010, chapter 13, Laws of 1961 as last amended by section 7, chapter 108, Laws of 1967 and RCW 47.44.010; and amending section 47.44.020, chapter 13, Laws of 1961 and RCW 47.44.020.

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

Section 1. Section 47.44.010, chapter 13, Laws of 1961 as last amended by section 7, chapter 108, Laws of 1967 and RCW 47.44.010 are each amended to read as follows:

The highway commission or such persons as it may designate shall have the power to grant franchises to persons, associations, private or municipal corporations, the United States government or any agency thereof, to use any state highway for the construction and maintenance of water pipes, flume, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, and any structures or facilities which are part of an urban public transportation system owned or operated by a municipal corporation, agency or department of the state of Washington other than the highway commission, and any other such facilities. All applications for such franchise shall be made in writing and subscribed by the applicant, and shall describe the state highway or portion thereof over which franchise is desired and the nature of the franchise. Upon the filing of any such ~~((application a time and place for hearing the same shall be fixed and))~~ applications, a notice ~~((thereof))~~ of the filing shall be given in the county or counties in which any portion of the state highway upon which such franchise is applied for is located, at the expense of the applicant, by posting written or printed ~~((notices in three public places))~~ notice in a public place at the

county seat of such county or counties (~~for at least twenty days before the day fixed for such hearing~~;) and by publishing a like notice in (~~three successive weekly~~) two successive issues of a newspaper having a general circulation in such county or counties(~~the last publication to be at least five days before the day fixed for the hearing~~); which notice shall state the name or names of the applicant or applicants, and a description of the state highway or part thereof over which the franchise is applied for(~~and the time and place of such hearing~~). It shall be the duty of the county auditor of the respective counties to cause such notices to be posted and published upon receipt and to file proof of such posting and publication with the highway commission.

Sufficient copies of the notice required by this section shall be sent directly to the county auditor of the respective counties (~~at least forty-five days prior to the date fixed for the hearing~~).

Sec. 2. Section 47.44.020, chapter 13, Laws of 1961 and RCW 47.44.020 are each amended to read as follows:

~~(The hearing shall be conducted by the highway commission or such person as it may designate, and may be adjourned from time to time until completed. The applicant may be required to produce all facts pertaining to the franchise, and evidence may be taken for and against granting it.~~

~~After the hearing,)~~ When fourteen days have elapsed after the notice has been posted and published as required in RCW 47.44.010 as now or hereafter amended and if the highway commission or such persons as it may designate deems it to be for the public interest, ((it may grant)) the franchise may be granted in whole or in part, with or without hearing under such regulations and conditions as ((it)) the commission may prescribe, with or without compensation, but not in excess of the reasonable cost ((to the commission)) for investigating, handling and granting the franchise. The commission or such persons as it may designate may require that the utility and appurtenances be so placed on the highway that they will, in its opinion, least interfere with other uses of the highway.

If a hearing is held, it shall be conducted by the commission or such persons as it may designate, and may be adjourned from time to time until completed. The applicant may be required to produce all facts pertaining to the franchise, and evidence may be taken for and against granting it.

The facility shall be made subject to removal when necessary for the construction, alteration, repair, or improvement of the highway and at the expense of the franchise holder, except that the state shall pay the cost of such removal whenever the state shall be entitled to receive proportionate reimbursement therefor from the United States in the cases and in the manner set forth in RCW 47.44.030. Renewal upon expiration of a franchise shall be by application and notice posted and published, and a hearing may or may not be conducted in the same manner as an original application. A person constructing or operating such a utility on a state highway is liable to any person injured thereby for any damages incident to the work of installation or the continuation of the occupancy of the highway by the utility, and except as provided above, is liable to the state for all necessary expenses incurred in restoring the highway to a permanent suitable

condition for travel. No franchise shall be granted for a longer period than fifty years, and no exclusive franchise or privilege shall be granted.

Passed the Senate March 14, 1975.

Passed the House May 8, 1975.

Approved by the Governor May 15, 1975.

Filed in Office of Secretary of State May 15, 1975.

CHAPTER 47

[Engrossed Senate Bill No. 2218]

PORT DISTRICTS—WORK AND MATERIALS PROCUREMENT BIDS—SMALL WORKS ROSTER

AN ACT Relating to port district contracts for labor and material; and amending section 2, chapter 348, Laws of 1955 and RCW 53.08.120.

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

Section 1. Section 2, chapter 348, Laws of 1955 and RCW 53.08.120 are each amended to read as follows:

All material required by a port district may be procured in the open market or by contract and all work ordered may be done by contract or day labor. All such contracts for work, the estimated cost of which exceeds thirty thousand dollars, shall be let at public bidding upon notice published in a newspaper in the district at least ten days before the letting, calling for sealed bids upon the work, plans and specifications for which shall then be on file in the office of the commission for public inspection. The same notice may call for bids on such work or material based upon plans and specifications submitted by the bidder.

Each port district shall maintain a small works roster which shall be comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in the state of Washington.

Whenever work is done by contract, the estimated cost of which is thirty thousand dollars or less, the managing official of the port district shall invite proposals from all appropriate contractors on the small works roster: PROVIDED, That whenever possible, the managing official shall invite at least one proposal from a minority contractor who shall otherwise qualify under this section. Such invitation shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.

When awarding such a contract for work, the estimated cost of which is thirty thousand dollars or less, the managing official shall give weight to the contractor submitting the lowest and best proposal, and whenever it would not violate the public interest, such contracts shall be distributed equally among contractors, including minority contractors, on the small works roster.

Passed the Senate April 16, 1975.

Passed the House May 8, 1975.

Approved by the Governor May 15, 1975.

Filed in Office of Secretary of State May 15, 1975.

CHAPTER 48

[Engrossed Senate Bill No. 2242]

COLUMBIA RIVER GORGE COMMISSION

AN ACT Relating to state government; amending section 43.97.020, chapter 8, Laws of 1965 and RCW 43.97.020; amending section 43.97.030, chapter 8, Laws of 1965 and RCW 43.97.030; amending section 43.97.040, chapter 8, Laws of 1965 and RCW 43.97.040; adding new sections to chapter 43.97 RCW; repealing section 43.97.050, chapter 8, Laws of 1965 and RCW 43.97.050; and declaring an emergency.

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

Section 1. Section 43.97.020, chapter 8, Laws of 1965 and RCW 43.97.020 are each amended to read as follows:

There is hereby created a nonpartisan and nonsalaried commission to be known as the Columbia River Gorge commission consisting of ~~((three))~~ six members ~~((who))~~ three of whom are residents of Skamania~~((, Klickitat and Clark counties respectively))~~ county, two of whom are residents of Klickitat county, and one of whom is a resident of Clark county, to be appointed by the governor for six year terms and who shall be removable at his pleasure. The term of office shall commence January 1st of the year of appointment; ~~provided ((the first members shall be appointed, one for two years, one for four years, and one for six years))~~ original terms shall be of such length as to require appointment of one member to the commission annually: PROVIDED, That the terms of any present members of the commission shall not be reduced because of the provisions of this 1975 amendatory act. Vacancies shall be filled for the unexpired term in the same manner as other appointments are made.

Sec. 2. Section 43.97.030, chapter 8, Laws of 1965 and RCW 43.97.030 are each amended to read as follows:

For the purpose of preserving, developing and protecting~~((, the recreational, scenic and historic areas))~~ the scenic, historical and geological qualities of the Columbia River Gorge~~((, the commission is directed to prepare a comprehensive plan including boundaries for the proposed conservation area, proposed acquisition and administration of land, proposed zoning, regulations and other features necessary to accomplish the transition of the Columbia River Gorge to a state recreational area. Said plan shall first be submitted to the governor for his consideration and approval))~~ in a manner which provides for environmental protection and for economic utilization within the Gorge, the commission shall be responsible for preparation of a plan to accomplish the purpose of this chapter. In carrying out this responsibility, the commission is directed to act as an advisory and coordinating body for the involvement of affected local, state and federal agencies and of private entities for the development of the plan, which shall be submitted to the governor for his consideration and approval. The plan may then be implemented by local government ordinances and by the services of existing state agencies acting within their respective areas of normal responsibility.

Sec. 3. Section 43.97.040, chapter 8, Laws of 1965 and RCW 43.97.040 are each amended to read as follows:

The commission shall have the following duties and powers:

(1) To acquire land in the name of the state by purchase, exchange, transfer, gift, or devise, but shall not have the right of eminent domain.

(2) To make expenditures, from available funds(;) for the development, protection, and maintenance of land and property under its control.

(3) To enter into such contracts as are necessary to carry out the provisions of this chapter.

(4) To assist, coordinate, and cooperate with other agencies and political subdivisions of the state, state agencies and political subdivisions of the state of Oregon, the federal government, special purpose districts, private organizations and individuals to the extent necessary to carry out the provisions of this chapter.

(5) To receive any gifts, either inter vivos or testamentary in character.

(6) To review and comment on all environmental impact statements regarding developments within the Columbia River Gorge as defined in this chapter.

NEW SECTION. Sec. 4. There is added to chapter 43.97 RCW a new section to read as follows:

The legislature finds that a portion of the Columbia River Gorge is among the most valuable of the state's natural resources and that there is great concern throughout the state relating to its utilization, protection, preservation and restoration. The legislature, therefore, declares that portion of the Columbia River Gorge beginning at the western-most boundary of the Columbia River Gorge as described in section 8 of this 1975 amendatory act and extending easterly to include all of Section 17 and the west halves of sections 9 and 4 in Township 2 North, Range 13 East, to be an area of state-wide significance, wherein preference shall be given to uses which:

- (1) Recognize and protect the state-wide interest.
- (2) Result in long term rather than short term benefit.
- (3) Protect the resources and ecology of the Gorge.
- (4) Increase public access to publicly owned areas.
- (5) Increase recreational opportunities for the public.
- (6) Explore economic utilization.

The legislature further declares that all agencies of state and local government, shall, in their planning and management, give full consideration to the environmental protection and economic utilization of the Columbia River Gorge, and the best interests of the state and people in general, in conformity with the plan to be prepared pursuant to section 2 of this 1975 amendatory act.

NEW SECTION. Sec. 5. There is added to chapter 43.97 RCW a new section to read as follows:

Members of the commission shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the commission as provided for state officials and employees generally in chapter 43.03 RCW.

NEW SECTION. Sec. 6. There is added to chapter 43.97 RCW a new section to read as follows:

All environmental impact statements relating to projects within the Columbia River Gorge as defined in this chapter shall be filed with the commission.

NEW SECTION. Sec. 7. There is added to chapter 43.97 RCW a new section to read as follows:

The office of planning and community affairs is hereby authorized to provide certain staff services from its existing personnel as are feasible and necessary to assist the commission to perform its duties and powers as set forth in the provisions of this chapter.

NEW SECTION. Sec. 8. There is added to chapter 43.97 RCW a new section to read as follows:

As used in this chapter unless the context requires otherwise, the Washington portion of the Columbia River Gorge means the eighty-four mile strip along the Washington shore of the Columbia river, and including the islands in the Washington portion of the Columbia river, incorporating the visual basin, consisting of the area falling within the approximate line of sight from interstate highway 80 North to the hillcrests running along the course of the Columbia river between Reed Island and Miller Island, and including all the area between state road No. 14 and the river bank, including all islands and portions thereof lying within the Washington portion of the Columbia river between Reed Island and Miller Island in Klickitat county.

The area over which the Columbia River Gorge commission shall have jurisdiction as set forth in this chapter, shall be particularly described as follows:

All islands and portions thereof lying within the Washington portion of the Columbia river beginning with and including Reed Island in the west, and running to Miller Island in the east as well as the mainland portion of the Washington portion of the Columbia River Gorge which is an area described as follows:

In township 1 north, range 4 east: All of section 21, township 1 north, range 4 east, lying east of Cottonwood Point on the bank of the Columbia; that portion of section 16 lying to the east of a line beginning at Cottonwood Point and running north for approximately five-eighths of a mile, and thence east for approximately one-eighth of a mile, and thence north to the north section line of section 16; all of section 22; all of section 15; all of section 23; all of section 14; all of section 24; and all of section 13.

In township 1 north, range 5 east: All of section 19, township 1 north, range 5 east; The southern half and the northwest quarter of section 18; all of section 20; all of section 17; all of section 16; the southern half and the northeast quarter of section 9; all of section 15; all of section 10; the southeast quarter of section 3; all of section 11; all of section 2; all of section 12; and all of section 1.

In township 2 north, range 5 east: The southern half and the northeast quarter of section 36, township 2 north, range 5 east.

In township 1 north, range 6 east: All of section 6, township 1 north, range 6 east; all of section 5; all of section 4; and all of section 3.

In township 2 north, range 6 east: All of section 31, township 2 north, range 6 east; the southeast quarter of section 30; all of section 32; the southern half and the northeast quarter of section 29; all of section 33; the southern half and the northwest quarter of section 28; all of section 34; the southern half of section 27; all of section 35; all of section 26; the eastern half of section 23; the southeast quarter of section 14; all of section 36; all of section 25; all of section 24; and the southern half of section 13.

In township 2 north, range 7 east: All of section 30, township 2 north, range 7 east; all of section 19; all of section 18; all of section 29; all of section 20; all of section 17; the southeast quarter of section 18; all of section 21; all of section 16; all of section 22; the southern half of section 15; all of section 14; all of section 11; all of section 2; and all of section 1.

In township 3 north, range 7 east: The southeast quarter of section 35, township 3 north, range 7 east; all of section 36; and the southeast quarter of section 25.

In township 3 north, range 7 1/2 east: All of section 36, township 3 north, range 7 1/2 east; and the southern half of section 25.

In township 3 north, range 8 east: All of section 31, township 3 north, range 8 east; the southern half and the northeast quarter of section 30; all of section 32; all of section 29; all of section 28; all of section 34; the southern half and the northwest quarter of section 27; all of section 35; the southern half of section 26; all of section 36; and the southwest quarter of section 25.

In township 3 north, range 9 east: All of section 31, township 3 north, range 9 east; the southeast quarter of section 30; all of section 32; the southern half and the northeast quarter of section 29; all of section 33; all of section 28; the southern half of section 21; all of section 34; all of section 27; the southern half of section 22; all of section 35; all of section 26; the southern half of section 23; all of section 36; and all of section 25.

In township 3 north, range 10 east: All of section 30, township 3 north, range 10 east; the southern half of section 19; all of section 29; the southern half and the northeast quarter of section 20; the eastern half of section 17; the southeast quarter of section 8; all of section 28; all of section 21; all of section 16; the southern half of section 9; all of section 22; all of section 15; the southern half of section 10; all of section 23; all of section 14; the southern half of section 11; all of section 25; and the southern half and the northwest quarter of section 24.

In township 3 north, range 11 east: All of section 31, township 3 north, range 11 east, all of section 30; the southern half and the northeast quarter of section 19; all of section 32; all of section 29; all of section 20; the southwest quarter of section 17; all of section 33; the southern half and the northwest quarter of section 28; all of section 34; all of section 35; the southeast quarter of section 26; all of section 36; and the southern half of section 25.

In township 2 north, range 12 east: All of section 3, township 2 north, range 12 east; all of section 2; all of section 12; and all of section 1.

In township 3 north, range 12 east: All of section 31, township 3 north, range 12 east; the southern half of section 30; all of section 32; the southern half of section 29; all of section 33; the southeast quarter of section 28; all of section 34; the southwest quarter of section 27; and the southern half of section 35.

In township 2 north, range 13 east: All of section 7, township 2 north, range 13 east; all of section 6; all of section 17; all of section 8; all of section 5; the western half of section 9; and the western half of section 4.

In township 2 north, range 6 east: The eastern half of section 4, township 2 north, range 6 east; the eastern half of section 15; the southeastern quarter and the northern half of section 10; all of section 3; the western half of section 23; the

southwestern quarter and the northern half of section 14; all of section 11; all of section 2; the northern half of section 13; all of section 12; and all of section 1.

In township 3 north, range 6 east: The southwestern quarter of section 34, township 3 north, range 6 east; all of section 36; and the southeastern quarter of section 25.

In township 2 north, range 7 east: All of section 7, township 2 north, range 7 east; all of section 6; the southwestern quarter and the northern half of section 8; all of section 5; all of section 9; all of section 4; the northern half of section 15; all of section 10; and all of section 3.

In township 3 north, range 7 east: All of section 31, township 3 north, range 7 east; all of section 30; all of section 32; the southern half and the northwest quarter of section 29; all of section 33; the southern half and the northeastern quarter of section 28; the southeastern quarter of section 21; all of section 34; all of section 27; the southern half of section 22; the southwestern quarter and the northern half of section 35; all of section 26; the southern half of section 23; the southwestern quarter and the northern half of section 25; and the southern half of section 24.

In township 3 north, range 8 east: The southeastern quarter of section 21, township 3 north, range 8 east; the northeastern quarter of section 27; all of section 22; the southern half of section 15; the northern half of section 26; all of section 23; the southeastern quarter and the northern half of section 25; all of section 24; and the southern half of section 13.

In township 3 north, range 9 east: The southwestern quarter and the northern half of section 30, township 3 north, range 9 east; all of section 19; all of section 18; the southern half of section 7; the northwestern quarter of section 29; the western half of section 20; and the western half of section 17.

In township 3 north, range 11 east: The northeastern quarter of section 28, township 3 north, range 11 east; the southeastern quarter of section 21; all of section 27; the southern half and the northeastern quarter of section 22; the southwestern quarter and the northern half of section 26; all of section 23; the southeastern quarter of section 14; the northern half of section 25; all of section 24; and the southern half of section 13.

In township 3 north, range 12 east: The northern half of section 30, township 3 north, range 12 east; all of section 19; all of section 18; the northwestern quarter of section 29; all of section 20; and the southern half and the northwestern quarter of section 17.

In township 2 north, range 13 east: All of section 33, township 2 north, range 13 east; all of section 28; all of section 21; all of section 16; the eastern half of section 9; the eastern half of section 4; all of section 34; all of section 27; all of section 22; all of section 15; all of section 10; all of section 3; all of section 35; all of section 26; all of section 23; all of section 14; all of section 11; all of section 2; all of section 36; all of section 25; all of section 24; all of section 13; all of section 12; and all of section 1.

In township 3 north, range 13 east: The southern half of section 34, township 3 north, range 13 east; the southern half and the northeastern quarter of section 35; and all of section 36.

In township 2 north, range 14 east: All of section 30, township 2 north, range 14 east; all of section 19; all of section 18; all of section 7; all of section 6; all of section 20; all of section 17; all of section 8; all of section 5; all of section 16; all of section 9; all of section 4; all of section 15; all of section 10; all of section 3; all of section 14; all of section 11; all of section 2; all of section 13; all of section 12; and all of section 1.

In township 3 north, range 14 east: All of section 31, township 3 north, range 14 east; all of section 32; and the southern half of section 33.

In township 2 north, range 15 east: All of section 18, township 3 north, range 15 east; all of section 7; all of section 6; all of section 17; all of section 8; the southern half and the northwestern quarter of section 5; all of section 16; all of section 9; the southern half of section 4; all of section 22; all of section 15; all of section 10; the southern half of section 3; all of section 23; all of section 14; all of section 11; and the southern half and the northeastern quarter of section 2.

NEW SECTION. Sec. 9. Section 43.97.050, chapter 8, Laws of 1965 and RCW 43.97.050 are each hereby repealed.

NEW SECTION. Sec. 10. If any provision of this 1975 amendatory 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. 11. This 1975 amendatory 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 Senate May 13, 1975.

Passed the House May 9, 1975.

Approved by the Governor May 16, 1975.

Filed in Office of Secretary of State May 16, 1975.

CHAPTER 49

[Senate Bill No. 2297]

SUPERIOR COURT JUDGES—WHATCOM COUNTY

AN ACT Relating to superior courts; and amending section 5, chapter 125, Laws of 1951 as last amended by section 2, chapter 27, Laws of 1973 1st ex. sess. and RCW 2.08.063.

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

Section 1. Section 5, chapter 125, Laws of 1951 as last amended by section 2, chapter 27, Laws of 1973 1st ex. sess. and RCW 2.08.063 are each amended to read as follows:

There shall be in the county of Lincoln one judge of the superior court; in the county of Skagit, two judges of the superior court; in the county of Walla Walla, two judges of the superior court; in the county of Whitman, one judge of the superior court; in the county of Yakima five judges of the superior court; in the

county of Adams, one judge of the superior court; in the county of Whatcom, ~~((two))~~ three judges of the superior court.

Passed the Senate March 24, 1975.

Passed the House May 8, 1975.

Approved by the Governor May 16, 1975.

Filed in Office of Secretary of State May 16, 1975.

CHAPTER 50

[Senate Bill No. 2513]

YAKIMA MIGRANT LABOR HOUSING DEMONSTRATION PROJECT

AN ACT Relating to labor; amending section 1, chapter 125, Laws of 1974 ex. sess. (uncodified); amending section 3, chapter 125, Laws of 1974 ex. sess. (uncodified); amending section 4, chapter 125, Laws of 1974 ex. sess. (uncodified); and declaring an emergency.

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

Section 1. Section 1, chapter 125, Laws of 1974 ex. sess. (uncodified) is amended to read as follows:

The legislature finds that ~~((a))~~ the migrant labor housing demonstration pilot project ~~((should))~~ being constructed on property ~~((to-be))~~ purchased by the state in Yakima county during the 1973-75 biennium should be completed. ~~((The legislature further finds that this demonstration project shall be funded by state moneys for the 1973-75 biennium.))~~

Sec. 2. Section 3, chapter 125, Laws of 1974 ex. sess. (uncodified) is amended to read as follows:

The department of general administration is authorized and directed to operate the camp provided for in section 2 ~~((of this act)),~~ chapter 125, Laws of 1974 ex. sess. (uncodified) during the ~~((1973-75))~~ 1975-77 biennium. During those periods of the year when the facility is receiving maximum use, the director of the department, after consultation with the department of social and health services, shall provide for a resident camp director having such qualifications, as determined by the director, to insure the orderly operation of the camp. The department shall cooperate with other departments and agencies of state government and the appropriate units of local government to the extent necessary to insure the successful operation of the camp during the life of the demonstration project.

Sec. 3. Section 4, chapter 125, Laws of 1974 ex. sess. (uncodified) is amended to read as follows:

At the close of the ~~((1973-75))~~ 1975-77 biennium the department of general administration is authorized and directed to enter into such agreements and contracts as may be necessary to dispose of any of the state's property interests in the project to either ~~((the department of highways or to the state parks and recreation commission))~~ a state agency, to an appropriate local governmental body or to such other entity as the director may deem appropriate and in the state's best interest.

NEW SECTION. Sec. 4. 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 Senate May 13, 1975.

Passed the House May 8, 1975.

Approved by the Governor May 16, 1975.

Filed in Office of Secretary of State May 16, 1975.

CHAPTER 51

[Engrossed Senate Bill No. 2690]

FLUID DAIRY PRODUCTS CONTAINERS— SIZE DESIGNATION

AN ACT Relating to containers for fluid dairy products; and amending section 42, chapter 67, Laws of 1969 and RCW 19.94.420.

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

Section 1. Section 42, chapter 67, Laws of 1969 and RCW 19.94.420 are each amended to read as follows:

All fluid dairy products, including but not limited to whole milk, skimmed milk, cultured milk, sweet cream, sour cream and buttermilk and all fluid imitation and fluid substitute dairy products shall be packaged for retail sale only in units (~~of one gill, one-half liquid pint, ten fluid ounces, one liquid pint, one liquid quart, one-half gallon, one gallon, one and one-half gallon, two gallons, two and one-half gallons or multiples of one gallon. PROVIDED, That the director may by regulation provide for other sizes under one quart~~) as provided by the director of the department of agriculture by regulation pursuant to the provisions of chapter 34.04 RCW.

Passed the Senate May 13, 1975.

Passed the House May 8, 1975.

Approved by the Governor May 16, 1975.

Filed in Office of Secretary of State May 16, 1975.

CHAPTER 52

[House Bill No. 139]

PUBLIC LANDS—TIMBER AND VALUABLE MATERIALS— SALE, TERMS—DEPOSITS—REMOVAL

AN ACT Relating to sales of valuable material; and amending section 33, chapter 255, Laws of 1927 as last amended by section 1, chapter 123, Laws of 1971 ex. sess. and RCW 79.01.132.

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

Section 1. Section 33, chapter 255, Laws of 1927 as last amended by section 1, chapter 123, Laws of 1971 ex. sess. and RCW 79.01.132 are each amended to read as follows:

When any timber, fallen timber, stone, gravel, or other valuable material on state lands is sold separate from the land, it may be sold as a lump sum sale or as a scale sale: **PROVIDED**, That upon the request of the purchaser, any lump sum

sale over five thousand dollars appraised value shall be on the installment plan. Lump sum sales under five thousand dollars appraised value shall be paid for in cash. ~~((A total))~~ The initial deposits required in RCW 79.01.204, ((of)) not to exceed twenty-five percent of the actual or projected purchase price, but in the case of lump sum sales over five thousand dollars not less than five thousand dollars, shall be made on the day of the sale((, as provided in RCW 79.01.204, and the operator)). The purchaser shall notify the ((commissioner)) department of natural resources before any timber is cut and before removal or processing of any valuable materials on the sale area, at which time the ((commissioner)) department of natural resources may require ((additional)), in the amount determined by the department, advance payment for the removal, processing, and/or cutting of timber or other valuable materials, or payment bonds or assignments of savings accounts acceptable to the department as adequate security. The amount of such ((additional)) advance payments and/or security shall at all times equal or exceed the value of timber cut and other valuable materials processed or removed ((and said)) until paid for. The initial deposit shall be maintained until all ((valuable materials are removed)) contract obligations of the purchaser are satisfied: ((AND)) PROVIDED ((FURTHER)) HOWEVER, That all or a portion of said initial deposit may be applied as the final payment for said materials in the event the department of natural resources determines that adequate security exists for the performance or fulfillment of any remaining obligations of the purchaser under the sale contract.

In all cases where timber, fallen timber, stone, gravel, or other valuable material is sold separate from the land, the same shall revert to the state if not removed from the land within the period specified in the sale contract. Said specified period shall not exceed five years from the date of the purchase thereof: PROVIDED, That the specified periods in the sale contract for stone, sand, fill material, or building stone shall not exceed twenty years: PROVIDED FURTHER, That in all cases where, in the judgment of the ~~((commissioner of public lands))~~ department of natural resources, the purchaser is acting in good faith and endeavoring to remove such materials, the ~~((commissioner))~~ department of natural resources may extend the time for the removal thereof for any period not exceeding twenty years from the date of purchase for the stone, sand, fill material or building stone or for a total of ten years beyond the normal termination date specified in the original sale contract for all other material, upon payment to the state of a sum to be fixed by the ~~((commissioner))~~ department of natural resources, based on the estimated loss of income per acre to the state resulting from the granting of the extension but in no event less than fifty dollars per extension, plus interest on the unpaid portion of the contract. The interest rate shall be fixed, from time to time, by rule adopted by the board of natural resources and shall not be less than six percent per annum. The applicable rate of interest as fixed at the date of sale and the maximum extension payment shall be set forth in the contract. The method for calculating the unpaid portion of the contract upon which such interest shall be paid by the purchaser shall be set forth in the contract. The ~~((commissioner))~~ department of natural resources shall pay into the state treasury all sums received

for such extension and the same shall be credited to the fund to which was credited the original purchase price of the material so sold: AND PROVIDED FURTHER, That any sale of timber, fallen timber, stone, gravel, sand, fill material, or building stone of an appraised value of five hundred dollars or less may be sold directly to the applicant for cash at full appraised value without notice or advertising.

Passed the House March 31, 1975.

Passed the Senate May 9, 1975.

Approved by the Governor May 16, 1975.

Filed in Office of Secretary of State May 16, 1975.

CHAPTER 53

[Engrossed Substitute Senate Bill No. 2715]

SCHOOL DISTRICT PRELIMINARY BUDGETS— ADOPTION, MEETING DATE

AN ACT Relating to school district budgets; amending section 28A.65.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.65.070; and declaring an emergency.

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

Section 1. Section 28A.65.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.65.070 are each amended to read as follows:

The board of directors shall immediately after the compilation of said preliminary budget publish a notice stating that the board of directors has completed the preliminary budget and placed the same on file with the school district superintendent, that a copy thereof will be furnished any taxpayer who will call upon the superintendent for it, and that the board of directors will meet for the purpose of fixing and adopting the preliminary budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting which shall occur on or before the first day of June: PROVIDED, That if the state legislature has not appropriated by the tenth of May moneys under RCW 28A.41.050 needed for the support of the common schools, said meetings for districts of the first class shall occur on or before the fifteenth of June. The notice shall also state that any taxpayer may appear thereat and be heard for or against any part of such budget. Said notice shall be published once each week for two consecutive weeks immediately following the compilation of the preliminary budget in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county. The board of directors shall provide a sufficient number of copies of the preliminary budget to meet the reasonable demands of the taxpayers therefor, and the same shall be made available for distribution not later than two weeks immediately preceding the date set for the public hearing.

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 Senate May 19, 1975.

Passed the House May 16, 1975.

Approved by the Governor May 20, 1975.

Filed in Office of Secretary of State May 20, 1975.

CHAPTER 54

[Substitute Senate Bill No. 2110] MODEL TRAFFIC ORDINANCE FOR CITIES, TOWNS, AND COUNTIES

AN ACT Relating to a model traffic ordinance for cities, towns, and counties; prescribing options for local adoption; creating a new chapter in Title 46 RCW; creating new sections; and providing penalties.

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

NEW SECTION. Section 1. **PURPOSE OF THIS CHAPTER.** The purpose of this chapter is to encourage highway safety and uniform traffic laws by providing a comprehensive compilation of sound, uniform traffic laws to serve as a guide which local authorities may adopt by reference or any part thereof, including all future amendments or additions thereto. Any local authority which adopts this chapter by reference may at any time exclude any section or sections from this chapter which it does not desire to include in its local traffic ordinance. This chapter is not intended to deny any local authority its legislative power, but rather to enhance safe and efficient movement of traffic throughout the state by having current, uniform traffic laws available.

NEW SECTION. Sec. 2. **AMENDMENTS TO THIS ORDINANCE AUTOMATICALLY INCLUDED.** The addition of any new section to, or amendment or repeal of any section in, this chapter by the legislature shall be deemed to amend any city, town, or county, ordinance which has adopted by reference this chapter or any part thereof, and it shall not be necessary for the legislative authority of any city, town, or county to take any action with respect to such addition, amendment, or repeal notwithstanding the provisions of RCW 35.21.180, 35A.12.140, 35A.13.180, and 36.32.120 (7).

NEW SECTION. Sec. 3. All sections of chapter 46.04 RCW as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full.

NEW SECTION. Sec. 4. **ABANDONED VEHICLE.** "Abandoned vehicle" means any vehicle or automobile hulk left within the right of way of any highway or on the property of another without the consent of the owner of such property for a period of twenty-four hours, or longer: **PROVIDED,** That a vehicle or hulk shall not be considered abandoned if it is lawfully parked for a period not exceeding seventy-two hours: **PROVIDED FURTHER,** That a vehicle or hulk shall not be considered abandoned if its owner or operator is unable to remove it from

the place where it is located and so notifies law enforcement officials and requests assistance.

NEW SECTION. Sec. 5. AUTOMOBILE HULK. "Automobile hulk" means any portion or portions of a motor vehicle which is inoperative and cannot be made mechanically operative without additional vital parts and a substantial amount of labor.

NEW SECTION. Sec. 6. BUS. "Bus" means every motor vehicle designed for carrying more than ten passengers and used for transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

NEW SECTION. Sec. 7. BUS STOP. "Bus stop" means a fixed portion of the highway parallel and adjacent to the curb to be reserved exclusively for buses for layover in operating schedules or while waiting for, loading, or unloading passengers: PROVIDED, That such bus provides regularly scheduled service within the jurisdiction of the local authority.

NEW SECTION. Sec. 8. CITY. "City" means every incorporated city and town.

NEW SECTION. Sec. 9. DEMOLISH. "Demolish" means to destroy completely by use of a hydraulic baler and shears, or a shredder.

NEW SECTION. Sec. 10. DEPARTMENT. "Department" means the department of motor vehicles unless otherwise specified in this chapter.

NEW SECTION. Sec. 11. GARAGE KEEPER. "Garage keeper" means a person, firm, partnership, association, or corporation whose business it is to store vehicles for compensation.

NEW SECTION. Sec. 12. HOLIDAYS. "Holidays" include the first day of January, commonly called New Year's Day; the third Monday of February, being celebrated as the anniversary of the birth of George Washington; the thirtieth day of May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the fourth Thursday in November, to be known as Thanksgiving Day; the twenty-fifth day of December, commonly called Christmas Day; and any other day specified by ordinance by the local authority to be a holiday.

Whenever any holiday falls upon a Sunday, the following Monday shall be a holiday.

NEW SECTION. Sec. 13. HULK HAULER. "Hulk hauler" means any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed motor vehicle wrecker or scrap processor in substantially the same form in which they are obtained and who may not sell second-hand motor vehicle parts to anyone other than a licensed scrap processor or licensed wrecker.

NEW SECTION. Sec. 14. LOADING ZONE. "Loading zone" means a space reserved for the exclusive use of vehicles during the loading or unloading of property or passengers.

NEW SECTION. Sec. 15. OFFICIAL TIME STANDARD. "Official time standard" means, whenever certain hours are named, standard time or daylight saving time as may be in current use within the jurisdiction of the local authority.

NEW SECTION. Sec. 16. ORDINANCE. "Ordinance" means a city or town ordinance or a county ordinance or resolution.

NEW SECTION. Sec. 17. PARKING METER. "Parking meter" means any mechanical device or meter placed or erected adjacent to a parking meter space, for the purpose of regulating or controlling the period of time of occupancy of such parking meter space by any vehicle. Each parking meter installed shall indicate by proper legend the legal parking time and when operated shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking. Each meter shall bear a legend indicating the days and hours when the requirement to deposit coins therein shall apply, the value of the coins to be deposited, and the limited period of time for which parking is lawfully permitted in the parking meter space in which such meter is located.

NEW SECTION. Sec. 18. PARKING METER SPACE. "Parking meter space" means any space within a parking meter zone, adjacent to a parking meter and which is duly designated for the parking of a single vehicle by appropriate markings on the pavement and/or the curb.

NEW SECTION. Sec. 19. PARKING METER ZONE. "Parking meter zone" means any highway or part thereof or any off-street parking lot on which parking meters are installed and in operation.

NEW SECTION. Sec. 20. PASSENGER LOADING ZONE. "Passenger loading zone" means a place reserved for the exclusive use of vehicles while receiving or discharging passengers.

NEW SECTION. Sec. 21. PLANTING STRIP. "Planting strip" means that portion of a highway lying between the constructed curb, or edge of the roadway, and the property line exclusive of the sidewalk area.

NEW SECTION. Sec. 22. POLICE OR POLICE OFFICER. "Police or police officer" includes the police officers of a city, a town marshal, or the sheriff and his deputies of a county whichever is applicable, but when the term sheriff is used in this chapter, it shall only mean the sheriff.

NEW SECTION. Sec. 23. POLICE CHIEF OR CHIEF OF POLICE. "Police chief or chief of police" includes the police chief or chief police officer of a city, a town marshal, or the sheriff of a county, whichever is applicable, but when the term sheriff is used in this chapter, it shall only mean the sheriff.

NEW SECTION. Sec. 24. POLICE DEPARTMENT. "Police department" includes the police department of a city or town or the sheriff's office of a county whichever is applicable, but when the term sheriff is used in this chapter, it shall only mean the sheriff.

NEW SECTION. Sec. 25. REGISTERED DISPOSER. "Registered disposer" means any tow truck operator or garage keeper properly registered pursuant to RCW 46.52.108, who has and who displays at all times in a place conspicuous to

the public a valid certificate of registration evidencing his authorization from the department to dispose of abandoned vehicles.

NEW SECTION. Sec. 26. SCHOOL BUS ZONE. "School bus zone" means a designated portion of the highway along the curb reserved for loading and unloading school buses during designated hours.

NEW SECTION. Sec. 27. SERVICE PARKING. "Service parking" means the use of a parking meter space while rendering service in cleaning, painting, adjusting, or making minor repairs or replacements in or to buildings or building equipment or to public utilities.

NEW SECTION. Sec. 28. STREET. "Street" means a "city street".

NEW SECTION. Sec. 29. TAXICAB. "Taxicab" means a motor vehicle for hire used for the transportation of persons for compensation, and not operated exclusively over a fixed route or between fixed termini.

NEW SECTION. Sec. 30. TAXICAB STAND. "Taxicab stand" means a fixed portion of a highway set aside for taxicabs to stand or wait for passengers.

NEW SECTION. Sec. 31. TOW TRUCK OPERATOR. "Tow truck operator" means a person, firm, partnership, association, or corporation which, in its course of business, provides towing services for vehicles and automobile hulks.

NEW SECTION. Sec. 32. TRAFFIC DIVISION. "Traffic division" means the traffic division of the police department of the local authority, or in the event a traffic division is not established, then said term whenever used in this chapter shall be deemed to refer to the police department of the local authority.

NEW SECTION. Sec. 33. U TURN. "U turn" means turning a vehicle so as to proceed in the opposite direction on the same roadway.

NEW SECTION. Sec. 34. The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 16.24.065, 16.24.070, 46.08.030, and 46.08.060.

NEW SECTION. Sec. 35. PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS. The provisions of this chapter shall apply to the drivers of all vehicles owned or operated by the United States, the state, or any county, city, town, district, or any other political subdivision of the state, subject to such specific exceptions as are set forth in this chapter.

NEW SECTION. Sec. 36. POLICE ADMINISTRATION. There is established in the police department of the local authority a traffic division to be under the control of a police officer appointed by, and directly responsible to, the chief of police.

NEW SECTION. Sec. 37. DUTY OF TRAFFIC DIVISION. It shall be the duty of the traffic division with such aid as may be rendered by other members of the police department to enforce the traffic regulations of the local authority, to make arrests for traffic violations, to investigate accidents and to cooperate with the traffic engineer and other officers of the local authority in the administration

of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the said division by this chapter and the traffic ordinances of the local authority.

NEW SECTION. Sec. 38. AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS. (1) Officers of the police department or such officers as are assigned by the chief of police are authorized to direct all traffic by voice, hand, or signal in conformance with law: PROVIDED, That in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of law.

(2) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

NEW SECTION. Sec. 39. RECORDS OF TRAFFIC VIOLATIONS. (1) The police department or the traffic division thereof shall keep a record of all violations of the traffic ordinances of the local authority or of the state motor vehicle laws of which any person has been charged, with the exception of illegal parking or standing violations, together with a record of the final disposition of all such alleged offenses. Such records shall be so maintained as to show all types of violations and the total of each. Such records shall accumulate during at least a five year period, and from that time on the records shall be maintained complete for at least the most recent five year period.

(2) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record of all such forms shall be kept.

(3) Records and reports concerning a person shall be available upon request only to that particular person requesting such record or report concerning himself, or the legal guardian thereof, the parent of a minor, or any authorized representative of such interested party, or the attorney or insurer thereof.

NEW SECTION. Sec. 40. TRAFFIC DIVISION TO INVESTIGATE ACCIDENTS. It shall be the duty of the traffic division, assisted by other members of the police department, to investigate traffic accidents, to arrest, and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

NEW SECTION. Sec. 41. TRAFFIC ACCIDENT STUDIES. Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the traffic engineer in conducting studies of such accidents and in determining remedial measures.

NEW SECTION. Sec. 42. TRAFFIC ACCIDENT REPORTS. The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and the information of the traffic engineer.

NEW SECTION. Sec. 43. TRAFFIC DIVISION TO SUBMIT ANNUAL TRAFFIC SAFETY REPORT. The traffic division shall annually prepare a traffic report which shall be filed with the appointing authority of the local authority. Such report shall contain information on traffic matters in the local authority as follows:

- (1) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;
- (2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police;
- (3) The plans and recommendations of the division for future traffic safety activities.

NEW SECTION. Sec. 44. POLICE DEPARTMENT TO ADMINISTER BICYCLE LICENSES. The police department or some other office or department designated by the local authority shall administer the bicycle license regulations required by this chapter.

NEW SECTION. Sec. 45. POLICE DEPARTMENT TO REGULATE PARKING METERS. The police department shall be responsible for the regulation, control, operation, and use of parking meters installed in all parking meter zones.

NEW SECTION. Sec. 46. TRAFFIC ENGINEER. (1) The office of traffic engineer is established: **PROVIDED**, That if there is no traffic engineer, then the engineer of the local authority shall serve as traffic engineer in addition to his other functions, and shall exercise the powers and duties with respect to traffic as provided in this chapter: **PROVIDED FURTHER**, That if there is no engineer in the local authority, then the appointing authority shall designate a person to exercise such powers and duties.

(2) It shall be the general duty of the traffic engineer to determine the installation and maintenance of traffic control devices, to conduct engineering analysis of traffic accidents and to devise remedial measures, to conduct engineering investigations of traffic conditions, to plan the operation of traffic on the highways of the local authority, to cooperate with other officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by any ordinances of the local authority.

NEW SECTION. Sec. 47. TRAFFIC ENGINEER—AUTHORITY. The traffic engineer is authorized:

(1) To place and maintain official traffic control devices when and as required under the traffic ordinances or resolutions of the local authority to make effective the provisions of said ordinances or resolutions, and may place and maintain such additional official traffic control devices as he may deem necessary to regulate, warn, or guide traffic under the traffic ordinances or resolutions of the local authority;

(2) To place and maintain official traffic control devices as he may deem necessary to regulate, warn, or guide traffic for construction, detours, emergencies, and special conditions;

(3) To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and in such other places as he may deem necessary;

(4) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians;

(5) To mark traffic lanes upon the roadway of any highway where a regular alignment of traffic is necessary;

(6) To regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner;

(7) To place official traffic control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, in accordance with the provisions of this chapter, and such course to be traveled as so indicated may conform to or be other than as prescribed by law;

(8) To determine those intersections at which drivers of vehicles shall not make a right, left, or U turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted;

(9) To erect and maintain stop signs, yield signs, or other official traffic control devices to designate arterial highways or to designate intersections or other roadway junctions at which vehicular traffic on one or more of the roadways shall yield or stop and yield before entering the intersection or junction, except as provided in RCW 46.61.195;

(10) To issue special permits to authorize the backing of a vehicle to the curb for the purpose of loading or unloading property subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property alongside the curb or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized by this section;

(11) To erect signs indicating no parking upon both sides of a highway when the width of the improved roadway does not exceed twenty feet, or upon one side of a highway as indicated by such signs when the width of the improved roadway is between twenty and twenty-eight feet;

(12) To determine when standing or parking may be permitted upon the left-hand side of any roadway when the highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway and to erect signs giving notice thereof;

(13) To determine and designate by proper signs places not exceeding one hundred feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic;

(14) To determine the location of loading zones, passenger loading zones, and tow-away zones and shall place and maintain appropriate signs or curb markings supplemented with the appropriate words stenciled on the curb indicating the same and stating the hours during which the provisions of this chapter are applicable;

(15) To establish bus stops, bus stands, taxicab stands, and stands for other for hire vehicles on such highways in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs or by curb markings supplemented with the appropriate words stenciled on the curb;

(16) To erect and maintain official traffic control devices on any highway or part thereof to impose gross weight limits on the basis of an engineering and traffic investigation;

(17) To erect and maintain official traffic control devices on any highway or part thereof to prohibit the operation of trucks exceeding ten thousand pounds gross weight on the basis of an engineering and traffic investigation: PROVIDED, That such devices shall not prohibit necessary local operation on such highways for the purpose of making a pickup or delivery;

(18) To erect and maintain official traffic control devices on any highway or part thereof to impose vehicle size restrictions on the basis of an engineering and traffic investigation;

(19) To determine and designate those heavily traveled highways upon which shall be prohibited any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic on the basis of an engineering and traffic investigation and shall erect appropriate official traffic control devices giving notice thereof;

(20) To install parking meters in the established parking meter zones upon the curb adjacent to each designated parking space;

(21) To designate the parking space adjacent to each parking meter for which such meter is to be used by appropriate markings upon the curb and/or the pavement of the highway;

(22) To post appropriate signs making it unlawful for pedestrians to cross highways in certain crosswalks when such crossing would endanger either pedestrian or vehicular traffic using the highway;

(23) To test new or proposed traffic control devices under actual conditions of traffic.

NEW SECTION. Sec. 48. LOCAL AUTHORITY—AUTHORITY. After an engineering and traffic investigation by the traffic engineer, the local authority may be [by] resolution:

(1) Decrease maximum speed limits pursuant to RCW 46.61.415;

(2) Increase maximum speed limits pursuant to RCW 46.61.415;

(3) Determine and declare the maximum speed limits on arterial highways pursuant to RCW 46.61.415;

(4) Determine and declare upon what highways angle parking shall be permitted pursuant to RCW 46.61.575 (3);

(5) Prohibit, regulate, or limit, stopping, standing, or parking of vehicles on any highway at all times or during such times as shall be indicated by official traffic control devices;

(6) Determine and declare parking meter zones upon those highways or parts thereof where the installation of parking meters will be necessary to regulate parking;

(7) Close any highway or part thereof temporarily to any or all traffic;

(8) Determine and declare one-way highways pursuant to RCW 46.61.135;

(9) Determine and declare arterial highways pursuant to RCW 46.61.195 and 46.61.435.

NEW SECTION. Sec. 49. TRAFFIC SAFETY COMMISSION—POWERS AND DUTIES. (1) There is established a traffic safety commission to serve without compensation, consisting of the traffic engineer, the chief of police, or, in his discretion as his representative, the chief of the traffic division or other cognizant member of the police department, one representative each from the engineer's office and the attorney's office, and such number of other officers of the local authority and representatives of unofficial bodies as may be determined and appointed by the appointing authority of the local authority. The chairman of the commission shall be appointed by such appointing authority and may be removed by such authority.

(2) It shall be the duty of the traffic safety commission, and to this end it shall have authority within the limits of the funds at its disposal, to coordinate traffic activities, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the legislative body of the local authority and to the traffic engineer, the chief of the traffic division, and other officials, ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.

NEW SECTION. Sec. 50. The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.12.070, 46.12.080, 46.12.090, 46.12.101, 46.12.260, 46.16.010, 46.16.025, 46.16.030, 46.16.106, 46.16.135, 46.16.137, 46.16.138, 46.16.140, 46.16.145, 46.16.170, 46.16.180, 46.16.240, 46.16.260, 46.16.290, 46.16.380, 46.16.500, 46.16.505, 46.20.011, 46.20.021, 46.20.025, 46.20.027, 46.20.031, 46.20.041, 46.20.045, 46.20.190, 46.20.220, 46.20.308, 46.20.336, 46.20.342, 46.20.343, 46.20.344, 46.20.391, 46.20.410, 46.20.420, 46.20.430, 46.20.440, 46.20.500, 46.32.060, 46.32.070, 46.37.010, 46.37.020, 46.37.030, 46.37.040, 46.37.050, 46.37.060, 46.37.070, 46.37.080, 46.37.090, 46.37.100, 46.37.110, 46.37.120, 46.37.130, 46.37.140, 46.37.150, 46.37.160, 46.37.170, 46.37.180, 46.37.184, 46.37.185, 46.37.186, 46.37.187, 46.37.188, 46.37.190, 46.37.200, 46.37.210, 46.37.220, 46.37.230, 46.37.240, 46.37.250, 46.37.260, 46.37.270, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.340, 46.37.351, 46.37.360, 46.37.365, 46.37.370, 46.37.380, 46.37.390, 46.37.400, 46.37.410, 46.37.420, 46.37.425, 46.37.430, 46.37.440, 46.37.450, 46.37.460, 46.37.480, 46.37.490, 46.37.500, 46.37.510, 46.37.520, 46.37.530, 46.37.535, 46.37.540, 46.37.550, 46.37.560, 46.37.570, 46.37.580, 46.37.590, 46.37.600, 46.44.010, 46.44.020, 46.44.030, 46.44.034, 46.44.036, 46.44.037, 46.44.040, 46.44.042, 46.44.044, 46.44.045, 46.44.046, 46.44.047, 46.44.050, 46.44.060, 46.44.070, 46.44.090, 46.44.091, 46.44.092, 46.44.093, 46.44.095, 46.44.096, 46.44.097, 46.44.100, 46.44.120, 46.44.130, 46.44.140, 46.48.170, 46.52.010, 46.52.020, 46.52.030, 46.52.040, 46.52.070, 46.52.080, 46.52.090, 46.52.100, 46.52.119, 46.52.145, and 46.80.010.

NEW SECTION. Sec. 51. AUTHORITY TO REMOVE AND IMPOUND VEHICLES ON PUBLIC PROPERTY. (1) Members of the police department are authorized to remove and impound vehicles by means of towing or otherwise to the nearest garage or other place of safety or to a garage designated or maintained by the police department or otherwise maintained by the local authority, under any of the following circumstances:

(a) When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tunnel where such vehicle constitutes an obstruction to traffic;

(b) When any vehicle upon a highway, including tunnels, bridges, or approaches, is so disabled as to constitute an obstruction to traffic or when the person or persons in charge of the vehicle are incapacitated to such an extent as to be unable to provide for its custody or removal and there is no other person present who may properly act as agent for such operator in the care of his vehicle;

(c) When any vehicle is left unattended upon a highway and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;

(d) When any vehicle is found in a tow-away zone;

(e) When any vehicle operating on a highway is found to be defective in equipment in such manner that it may be considered unsafe;

(f) When the operator of any vehicle is arrested and placed in custody and is not in condition to drive and the vehicle is not in a place of safety and there is no other person present who may properly act as agent for such operator to drive the vehicle to a place of safety.

(2) Members of the police department are authorized to remove and impound any abandoned vehicle, or abandoned junk motor vehicle found on a highway by means of towing or otherwise to the nearest garage or other place of safety or to a garage designated or maintained by the police department or otherwise maintained by the local authority.

(3) Whenever an officer removes and impounds a vehicle from a highway as authorized in subsection (1) of this section, he shall as soon as practicable give or cause personal notice to be given in writing to the owner of such vehicle, if any record exists of the registered or legal owner in the records of the authority last licensing such vehicle, of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

(4) Whenever an officer removes and impounds a vehicle from a highway under subsection (1) of this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three days, then and in that event, the officer shall immediately send or cause to be sent written report of such removal by mail to the department and shall file a copy of such notice with the proprietor of any garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and name of the garage or place where the vehicle is stored.

(5) Any costs incurred in the removal and storage of an impounded vehicle shall be a lien upon the vehicle. All towing and storage charges on each vehicle impounded shall be paid by the owner or his agent if the vehicle is redeemed. In the case of abandoned vehicles, all costs of removal and storage shall be paid by the owner or his agent if the vehicle is redeemed, but if not redeemed, such costs shall be received from the proceeds of sale.

(6) The impounding of a vehicle shall not preclude charging the violator with any violation of the law on account of which such vehicle was impounded.

(7) Either a registered or legal owner may claim an impounded vehicle by payment of all charges that have accrued to the time of reclamation. If the vehicle was impounded at the direction of a law enforcement agency, the person in possession of the vehicle prior to the time of reclamation shall notify such agency of the fact that the vehicle has been claimed, and by whom.

NEW SECTION. Sec. 52. OWNER OF RECORD PRESUMED LIABLE FOR COSTS WHEN VEHICLE ABANDONED—EXCEPTION. (1) The abandonment of any vehicle or automobile hulk shall constitute a prima facie presumption that the last owner of record is responsible for such abandonment and thus liable for any costs incurred in removing, storing, and disposing of any abandoned vehicle.

(2) A registered owner transferring a vehicle shall be relieved from personal liability under this section and under sections 55, 56, and 59 of this act if within five days of the transfer he transmits to the department a seller's report of sale on a form prescribed by the director.

NEW SECTION. Sec. 53. CONTRACT WITH REGISTERED DISPOSER TO DISPOSE OF VEHICLES AND HULKS—COMPLIANCE REQUIRED.

(1) The local authority may contract with any tow truck operator who is engaged in removing and storing of vehicles and who is registered as a registered disposer by the department for the purpose of disposing of certain automobile hulks, abandoned junk motor vehicles, and abandoned vehicles.

(2) Any registered disposer under contract to the local authority for the removing and storing of vehicles or hulks shall comply with the administrative regulations relative to the handling and disposing of vehicles or hulks as may be promulgated by the local authority or the director.

NEW SECTION. Sec. 54. STOLEN AND ABANDONED VEHICLES—REPORTS OF NOTICE—DISPOSITION. It shall be the duty of the chief of police to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, the person so reporting the same as stolen shall be guilty of a misdemeanor unless he shall report the recovery thereof to the chief of police to whom such motor vehicle was reported as stolen.

It shall be the duty of the chief of police to report to the chief of the Washington state patrol all vehicles or automobile hulks found abandoned on a highway or at any other place and the same shall, at the direction of a law enforcement officer, be placed in the custody of a registered disposer.

NEW SECTION. Sec. 55. REMOVAL AND STORAGE OF VEHICLE OR HULK—LIEN—NOTICES—CONTENTS. (1) A registered disposer taking custody of any abandoned vehicle shall remove it to his established place of business where it shall be stored, and such registered disposer shall have a lien upon the abandoned vehicle but not upon any items of personal property therein or upon for services provided in towing and storage of it, and shall also have a claim

against the last registered owner of the abandoned vehicle for services provided in towing and storage of it, not to exceed the sum of one hundred dollars.

(2) Within five days after receiving custody of such abandoned vehicle the registered disposer shall submit an abandoned vehicle report giving notice of his custody to the department and the chief of the Washington state patrol. Any registered disposer failing to report such fact within five days shall forfeit any claim for the storage of the vehicle. Within five days after having received the name and address of the owner, he shall notify the registered and legal owner of his custody, and shall send copies of such notice to the chief of the Washington state patrol and to the department. The notice of custody and sale to the registered and legal owner shall be sent by the registered disposer to the last known address of said owner appearing on the records of the department, and such notice shall be sent to the registered and legal owner by certified or registered mail with a five-day return receipt requested. Such notice shall contain a description of the abandoned vehicle including its license number and/or serial number if obtainable, and shall state the amount due the registered disposer for services in the towing and storage of it and the time and place of public sale if the amount remains unpaid.

(3) The department shall supply the last known names and addresses of registered and legal owners of abandoned vehicles appearing on the records of the department to registered disposers on request without charge.

NEW SECTION. Sec. 56. SALE OF UNCLAIMED VEHICLE OR HULK—PROCEDURE—PROCEEDS—DEFICIENCY. (1) If, after the expiration of fifteen days from the date of mailing of the notice of custody and sale to the registered and legal owner, the abandoned vehicle remains unclaimed and has not been listed as a stolen or recovered vehicle, then the registered disposer having custody of the abandoned vehicle shall conduct a sale of it at public auction after having first published a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days before the date of the auction.

(2) The abandoned vehicle shall be sold at the auction to the highest bidder. The proceeds of such sale, after deducting the towing and storage charges due the registered disposer including the cost of sale, which shall be computed as in a public auction sale of personal property by the sheriff, shall be certified one-half to the county treasurer of the county in which the vehicle is located to be credited to the county current expense fund, and one-half to the state treasurer to be credited to the highway safety fund. If the amount bid at the auction is insufficient to compensate the registered disposer for his towing and storage charges and the cost of sale, such registered disposer shall be entitled to assert a claim for any deficiency, not to exceed one hundred dollars less the amount bid at the auction, against the last registered owner of such abandoned vehicle.

(3) After the public auction of any abandoned vehicle the registered disposer shall give the successful bidder an affidavit of sale stating that the sale was conducted under the proper procedures and indicating the disposition of moneys derived from the sale and after such successful bidder has submitted an application for a certificate of title along with applicable fees, taxes, and the affidavit of sale, the director of the department shall issue a certificate of title showing ownership of the vehicle or automobile hulk in the name of the successful bidder at such

auction: PROVIDED, That a licensed auto wrecker or scrap processor may use such affidavit in lieu of a certificate of title to report the acquisition for wrecking or demolition.

NEW SECTION. Sec. 57. VEHICLE LEFT IN GARAGE FOR STORAGE—WHEN DEEMED ABANDONED—NOTICES—DISPOSAL. In addition to abandoned vehicles, abandoned junk motor vehicles, and impounded vehicles meeting the requirements of section 58 of this act, vehicles left in garage storage may be deemed abandoned in the following manner:

(1) A vehicle stored under a fixed contract of storage may be deemed abandoned on the fifth day following expiration of the contract;

(2) A vehicle stored under an open-ended contract of storage may be deemed abandoned at any time by the garage keeper.

All such abandoned vehicles shall be disposed of by a registered disposer in accordance with the procedures prescribed in sections 55 and 56 of this act. Any registered disposer failing to report the fact of abandonment to the department and the chief of the Washington state patrol pursuant to section 55 of this act, shall forfeit any claim for the storage of any such vehicle.

NEW SECTION. Sec. 58. DISPOSITION OF IMPOUNDED VEHICLES—WHEN VEHICLES DEEMED ABANDONED PROCEDURE. Any vehicle impounded pursuant to section 51 (1) of this act or RCW 46.52.119 and left unclaimed for a period of fifteen days shall be deemed to be an abandoned vehicle. At the expiration of such fifteen day period such vehicle shall be deemed to be in the custody of the sheriff of the county where such vehicle is located and the sheriff of the county shall deliver the vehicle to a registered disposer who shall dispose of such vehicle in the manner provided in sections 55 and 56 of this act: PROVIDED, That if such vehicle fulfills all of the requirements of RCW 46.52-.145 (1), it shall be disposed of as provided in section 60 of this act.

NEW SECTION. Sec. 59. ABATEMENT AND REMOVAL OF AUTOMOBILE HULKS ON PRIVATE PROPERTY—CONTENTS. (1) The storage or retention of an automobile hulk on private property is declared to constitute a public nuisance subject to removal and impoundment. The chief of police shall inspect and investigate complaints relative to automobile hulks, or parts thereof on private property. Upon discovery of such nuisance, the police department shall give notice in writing to the last registered owner of record of the automobile hulk and also to the property owner of record that a public hearing may be requested before the governing body of the local authority, and that if no hearing is requested within ten days, the automobile hulk will be removed. Costs of removal may be assessed against the last registered owner of the automobile hulk if the identity of such owner can be determined, or the costs may be assessed against the owner of the property on which the automobile hulk is stored.

(2) If a request for a hearing is received, a notice giving the time, location and date of such hearing on the question of removal and impoundment of the automobile hulk or part thereof as a public nuisance shall be mailed, by certified or registered mail with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal

owner of record of the automobile hulk unless the automobile hulk is in such condition that identification numbers are not available to determine ownership.

(3) This section shall not apply to:

(a) An automobile hulk, or part thereof, which is completely enclosed within a building in a lawful manner where it is not visible from the highway or other public or private property; or

(b) An automobile hulk, or part thereof, which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer, fenced according to the provisions of RCW 46.80.130.

(4) The owner of the land on which the automobile hulk is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the hulk on the land, with his reasons for such denial. If it is determined at the hearing that the hulk was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the governing body shall not assess costs of administration or removal of the hulk against the property upon which the hulk is located or otherwise attempt to collect such cost from the property owner.

(5) After notice has been given of the intent of the local authority to dispose of the automobile hulk and after a hearing, if requested, has been held, the automobile hulk or part thereof, shall be removed, at the request of a police officer, and disposed of to a licensed motor vehicle wrecker or hulk hauler with notice to the Washington state patrol and the department that the automobile hulk has been wrecked.

(6) The local authority shall within thirty days after removal of an automobile hulk from private property, file for record with the county auditor to claim a lien for the cost of removal, which shall be in substance in accordance with the provision covering mechanics' liens in chapter 60.04 RCW, and said lien shall be foreclosed in the same manner as such liens.

NEW SECTION. Sec. 60. DISPOSITION OF ABANDONED JUNK MOTOR VEHICLES. (1) Notwithstanding any other provision of law, the chief of police on his own volition, or upon request from a private person having the right to possession of property upon which an abandoned junk motor vehicle has been left, shall inspect and may authorize the disposal of an abandoned junk motor vehicle. The chief of police shall record the make of such vehicle, the serial number if available, and shall also detail the damaged or missing equipment to substantiate a fair market value as scrap only. He shall prepare in duplicate for each such abandoned junk motor vehicle an authorization to dispose on a form provided by the director. He shall issue the original copy of such authorization to dispose to any licensed hulk hauler, motor vehicle wrecker, or scrap processor for the purpose of acquiring an abandoned junk motor vehicle: PROVIDED, That such acquisition is for the purpose of ultimate transfer to and demolition by a licensed scrap processor.

(2) Any moneys arising from the disposal of abandoned junk motor vehicles shall be deposited in the county general fund.

NEW SECTION. Sec. 61. UNLAWFUL TO ABANDON JUNKED MOTOR VEHICLE. No person shall wilfully leave an abandoned junk motor vehicle on private property for more than seventy-two hours without the permission of the person having the right to possession of the property, or upon or within the right of way of any highway or other property open to the public for purposes of vehicular travel or parking for forty-eight hours or longer without notification to the chief of police of the reasons for leaving the motor vehicle in such a place. For the purposes of this section, the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment. Any person convicted of abandoning a junk motor vehicle shall be assessed any costs incurred by the county in disposing of such abandoned junk motor vehicle, less any moneys accruing to the county from such disposal.

NEW SECTION. Sec. 62. PROVISIONS OF CHAPTER REFER TO VEHICLES UPON HIGHWAY—EXCEPTIONS. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

- (1) Where a different place is specifically referred to in a given section;
- (2) The provisions of RCW 46.52.010, 46.52.020, 46.52.030, 46.52.070, 46.52.080, 46.52.090, and 46.61.500 through 46.61.515 shall apply upon highways and elsewhere throughout the jurisdiction of the local authority.

NEW SECTION. Sec. 63. REQUIRED OBEDIENCE TO TRAFFIC ORDINANCE. It is unlawful for any person to do any act forbidden or fail to perform any act required by this chapter.

NEW SECTION. Sec. 64. The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.015, 46.61.020, 46.61.025, 46.61.030, 46.61.035, 46.61.050, 46.61.055, 46.61.060, 46.61.065, 46.61.070, 46.61.075, and 46.61.080.

NEW SECTION. Sec. 65. DEVICES REQUIRED—STOPPING, STANDING, AND PARKING. No prohibition, regulation, or limitation relating to stopping, standing, or parking imposed under this chapter or any ordinance of the local authority for which traffic control devices are required shall be effective unless official traffic control devices are erected and in place at the time of any alleged offense.

NEW SECTION. Sec. 66. CROSSING NEW PAVEMENT AND MARKINGS. No person shall ride or drive any animal, bicycle, or vehicle, across any newly made pavement or freshly applied markings on any highway when a sign, cone marker, or other warning device is in place warning persons not to drive across such pavement or marking.

NEW SECTION. Sec. 67. The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.085, 46.61.100, 46.61.105, 46.61.110, 46.61.115, 46.61.120, 46.61.125, 46.61.130, 46.61.135, 46.61.140, 46.61.145, 46.61.150, 46.61.155, 46.61.160, 46.61.180, 46.61.185, 46.61.190, 46.61.195, 46.61.200, 46.61.205, 46.61.210, 46.61.230, 46.61.235, and 46.61.240.

NEW SECTION. Sec. 68. PROHIBITED CROSSING. No pedestrian shall cross a roadway except an alley other than in a crosswalk in any business district.

NEW SECTION. Sec. 69. The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.245, 46.61.250, 46.61.255, 46.61.260, 46.61.290, and 46.61.295.

NEW SECTION. Sec. 70. U TURN RESTRICTIONS. It shall be unlawful for a person operating a vehicle to make a U turn at any point other than an intersection or highway end, or to make such U turn on any highway in a business district or where prohibited from doing so by the posting of official signs.

NEW SECTION. Sec. 71. The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.300, 46.61.305, 46.61.310, 46.61.315, 46.61.340, 46.61.345, 46.61.350, 46.61.355, 46.61.365, 46.61.370, 46.61.375, 46.61.385, 46.61.400, 46.61.415, 46.61.425, 46.61.427, 46.61.435, 46.61.440, 46.61.445, 46.61.450, 46.61.455, 46.61.460, 46.61.465, 46.61.475, 46.61.500, 46.61.506, 46.61.510, 46.61.515, 46.61.525, 46.61.530, 46.61.535, 46.61.560, 46.61.570, and 46.61.575.

NEW SECTION. Sec. 72. OBEDIENCE TO ANGLE-PARKING SIGNS OR MARKINGS. Upon those highways which have been signed or marked for angle-parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

NEW SECTION. Sec. 73. PARKING NOT TO OBSTRUCT TRAFFIC. (1) No person shall park a vehicle upon a highway in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(2) No person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

NEW SECTION. Sec. 74. PARKING FOR CERTAIN PURPOSES UNLAWFUL. (1) No person shall park any vehicle upon any highway for the principal purpose of:

- (a) Displaying advertising;
- (b) Displaying such vehicle for sale;
- (c) Selling merchandise from such vehicle, except when authorized;

(2) No person shall park any vehicle upon any roadway for the principal purpose of washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.

NEW SECTION. Sec. 75. STANDING IN PASSENGER LOADING ZONE. No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger loading zone during hours when the regulations applicable to the loading zone are effective, and then only for a period not to exceed three minutes.

NEW SECTION. Sec. 76. STANDING IN LOADING ZONE. (1) No person shall stop, stand, or park a vehicle for any purpose or period of time other than

for the expeditious unloading and delivery or pickup and loading of property in any place marked as a loading zone during hours when the provisions applicable to such zone are in effect. In no case shall the stop for loading and unloading of property exceed thirty minutes.

(2) The driver of a vehicle may stop temporarily at a loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter such zone to load or unload property.

NEW SECTION. Sec. 77. STANDING IN A TOW-AWAY ZONE. No person shall stop, stand, or park a vehicle in a place marked as a tow-away zone during hours when the provisions applicable to such zone are in effect.

NEW SECTION. Sec. 78. VIOLATING PERMITS FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any permit issued by the traffic engineer for the backing of a vehicle to the curb for the purpose of loading or unloading property.

NEW SECTION. Sec. 79. STANDING OR PARKING ON ONE-WAY ROADWAYS. In the event a highway includes two or more separate roadways, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking.

NEW SECTION. Sec. 80. STOPPING, STANDING, AND PARKING OF BUSES AND TAXICABS REGULATED. (1) The operator of a bus shall not stand or park such vehicle upon any highway at any place other than a designated bus stop. This provision shall not prevent the operator of a bus from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers or their baggage.

(2) The operator of a bus shall enter a bus stop or passenger loading zone on a highway in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not farther than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(3) The operator of a taxicab shall not stand or park such vehicle upon any highway at any place other than in a designated taxicab stand. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

NEW SECTION. Sec. 81. RESTRICTED USE OF BUS STOPS AND TAXICAB STANDS. No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except the driver of a passenger vehicle may temporarily stop there for the purpose of or while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus, or taxicab waiting to enter or about to enter such stop or stand.

NEW SECTION. Sec. 82. **RIGHT OF WAY FOR PARKING.** The driver of any vehicle who first begins driving or maneuvering his vehicle into a vacant parking space shall have a prior right of way to park in such place, and it shall be unlawful for another driver to attempt to deprive him thereof by blocking his access or otherwise. For the purpose of establishing right of way in this section it shall be considered proper to back into any but a front-in angle parking space.

NEW SECTION. Sec. 83. The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.580, 46.61.600, 46.61.605, 46.61.610, 46.61.611, 46.61.612, 46.61.615, 46.61.620, 46.61.625, 46.61.630, 46.61.635, 46.61.640, 46.61.645, 46.61.655, 46.61.660, 46.61.665, 46.61.670, 46.61.675, 46.61.680, and 46.61.685.

NEW SECTION. Sec. 84. **FUNERAL PROCESSIONS.** (1) A funeral procession shall proceed to the place of internment by the most direct route which is both legal and practicable.

(2) A funeral procession shall be accompanied by adequate escort vehicles for traffic control purposes as determined by the chief of police.

(3) All motor vehicles in a funeral procession shall be identified by having their headlights turned on or by such other method as may be determined and designated by the chief of police.

(4) All motor vehicles in a funeral procession shall be operated as near to the right-hand edge of the roadway as is practicable and shall follow the vehicle ahead as close as is practicable and safe.

NEW SECTION. Sec. 85. **WHEN PERMITS REQUIRED FOR PARADES AND PROCESSIONS.** With the exception of funeral processions and parades of the armed forces of the United States, the military forces of this state, and the forces of the police and fire departments, no processions or parades shall be conducted on the highways within the jurisdiction of the local authority except in accordance with a permit issued by the chief of police and such other regulations as are set forth in this chapter which may be applicable.

NEW SECTION. Sec. 86. **INTERFERING WITH PROCESSIONS.** (1) No person shall unreasonably interfere with a procession.

(2) No person shall operate a vehicle that is not part of a procession between the vehicles of the procession. This provision shall not apply at intersections where traffic is controlled by traffic control devices unless a police officer is present at such intersections to direct traffic so as to preserve the continuity of the procession.

NEW SECTION. Sec. 87. **BOARDING OR ALIGHTING FROM VEHICLES.** No person shall board or alight from any vehicle while such vehicle is in motion.

NEW SECTION. Sec. 88. **UNLAWFUL RIDING.** No person shall ride upon any portion of a vehicle not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

NEW SECTION. Sec. 89. The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.700, 46.61.750, 46.61.755, 46.61.760, 46.61.765, 46.61.770, 46.61.775, and 46.61.780.

NEW SECTION. Sec. 90. LICENSE REQUIRED. No person who resides within the jurisdiction of the local authority shall ride or propel a bicycle on any highway or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license plate or decal is attached thereto as provided in sections 90 through 98 of this act.

NEW SECTION. Sec. 91. LICENSE APPLICATION. Application for a bicycle license and license plate or decal shall be made upon a form provided by and to the chief of police. An annual license fee as prescribed by the local authority shall be paid to the local authority before each license or renewal thereof is granted. Duplicate license plates or decals may be supplied for the same cost as the original plate or decal in the event of loss of the plate or decal.

NEW SECTION. Sec. 92. ISSUANCE OF LICENSE. (1) The chief of police upon receiving proper application therefor is authorized to issue a bicycle license which shall be effective for one calendar year.

(2) The chief of police shall not issue a license for any bicycle when he knows or has reasonable grounds to believe that the applicant is not the owner of, or entitled to the possession of, such bicycle.

(3) The chief of police shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, and a record of all bicycle license fees collected by him.

NEW SECTION. Sec. 93. ATTACHMENT OF LICENSE PLATE OR DECAL. (1) The chief of police, upon issuing a bicycle license, shall also issue a license plate or decal bearing the license number assigned to the bicycle, and the name of the local authority.

(2) Such license plate or decal shall be firmly attached to the rear mudguard or frame of the bicycle for which issued in such position as to be plainly visible from the rear.

(3) No person shall remove a license plate or decal from a bicycle during the period for which issued except upon a transfer of ownership or in the event the bicycle is dismantled and no longer operated upon any highway within the jurisdiction of the local authority.

NEW SECTION. Sec. 94. INSPECTION OF BICYCLES. The chief of police, or an officer assigned such responsibility, may inspect each bicycle before licensing the same and may refuse a license for any bicycle which he determines is in unsafe mechanical condition.

NEW SECTION. Sec. 95. RENEWAL OF LICENSE. Upon the expiration of any bicycle license, the same may be renewed upon application and payment of the same fee as upon an original application.

NEW SECTION. Sec. 96. TRANSFER OF OWNERSHIP. Upon the sale or other transfer of a licensed bicycle, the licensee shall remove the license plate or

decal and shall either surrender the same to the chief of police or may upon proper application, but without payment of additional fee, have such plate or decal assigned to another bicycle owned by the applicant.

NEW SECTION. Sec. 97. RENTAL AGENCIES. A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate or decal is attached thereto as provided herein and such bicycle is equipped with the equipment required by RCW 46.61.780.

NEW SECTION. Sec. 98. BICYCLE DEALERS. Every person engaged in the business of buying or selling new or second-hand bicycles shall make a report to the chief of police of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make, the frame number thereof, and number of license plate or decal, if any, found thereon.

NEW SECTION. Sec. 99. OBEDIENCE TO TRAFFIC CONTROL DEVICES. (1) Any person operating a bicycle shall obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a police officer.

(2) Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the directions of any such sign, except where such person dismounts from the bicycle at the right-hand curb or as close as is practicable to the right edge of the right-hand shoulder to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

NEW SECTION. Sec. 100. PARKING. No person shall park a bicycle upon a highway other than:

- (1) Off the roadway except in designated areas;
- (2) Upon the sidewalk in a rack to support the bicycle;
- (3) Against a building; or
- (4) In such manner as to afford the least obstruction to pedestrian traffic.

NEW SECTION. Sec. 101. RIDING ON SIDEWALKS. (1) No person shall ride a bicycle upon a sidewalk in a business district.

(2) A person may ride a bicycle on any other sidewalk or any roadway unless restricted or prohibited by traffic control devices.

(3) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian.

NEW SECTION. Sec. 102. PENALTIES. Every person convicted of a violation of any provision of sections 90 through 98 of this act shall be guilty of a misdemeanor.

NEW SECTION. Sec. 103. UNCLAIMED BICYCLES. All unclaimed bicycles in the custody of the police department shall be disposed of as provided in chapter 63.32 RCW.

NEW SECTION. Sec. 104. PARKING METER SPACES. No person shall park a vehicle in any designated parking meter space during the restricted or regulated time applicable to the parking meter zone in which such meter is located so

that any part of such vehicle occupies more than one such space or protrudes beyond the markings designating such space, except that a vehicle which is of a size too large to be parked within a single designated parking meter space shall be permitted to occupy two adjoining parking meter spaces when coins shall have been deposited in the parking meter for each space so occupied as is required for the parking of other vehicles in such spaces.

NEW SECTION. Sec. 105. DEPOSIT OF COINS AND TIME LIMITS. (1) No person shall park a vehicle in any parking meter space alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which such meter is located unless a United States coin or coins of the appropriate denomination as indicated on the parking meter shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and said meter has been placed in operation.

(2) No person shall permit a vehicle within his control to be parked in any parking meter space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter for such space indicates by signal that the lawful parking time in such space has expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin or coins in such meter.

(3) No person shall park a vehicle in any parking meter space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located, irrespective of the number or amounts of the coins deposited in such meter.

(4) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

NEW SECTION. Sec. 106. USE OF SLUGS PROHIBITED. No person shall deposit or attempt to deposit in any parking meter any bent coin, slug, button, or any other device or substance as substitutes for United States coins.

NEW SECTION. Sec. 107. TAMPERING WITH METER. No person shall deface, injure, tamper with, open, or wilfully break, destroy, or impair the usefulness of any parking meter.

NEW SECTION. Sec. 108. RULE OF EVIDENCE. The parking or standing of any motor vehicle in a parking space, at which space the parking meter displays the sign or signal indicating illegal parking, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this chapter.

NEW SECTION. Sec. 109. APPLICATION OF PROCEEDS. (1) The coins required to be deposited in parking meters are levied and assessed as fees to cover the regulation and control of parking upon highways, the costs of parking meters, their installation, inspection, supervision, operation, repair, and maintenance, control and use of parking spaces, and regulating the parking of vehicles in parking meter zones; and the costs of acquiring, establishing, improving, maintaining, and operating public off-street parking facilities.

(2) The coins deposited in parking meters shall be collected by the duly authorized agents of the local authority and shall be deposited by them as directed by the local authority.

(3) The local authority shall pay from the moneys collected from parking meters the costs of any parking meters purchased and installed as provided herein, and expenses incurred for their installation, inspection, service, supervision, repair, and maintenance, for making collections from such parking meters, and for the enforcement of provisions herein applicable to parking meter zones. The net proceeds derived from the operation of parking meters after the payment of such costs and expenses, may be used for parking studies and for the acquisition, establishment, improvement, maintenance, and operation of public off-street parking facilities.

NEW SECTION. Sec. 110. SERVICE PARKING. The chief of police is authorized to issue a permit for service parking upon payment of the fee prescribed by the local authority and upon the following conditions:

(1) Application shall be made to the chief of police on such forms as the chief of police shall prescribe. The applicant shall set forth the applicant's business and the necessity for such permit. The chief of police shall investigate the facts as necessary.

(2) If it appears that a necessity exists, the chief of police may authorize the issuance of such permit under the conditions prescribed in this section.

(3) Upon issuance of the permit, the permittee shall be issued a hood to use in covering any parking meter. As many hoods may be issued upon payment of the prescribed fee as the chief of police deems necessary or convenient for the applicant. The hood shall be provided with a padlock, two keys, and an identification card attached with a blank space thereon.

(4) Upon entering any parking meter space available, the permittee shall place the hood over the parking meter and lock the same and shall indicate in such blank space the exact place where the service work is being rendered.

(5) The permittee shall not place the hood over any meter when the space is occupied by another vehicle, and shall before vacating the space at the conclusion of the work remove the hood. The hood shall not be allowed to remain in place for over one hour when the space is not occupied by an authorized vehicle, nor shall it be allowed to remain in place after 6 p.m. on any weekday or on any Sunday or holiday. It shall not be used during hours when parking or stopping in the parking meter space is prohibited. No vehicle licensed as a passenger car shall be parked in the space covered by the hooded parking meter.

(6) The chief of police may revoke any permit if the service parking hood is used for any purpose other than that authorized in this section or for any violation of this chapter. Upon revocation, the hood shall immediately be returned to the police department and all fees paid shall be forfeited. Police officers finding such hood in use shall investigate the use being made thereof, and if it is found in violation of this section shall report the facts to the chief of police.

(7) Any permit issued under this section shall unless revoked be valid for a period of one year.

(8) The permittee shall also pay a deposit in an amount prescribed by the local authority at the time of issuance of the hood, padlock, and keys, which shall remain the property of the local authority. In case a hood, a padlock, or key becomes lost or destroyed or so defaced that it is no longer usable, the permittee shall forfeit such deposit.

NEW SECTION. Sec. 111. The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.64.010, 46.64.015, 46.64.020, 46.64.025, 46.64.030, and 46.64.048.

NEW SECTION. Sec. 112. PENALTIES. Unless another penalty is expressly provided by law, any person who is convicted of violating or failing to comply with any of the provisions of this chapter shall be punished by a fine of not more than two hundred fifty dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment.

NEW SECTION. Sec. 113. CITATION ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without driver is found parked, standing, or stopped in violation of this chapter, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation.

NEW SECTION. Sec. 114. FAILURE TO COMPLY WITH TRAFFIC CITATION ATTACHED TO PARKED VEHICLE. If a violator of any provision of this chapter on stopping, standing, or parking does not appear in response to a traffic citation affixed to such motor vehicle within a period of five days, the clerk of the traffic court shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five days, a warrant of arrest will be issued.

NEW SECTION. Sec. 115. PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. (1) In any prosecution charging a violation of any law or regulation governing the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the complaint was stopping, standing, or parking in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such violation, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(2) The foregoing stated presumption shall apply only when the procedure as prescribed in sections 113 and 114 of this act has been followed.

NEW SECTION. Sec. 116. The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.98.020, 46.98.030, 46.98.040, 47.36.060, 47.36.110, 47.36.180, 47.36.200, 47.36.220, 47.52.010, 47.52.011, 47.52.040, 47.52.110, 47.52.120, 70.84.020, 70.84.040, and 70.93.060.

NEW SECTION. Sec. 117. UNIFORMITY OF INTERPRETATION. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those local authorities which enact it.

NEW SECTION. Sec. 118. SHORT TITLE. This chapter may be known and cited as the "Washington Model Traffic Ordinance."

NEW SECTION. Sec. 119. CHAPTER NOT RETROACTIVE. This chapter shall not have a retroactive effect and shall not apply to any traffic accident, to any cause of action arising out of a traffic accident or judgment arising therefrom, or to any violation of a traffic ordinance of the local authority, occurring prior to the effective date of this chapter.

NEW SECTION. Sec. 120. SEVERABILITY. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 121. EFFECT OF HEADINGS. Section headings contained in this chapter shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or extent of the provisions of any section hereof.

NEW SECTION. Sec. 122. NEW CHAPTER CREATED. Sections 1 through 121 of this act shall constitute a new chapter in Title 46 RCW, to be designated chapter 46.90 RCW.

Passed the Senate March 14, 1975.

Passed the House May 13, 1975.

Approved by the Governor May 21, 1975.

Filed in Office of Secretary of State May 21, 1975.

CHAPTER 55

[Senate Bill No. 2131]

CEMETERY PREARRANGEMENT CONTRACTS— DEPOSITORY—DEFINITION

AN ACT Relating to cemeteries; and amending section 1, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.010.

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

Section 1. Section 1, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.010 are each amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section:

"Prearrangement contract" means a contract for purchase of cemetery merchandise or services, to be furnished at a future date for a specific consideration which is paid in advance by one or more payments in one sum or by installment payments.

"Cemetery merchandise or services" shall mean and include monuments, markers, memorials, nameplates, liners, vaults, boxes, urns, vases, interment services, or any one or more of them.

"Prearrangement trust fund" means all funds required to be maintained in one or more funds for the benefit of beneficiaries by either this chapter or by the terms of a prearrangement contract, as herein defined.

"Depository" means a qualified public depository as defined by RCW (~~(39.58-.050)~~) 39.58.010, a credit union as governed by chapter 31.12 RCW, a mutual savings bank as governed by Title 32 RCW, ~~((and))~~ a savings and loan association as governed by Title 33 RCW, and a federal credit union or a federal savings and loan association organized, operated, and governed by any act of congress, in which prearrangement funds are deposited by any cemetery authority.

Passed the Senate March 24, 1975.

Passed the House May 13, 1975.

Approved by the Governor May 21, 1975.

Filed in Office of Secretary of State May 21, 1975.

CHAPTER 56

[Engrossed Senate Bill No. 2143]

FIRST CLASS CITIES—PUBLIC WORKS CONTRACTS— COMPETITIVE BIDDING—MINORITY BIDDERS

AN ACT Relating to first class cities; and adding new sections to chapter 35.22 RCW.

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

NEW SECTION. Section 1. Any public work or improvement of a first class city shall be done by contract pursuant to public notice and call for competitive bids, whenever the estimated cost of such work or improvement, including the cost of materials, supplies, and equipment will exceed the sum of ten thousand dollars: PROVIDED, That whenever this public work or improvement is for construction of water mains, such sum shall be fifteen thousand dollars. When any emergency shall require the immediate execution of such public work, upon the finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work.

NEW SECTION. Sec. 2. The cost of any public work or improvement for the purposes of sections 1 and 3 of this act shall be the aggregate of all amounts to be paid for labor, material, and equipment on one continuous or interrelated project where work is to be performed simultaneously or in close sequence: PROVIDED, That the cost of water services and metering equipment furnished by any first class city in the course of a water service installation from the utility-owned main to and including the meter box assembly shall not be included as part of the aggregate cost as provided herein. The breaking down of any public work or improvement into units or accomplishing any public work or improvement by phases for the purpose of avoiding the minimum dollar amount prescribed in section 1 of this act is contrary to public policy and is prohibited.

NEW SECTION. Sec. 3. Cities of the first class are relieved from complying with the provisions of section 1 of this act with respect to any public work or improvement relating solely to electrical distribution and generating systems on

public rights of way or on municipally owned property: PROVIDED, That nothing herein shall prevent any first class city from operating a solid waste department utilizing its own personnel.

NEW SECTION. Sec. 4. All contracts by and between a first class city and contractors for any public work or improvement exceeding the sum of ten thousand dollars, or fifteen thousand dollars for construction of water mains, shall contain the following clause:

"Contractor agrees that he shall actively solicit the employment of minority group members. Contractor further agrees that he shall actively solicit bids for the subcontracting of goods or services from qualified minority businesses. Contractor shall furnish evidence of his compliance with these requirements of minority employment and solicitation. Contractor further agrees to consider the grant of subcontracts to said minority bidders on the basis of substantially equal proposals in the light most favorable to said minority businesses. The contractor shall be required to submit evidence of compliance with this section as part of the bid."

As used in this section, the term "minority business" means a business at least fifty-one percent of which is owned by minority group members. Minority group members include, but are not limited to, Blacks, women, Native Americans, Orientals, Eskimos, Aleuts, and Spanish Americans.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall be added to chapter 35.22 RCW.

Passed the Senate April 14, 1975.

Passed the House May 13, 1975.

Approved by the Governor May 21, 1975.

Filed in Office of Secretary of State May 21, 1975.

CHAPTER 57

[Second Substitute Senate Bill No. 2235]

PUBLIC UTILITY DISTRICTS—SEWAGE SYSTEMS

AN ACT Relating to public utility districts; and adding new sections to chapter 54.16 RCW.

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

NEW SECTION. Section 1. A public utility district may acquire, construct, operate, maintain, and add to sewage systems, subject to and in compliance with the county comprehensive plan, under the general powers of Title 54 RCW or through the formation of local utility districts as provided in RCW 54.16.120 through 54.16.170: PROVIDED, That prior to engaging in any sewage system works as authorized by this section, the voters of the public utility district shall first approve by majority vote a referendum proposition authorizing such district to exercise the powers set forth in this section, which proposition shall be presented at a general election.

NEW SECTION. Sec. 2. The commission of a public utility district, by resolution may, or on petition in the same manner as provided for the creation of a

district under RCW 54.08.010 shall, submit to the voters for their approval or rejection the proposal that said public utility district be authorized to exercise the powers set forth in section 1 of this act.

NEW SECTION. Sec. 3. The legislative authority of the county in which the public utility district is located, upon receipt of the resolution of the public utility district commission or petition as provided for in RCW 54.08.010, shall submit such proposal to the voters of the district at the next general election in substantially the following terms:

Shall Public Utility District No. ___ of ___ County be authorized to acquire, construct, operate, maintain, and add to sewage systems?

Yes

No

Within ten days after such election, the election board of the county shall canvass the returns, and if at such election a majority of voters voting on the proposition shall vote in favor of such authority, the district shall have the powers set forth in section 1 of this act.

NEW SECTION. Sec. 4. Accounts and funding for any sewage system or systems shall be kept as provided in RCW 43.09.210.

NEW SECTION. Sec. 5. Nothing contained in sections 1 through 4 of this act shall change or alter the present authority of certain public utility districts as regards sewage systems and as provided in RCW 54.16.180.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are each added to chapter 54.16 RCW.

Passed the Senate April 4, 1975.

Passed the House May 13, 1975.

Approved by the Governor May 21, 1975.

Filed in Office of Secretary of State May 21, 1975.

CHAPTER 58

[House Bill No. 16]

DEPARTMENT OF LABOR AND INDUSTRIES— ORDERS—APPEAL PROCEDURE

AN ACT Relating to appeals from final orders of the department of labor and industries; amending section 51.52.050, chapter 23, Laws of 1961 and RCW 51.52.050; amending section 51.52.060, chapter 23, Laws of 1961 as last amended by section 1, chapter 148, Laws of 1963 and RCW 51.52.060; amending section 51.52.070, chapter 23, Laws of 1961 and RCW 51.52.070; and amending section 51.52.106, chapter 23, Laws of 1961 as last amended by section 23, chapter 289, Laws of 1971 ex. sess. and RCW 51.52.106.

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

Section 1. Section 51.52.050, chapter 23, Laws of 1961 and RCW 51.52.050 are each amended to read as follows:

Whenever the department has made any order, decision, or award, it shall promptly serve the workman, beneficiary, employer, or other person affected thereby, with a copy thereof by mail, which shall be addressed to such person at his last known address as shown by the records of the department. The copy, in case the same is a final order, decision, or award, shall bear on the same side of

the same page on which is found the amount of the award, a statement, set in black faced type of at least ten point body or size, that such final order, decision, or award must be appealed to the board, Olympia, within sixty days, or the same shall become final.

Whenever the department has taken any action or made any decision relating to any phase of the administration of this title the workman, beneficiary, employer, or other person aggrieved thereby may appeal to the board and said appellant shall have the burden of proceeding with the evidence to establish a prima facie case for the relief sought in such appeal. Any such person aggrieved by the decision and order of the board may thereafter appeal to the superior court, as prescribed in this chapter.

Sec. 2. Section 51.52.060, chapter 23, Laws of 1961 as last amended by section 1, chapter 148, Laws of 1963 and RCW 51.52.060 are each amended to read as follows:

Any workman, beneficiary, employer, or other person aggrieved by an order, decision, or award of the department must, before he appeals to the courts, file with the board and the director, by mail or personally, within sixty days from the day on which such copy of such order, decision, or award was communicated to such person, a notice of appeal to the board. Within ten days of the date on which an appeal has been granted by the board, the board shall notify the other interested parties thereto of the receipt thereof and shall forward a copy of said notice of appeal to such other interested parties. Within twenty days of the receipt of such notice of the board, the workman or the employer may file with the board a cross-appeal from the order of the department from which the original appeal was taken: PROVIDED, That nothing contained in this section shall be deemed to change, alter or modify the practice or procedure of the department for the payment of awards pending appeal: AND PROVIDED, That failure to file notice of appeal with both the board and the department shall not be ground for denying the appeal if the notice of appeal is filed with either the board or the department: AND PROVIDED, That, if within the time limited for filing a notice of appeal to the board from an order, decision, or award of the department, the department shall direct the submission of further evidence or the investigation of any further fact, the time for filing such notice of appeal shall not commence to run until such person shall have been advised in writing of the final decision of the department in the matter: PROVIDED, FURTHER, That in the event the department shall direct the submission of further evidence or the investigation of any further fact, as above provided, the department shall render a final order, decision, or award within ninety days from the date such further submission of evidence or investigation of further fact is ordered which time period may be extended by the department for good cause stated in writing to all interested parties for an additional ninety days: PROVIDED, FURTHER, That the department, either within the time limited for appeal, or within thirty days after receiving a notice of appeal, may modify, reverse or change any order, decision, or award, or may hold any such order, decision, or award in abeyance for a period of ninety days which time period may be extended by the department for good cause stated in writing to all interested parties for an additional ninety days pending further investigation in light of the allegations of the notice of appeal, and the board shall thereupon deny

the appeal, without prejudice to the appellant's right to appeal from any subsequent determinative order issued by the department.

Sec. 3. Section 51.52.070, chapter 23, Laws of 1961 and RCW 51.52.070 are each amended to read as follows:

The notice of appeal to the board shall set forth in full detail the grounds upon which the person appealing considers such order, decision, or award is unjust or unlawful, and shall include every issue to be considered by the board, and it must contain a detailed statement of facts upon which such workman, beneficiary, employer, or other person relies in support thereof. The workman, beneficiary, employer, or other person shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those specifically set forth in such notice of appeal or appearing in the records of the department. The department shall promptly transmit its original record, or a legible copy thereof produced by mechanical, photographic, or electronic means, in such matter to the board.

Sec. 4. Section 51.52.106, chapter 23, Laws of 1961 as last amended by section 23, chapter 289, Laws of 1971 ex. sess. and RCW 51.52.106 are each amended to read as follows:

After the filing of a petition or petitions for review as provided for in RCW 51.52.104 the proposed decision and order of the hearing examiner, petition or petitions for review and, in its discretion, the record or any part thereof, may be considered by the board and on agreement of at least two of the regular members thereof, the board may, within twenty days after the receipt of such petition or petitions, decline to review the proposed decision and order and thereupon deny the petition or petitions. In such event all parties shall forthwith be notified in writing of said denial: PROVIDED, That if a petition for review is not denied within said twenty days it shall be deemed to have been granted. If the petition for review is granted, the proposed decision and order, the petition or petitions for review and the record or any part thereof deemed necessary shall be considered by a panel of at least two of the members of the board, on which not more than one industry and one labor member serve. The chairman may be a member of any panel. The decision and order of any such panel shall be the decision and order of the board. Every final decision and order rendered by the board shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the board's order based thereon. The board shall, in all cases, render a final decision and order within one hundred and eighty days from the date a petition for review is filed. A copy of the decision and order, including the findings and conclusions, shall be mailed to each party to the appeal and to his attorney of record.

Passed the House May 13, 1975.

Passed the Senate May 6, 1975.

Approved by the Governor May 22, 1975.

Filed in Office of Secretary of State May 22, 1975.

CHAPTER 59

[House Bill No. 92]

MERCHANDISE—UNLAWFUL TAKING—DAMAGES—
PENALTIES—COSTS

AN ACT Relating to special rights of action; and adding a new section to chapter 4.24 RCW.

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

NEW SECTION. Section 1. There is added to chapter 4.24 RCW a new section to read as follows:

(1) An adult or emancipated minor who takes possession of any goods, wares or merchandise displayed or offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the owner or seller, and with the intention of converting such goods, wares or merchandise to his own use without having paid the purchase price thereof shall be liable in addition to actual damages, for a penalty to the owner or seller in the amount of the retail value thereof not to exceed one thousand dollars, plus costs of preparing and presenting the action of not less than one hundred dollars nor more than two hundred dollars.

(2) The parent or legal guardian having the custody of an unemancipated minor who takes possession of any goods, wares or merchandise displayed or offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the owner or seller and with the intention of converting such goods, wares or merchandise to his own use without having paid the purchase price thereof, shall be liable as a penalty to the owner or seller for the retail value of such goods, wares or merchandise not to exceed five hundred dollars plus costs of preparing and presenting the action of not less than one hundred dollars nor more than two hundred dollars: PROVIDED, That for the purposes of this subsection, liability shall not be imposed upon any governmental entity or private agency which has been assigned responsibility for the minor child pursuant to court order or action of the department of social and health services.

(3) Claims, but not judgments, arising under this section may not be assigned.

(4) A conviction for violation of RCW 9.78.010 or 9.54.010 shall not be a condition precedent to maintenance of a civil action authorized by this section.

Passed the House May 13, 1975.

Passed the Senate May 6, 1975.

Approved by the Governor May 22, 1975.

Filed in Office of Secretary of State May 22, 1975.

CHAPTER 60

[House Bill No. 112]

SUPERINTENDENT OF PUBLIC INSTRUCTION—
ACCUMULATED SICK LEAVE FUND

AN ACT Relating to abolishing the accumulated sick leave fund established in the office of the superintendent of public instruction; providing for the disposition of the moneys therein; repealing section 28A.03.050, chapter 223, Laws of 1969 ex. sess., section 103, chapter 176, Laws of 1969 ex. sess. and RCW 28A.03.050; and declaring an emergency and making an effective date.

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

NEW SECTION. Section 1. Section 28A.03.050, chapter 223, Laws of 1969 ex. sess., section 103, chapter 176, Laws of 1969 ex. sess. and RCW 28A.03.050 are each repealed.

NEW SECTION. Sec. 2. All moneys remaining in the accumulated sick leave fund in the office of superintendent of public instruction on the thirtieth day of June, 1975, and all moneys thereafter paid into such fund, shall be and are hereby transferred to the general fund of the state.

NEW SECTION. Sec. 3. 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 June 30, 1975.

Passed the House March 14, 1975.

Passed the Senate May 7, 1975.

Approved by the Governor May 22, 1975.

Filed in Office of Secretary of State May 22, 1975.

CHAPTER 61

[House Bill No. 141]

THEFT OF LIVESTOCK—CRIMINAL PENALTIES—EXEMPLARY DAMAGES

AN ACT Relating to livestock; amending section 353, chapter 249, Laws of 1909 as amended by section 1, chapter 97, Laws of 1955 and RCW 9.54.090; amending section 1, chapter 63, Laws of 1961 and RCW 9.54.115; repealing section 1, chapter 90, Laws of 1970 ex. sess. and RCW 9.08.050; providing a contingent repealer; and prescribing penalties.

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

Section 1. Section 353, chapter 249, Laws of 1909 as amended by section 1, chapter 97, Laws of 1955 and RCW 9.54.090 are each amended to read as follows:

Every person who steals or unlawfully obtains, appropriates, brings into this state, buys, sells, receives, conceals, or withholds in any manner specified in RCW 9.54.010—

(1) Property of any value by taking the same from the person of another or from the body of a corpse; or

(2) Property of any value by taking the same from any building that is on fire or by taking the same after it has been removed from a building in consequence of an alarm of fire; or

(3) A record of a court or officer, or a writing, instrument, or record kept, filed, or deposited according to law with or in the keeping of any public officer or officers; or

(4) ~~((From any range or pasture, any horse, mare, gelding, foal or filly, ass or mule, one or more head of neat cattle, or any sheep; or~~

~~(5)))~~ Property of the value of more than twenty-five dollars if obtained by color or aid of any order for the payment or delivery of property or money or any check or draft, knowing that the maker or drawer of such order, check, or draft was not authorized or entitled to make or draw the same; or

~~((6)))~~ (5) Property of the value of more than seventy-five dollars, in any manner whatever; shall be guilty of grand larceny and be punished by imprisonment in the state penitentiary for not more than fifteen years.

Every other larceny with the exception of larceny of livestock shall be petit larceny and shall be a gross misdemeanor.

Sec. 2. Section 1, chapter 63, Laws of 1961 and RCW 9.54.115 are each amended to read as follows:

Every person who, without lawful authority and with intent to deprive or defraud the owner thereof, wilfully ((takes, leads or transports away, conceals, withholds, slaughters, or otherwise appropriates to his own use)) (1) Takes, leads or transports away, conceals withholds, slaughters; or (2) Otherwise appropriates to his own use, injures, or kills any horse, mule, cow, heifer, bull, or steer, or swine, or sheep, shall be guilty of ((grand larceny)) a felony and shall be punished by imprisonment for not more than fifteen years but not less than one year, or by fine of not more than one thousand dollars but not less than five hundred dollars, or by both such fine or imprisonment: PROVIDED, That a person whose conduct is in violation both of this section and of any other law or laws of the State of Washington shall be guilty of a felony and penalized as herein provided.

Any owner who suffers damages as a result of a violation of this section may bring a civil action, in any court of competent jurisdiction, to recover exemplary damages up to three times the actual damages sustained.

NEW SECTION. Sec. 3. Section 1, chapter 90, Laws of 1970 ex. sess. and RCW 9.08.050 are each repealed.

NEW SECTION. Sec. 4. Sections 1 and 2 of this 1975 amendatory act shall take effect as provided by the state Constitution and shall remain in effect until the effective date of the repeal of RCW 9.54.090 and 9.54.115 by section 9A.92.010, chapter __ (Substitute Senate Bill No. 2092), Laws of 197_ ex. sess., at which time sections 1 and 2 of this 1975 amendatory act shall also be repealed.

Passed the House May 14, 1975.

Passed the Senate May 7, 1975.

Approved by the Governor May 22, 1975.

Filed in Office of Secretary of State May 22, 1975.

CHAPTER 62

[House Bill No. 170]

MOTOR VEHICLES—SPECIAL FUEL TAX— EXEMPTIONS, DATE EXTENDED

AN ACT Relating to special fuel tax; and amending section 4, chapter 175, Laws of 1971 ex. sess. as last amended by section 1, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.030.

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

Section 1. Section 4, chapter 175, Laws of 1971 ex. sess. as last amended by section 1, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.030 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax of nine cents per gallon or each one hundred cubic feet of compressed natural gas measured at standard pressure and temperature on the use (within the meaning of the word use as defined herein) of special fuel in any motor vehicle: PROVIDED, That in order to encourage experimentation with nonpolluting fuels, no tax shall

be imposed upon the use of natural gas as herein defined or on liquified petroleum gas, commonly called propane, which is used in any motor vehicle until July 1, ~~((1975))~~ 1977.

(2) Said tax shall be collected by the special fuel dealer and shall be paid over to the department as hereinafter provided: (a) With respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles or into storage facilities used for the fueling of motor vehicles at unbonded service stations in this state; or (b) in all other transactions where the purchaser indicates in writing to the special fuel dealer prior to or at the time of the delivery that the entire quantity of the special fuel covered by the delivery is for use by him for a taxable purpose as a fuel in a motor vehicle.

(3) Said tax shall be paid over to the department by the special fuel user as hereinafter provided: (a) With respect to special fuel upon which the tax has not previously been imposed which was acquired in any manner other than by delivery by a special fuel dealer into a fuel supply tank of a motor vehicle in this state; or (b) in all transactions with a special fuel dealer in this state where a written statement has not been furnished to the special fuel dealer as set forth in subsection (2)(b) of this section.

It is expressly provided that delivery of special fuel may be made without collecting the tax otherwise imposed, when such deliveries are made by a bonded special fuel dealer to special fuel users who are authorized by the department as hereinafter provided, to purchase fuel without payment of tax to the bonded special fuel dealer.

Passed the House March 14, 1975.

Passed the Senate May 14, 1975.

Approved by the Governor May 22, 1975.

Filed in Office of Secretary of State May 22, 1975.

CHAPTER 63

[House Bill No. 175]

HIGHWAY IMPROVEMENT JOB SITES— GROSS VEHICLE WEIGHTS

AN ACT Relating to motor vehicles; and adding a new section to chapter 46.44 RCW.

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

NEW SECTION. Section 1. There is added to chapter 46.44 RCW a new section to read as follows:

The state, county or city authority having responsibility for the reconstruction or improvement of any public highway may, subject to prescribed conditions and limitations, authorize vehicles employed in such highway reconstruction or improvement to exceed the gross weight limitations contained in RCW 46.44.040, 46.44.042 and 46.44.044 without a special permit or additional fees as prescribed

by chapter 46.44 RCW, but only while operating within the boundaries of project limits as defined in the public works contract or plans.

Passed the House March 26, 1975.

Passed the Senate May 14, 1975.

Approved by the Governor May 22, 1975.

Filed in Office of Secretary of State May 22, 1975.

CHAPTER 64

[Substitute House Bill No. 183]

SEWER DISTRICTS, WATER DISTRICTS—CONTRACTS FOR LABOR AND MATERIALS—SMALL WORKS ROSTER

AN ACT Relating to public contracts; amending section 44, chapter 210, Laws of 1941 as last amended by section 3, chapter 272, Laws of 1971 ex. sess. and RCW 56.08.070; and amending section 21, chapter 114, Laws of 1929 as last amended by section 1, chapter 72, Laws of 1965 and RCW 57.08.050.

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

Section 1. Section 44, chapter 210, Laws of 1941 as last amended by section 3, chapter 272, Laws of 1971 ex. sess. and RCW 56.08.070 are each amended to read as follows:

All materials purchased and work ordered, the estimated cost of which is in excess of two thousand five hundred dollars shall be let by contract. All contract projects, the estimated cost of which is less than five thousand dollars, may be awarded without bid to a contractor on the small works roster. The small works roster shall be comprised of at least five responsible contractors who have requested to be on the list. The board of sewer commissioners may set up uniform procedures to prequalify contractors for inclusion on the small works roster. The board of sewer commissioners shall distribute the number of project offers as equally as possible among the contractors on the small works roster. The small works roster shall be revised every six months. All contract projects in excess of five thousand dollars shall be let by competitive bidding. Before awarding any ((such)) competitive contract the board of sewer commissioners shall cause to be published in ((some)) the newspapers in general circulation where the district is located at least once, ten days before the letting of such contract, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of sewer commissioners subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of sewer commissioners on or before the day and hour named therein. Each bid shall be accompanied by a bid proposal deposit in the form of a certified check, cashier's check, postal money order, or surety bond payable to the order of the county treasurer for a sum not less than five percent of the amount of the bid and no bid shall be considered unless accompanied by such bid proposal deposit. At the time and place named such bids shall be publicly opened and read and the board of sewer commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications: PROVIDED, That no contract shall be let in excess of the cost of said materials or

work, or if in the opinion of the board of sewer commissioners all bids are unsatisfactory they may reject all of them and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders. If such contract be let, then and in such case all checks, cash or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the board of sewer commissioners in the full amount of the contract price between the bidder and the commission in accordance with bid. If said bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the said check, cash or bid bonds and the amount thereof shall be forfeited to the sewer district. In the event of an emergency when the public interest or property of the sewer district would suffer material injury or damage by delay, upon resolution of the board of sewer commissioners declaring the existence of such emergency and reciting the facts constituting the same, the board may waive the requirements of this chapter with reference to any purchase or contract.

Sec. 2. Section 21, chapter 114, Laws of 1929 as last amended by section 1, chapter 72, Laws of 1965 and RCW 57.08.050 are each amended to read as follows:

The board of water commissioners shall have authority to create and fill such positions and fix salaries and bonds thereof as it may by resolution provide. All materials purchased and work ordered, the estimated cost of which is in excess of two thousand five hundred dollars shall be let by contract(~~(; but)~~). All contract projects, the estimated cost of which is less than five thousand dollars, may be awarded without bid to a contractor on the small works roster. The small works roster shall be comprised of at least five responsible contractors who have requested to be on the list. The board of water commissioners may set up uniform procedures to prequalify contractors for inclusion on the small works roster. The board of water commissioners shall distribute the number of project offers as equally as possible among the contractors on the small works roster. The small works roster shall be revised every six months. All contract projects in excess of five thousand dollars shall be let by competitive bidding. Before awarding any such contract the board of water commissioners shall cause to be published in ((some)) the newspapers in general circulation throughout the county where the district is located at least once ten days before the letting of such contract, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of water commissioners subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of water commissioners on or before the day and hour named therein. Each bid shall be accompanied by a certified or cashier's check or postal money order payable to the order of the county treasurer for a sum not less than five percent of the amount of the bid, or accompanied by a bid bond in an amount not less than five percent of the bid with a corporate surety licensed to do business in the state, conditioned that the bidder will pay the district as liquidated

damages the amount specified in the bond, unless he enters into a contract in accordance with his bid, and no bid shall be considered unless accompanied by such check, cash or bid bond. At the time and place named such bids shall be publicly opened and read and the board of water commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications on file or to the best bidder submitting his own plans and specifications: PROVIDED, That no contract shall be let in excess of the cost of said materials or work, or if in the opinion of the board of water commissioners all bids are unsatisfactory they may reject all of them and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders; but if such contract be let, then and in such case all checks, cash or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the board of water commissioners in the full amount of the contract price between the bidder and the commission in accordance with the bid. If said bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the said check, cash or bid bonds and the amount thereof shall be forfeited to the water district: PROVIDED, That if the bidder fails to enter into a contract in accordance with his bid, and the board of water commissioners deems it necessary to take legal action to collect on any bid bond required herein, then, in such event, the water district shall be entitled to collect from said bidder any legal expenses, including reasonable attorneys' fees occasioned thereby. In the event of an emergency when the public interest or property of the water district would suffer material injury or damage by delay, upon resolution of the board of water commissioners declaring the existence of such emergency and reciting the facts constituting the same, the board may waive the requirements of this chapter with reference to any purchase or contract.

Passed the House March 27, 1975.

Passed the Senate May 14, 1975.

Approved by the Governor May 22, 1975.

Filed in Office of Secretary of State May 22, 1975.

CHAPTER 65

[Substitute House Bill No. 219]

COMMUNITY COLLEGE CAPITAL PROJECTS— GENERAL OBLIGATION BOND FINANCING

AN ACT Relating to community colleges; authorizing the issuance and sale of certain state general obligation bonds, including bond anticipation notes, to fund certain community college capital projects previously approved by the legislature; providing ways and means for the payment of such bonds; creating new sections; adding new sections to Title 28B RCW as a new chapter thereof; making an appropriation and authorizing expenditures for the fiscal biennium beginning July 1, 1975 and ending June 30, 1977; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature has previously approved by its appropriation of funds from time to time, certain capital projects for the state

community colleges, which appropriations were to be funded primarily by the issuance of general tuition fee, limited obligation bonds by the state board for community college education (hereinafter in this act called the "college board"). In order that any future appropriations for such approved capital projects may be funded on terms most advantageous to the state, it is hereby determined to be in the public interest to provide for the issuance of state general obligation bonds, in lieu of general tuition fee, limited obligation bonds.

For purposes of this act, "community college capital projects" means the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights of way, easements, improvements or appurtenances in relation thereto.

NEW SECTION. Sec. 2. For the purpose of providing funds for carrying out the community college capital projects described in section 3 of this act, and to fund indebtedness and expenditures heretofore incurred for such projects, the state finance committee is hereby authorized to issue from time to time general obligation bonds of the state of Washington in the aggregate principal amount of nine million dollars, or so much thereof as may be required for such purposes, to be paid and discharged within thirty years of the date or dates of issuance, in accordance with Article VIII, section 1 of the Constitution of the state of Washington.

NEW SECTION. Sec. 3. The community college capital projects referred to in section 2 of this act are (1) at Walla Walla Community College, for construction of vocational facilities, Phase II, at a cost of not more than two million two thousand three hundred ninety-nine dollars and (2) at Seattle Central Community College, for remodeling of Edison South High School, at a cost of not more than six million nine hundred ninety-seven thousand six hundred and one dollars, which projects were to be primarily funded, but have not heretofore been sufficiently funded, from the proceeds of general tuition fee, limited obligation bonds issued by the college board.

NEW SECTION. Sec. 4. When the state finance committee has determined to issue such general obligation bonds or a portion thereof, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of such bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for the payment of principal and redemption premium, if any, of and interest on such notes shall be applied thereto when such bonds are issued.

The state finance committee is authorized to prescribe the form, terms, conditions and covenants of the bonds and/or the bond anticipation notes, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each such bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and the interest thereon when due.

NEW SECTION. Sec. 5. The proceeds from the sale of the bonds and/or bond anticipation notes authorized herein, together with all grants, donations, transferred funds, and all other moneys which the state finance committee or the college board may direct the state treasurer to deposit therein, shall be deposited in the 1975 community college capital construction account, hereby created in the state general fund.

NEW SECTION. Sec. 6. All proceeds of the bonds authorized in this act shall be administered by the college board exclusively for the purposes specified in this act and for the payment of the expenses incurred in connection with the sale and issuance of such bonds and bond anticipation notes.

NEW SECTION. Sec. 7. The 1975 community college capital construction bond retirement fund is hereby created in the state treasury for the purpose of the payment of principal of and interest on the bonds authorized to be issued pursuant to this act.

The state finance committee, on or before June 30 of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and interest coming due on such bonds. On July 1st of each such year the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1975 community college capital construction bond retirement fund an amount equal to the amount certified by the state finance committee.

NEW SECTION. Sec. 8. On or before June 30 of each year, the college board shall accumulate in the community college capital projects account from general tuition fees and other moneys deposited therein, an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued pursuant to this act. On July 1st of each such year, the state treasurer shall withdraw said sum from the community college capital projects account and deposit said sum in the state general fund: PROVIDED, That withdrawal of general tuition fees from the community college capital projects account for deposit into the state general fund pursuant to the provisions of this section shall be made only after provision has first been made for the payment in full of the principal of and interest on all outstanding general tuition fee, limited obligation bonds of the college board coming due in the twelve months next succeeding July 1 of each such year, and for any reserve account deposits necessary for such outstanding bonds in the same period.

NEW SECTION. Sec. 9. The bonds authorized in this act shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 10. The bonds authorized in this act shall be issued only after the college board has certified to the state finance committee that its projected general tuition fee revenue shall be adequate, based upon reasonable projections of student enrollments, for the college board to meet the requirements of section 8 of this act, during the life of the bonds proposed to be issued.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act are added to Title 28B RCW as a new chapter thereof.

NEW SECTION. Sec. 12. There is hereby appropriated to the state board for community college education for the biennium ending June 30, 1977, from the community college capital construction account of the state general fund, the amount of nine million dollars or so much thereof as may be necessary to carry out the purposes of sections 1 through 10 of this act.

NEW SECTION. Sec. 13. 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, shall in no way be affected.

NEW SECTION. Sec. 14. 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 9, 1975.

Passed the Senate May 16, 1975.

Approved by the Governor May 22, 1975.

Filed in Office of Secretary of State May 22, 1975.

CHAPTER 66

[House Bill No. 627]

COMMON SCHOOLS STUDENT TRANSFERS— APPEAL PROCEDURE—ATTENDANCE CREDIT

AN ACT Relating to student transfers within the common schools; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapters 28A.48 and 28A.58 RCW; repealing section 28A.48.040, chapter 223, Laws of 1969 ex. sess., section 8, chapter 130, Laws of 1969 and RCW 28A.48.040; and repealing section 28A.48.050, chapter 223, Laws of 1969 ex. sess., section 110, chapter 176, Laws of 1969 ex. sess. and RCW 28A.48.050.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

The decision of a school district within which a student under the age of twenty-one years resides or of a school district within which such a student under the age of twenty-one years was last enrolled and is considered to be a resident for attendance purposes by operation of law, to deny such student's request for release to a nonresident school district by an agreement pursuant to RCW 28A.58.240 may be appealed to the state board of education: PROVIDED, That the school district of proposed transfer is willing to accept the student.

The state board of education or its designee shall hear the appeal and examine the evidence. The state board of education may order the resident district to release such a student who is under the age of twenty-one years in the event it finds that a special hardship or detrimental condition of a financial, educational, safety or health nature affecting the student or the student's immediate family or custodian may likely be significantly alleviated as a result of the transfer. The decision of the state board of education may be appealed to superior court pursuant to chapter 34.04 RCW, the administrative procedure act, as now or hereafter amended.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.48 RCW a new section to read as follows:

If a student under the age of twenty-one years is allowed to enroll in any common school outside the school district within which the student resides or a school district of which the student is considered to be a resident for attendance purposes by operation of law, the student's attendance shall be credited to the nonresident school district of enrollment for state apportionment and all other purposes.

NEW SECTION. Sec. 3. The following acts or parts thereof are hereby repealed:

(1) Section 28A.48.040, chapter 223, Laws of 1969 ex. sess., section 8, chapter 130, Laws of 1969 and RCW 28A.48.040; and

(2) Section 28A.48.050, chapter 223, Laws of 1969 ex. sess., section 110, chapter 176, Laws of 1969 ex. sess. and RCW 28A.48.050.

NEW SECTION. Sec. 4. 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 March 28, 1975.

Passed the Senate May 14, 1975.

Approved by the Governor May 22, 1975.

Filed in Office of Secretary of State May 22, 1975.

CHAPTER 67

[Substitute House Bill No. 389]

UNEMPLOYMENT COMPENSATION EXEMPTION— NONGOVERNMENTAL PRESCHOOL EMPLOYEES

AN ACT Relating to unemployment compensation; amending section 21, chapter 3, Laws of 1971 as last amended by section 1, chapter 4, Laws of 1975 and RCW 50.44.040; and declaring an emergency.

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

Section 1. Section 21, chapter 3, Laws of 1971 as last amended by section 1, chapter 4, Laws of 1975 and RCW 50.44.040 are each amended to read as follows:

The term "employment" as used in RCW 50.44.010, 50.44.020, and 50.44.030 shall not include service performed:

(1) In the employ of (a) a church or convention or association of churches, or (b) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(2) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(3) In the employ of a nongovernmental educational institution, approved or accredited by the state board of education, which is not an "institution of higher education", or in the employ of a nongovernmental preschool. A preschool is an organization devoted exclusively to the area of child development training of preschool-age children through an established curriculum of formal classroom and/or laboratory instruction; or

(4) In a facility conducted for the purpose of carrying out a program of (a) rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or (b) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

(5) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by a federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work-relief or work-training; or

(6) For a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution; or

(7) In the employ of a hospital, if such service is performed by a patient of such hospital; or

(8) In the employ of a school, college, or university, if such service is performed (a) by a student who is enrolled and is regularly attending classes at such school, college, or university, or (b) by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that (i) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (ii) such employment will not be covered by any program of unemployment insurance; or

(9) By an individual under the age of twenty-two who is enrolled at a non-profit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employee, except that this subsection shall not apply to service performed in a program established for or on behalf of an employer or group of employers((-)); or

(10) In the employ of the state or one of its instrumentalities or a political subdivision or one of its instrumentalities by an individual who is (a) occupying an elective office, or (b) who is compensated solely on a fee or per diem basis((-)); or

(11) In the employ of the legislature of the state of Washington by an individual who is compensated pursuant to an agreement which provides for a guaranteed rate of compensation for irregular hours worked.

NEW SECTION. Sec. 2. This 1975 amendatory 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 March 27, 1975.

Passed the Senate May 13, 1975.

Approved by the Governor May 22, 1975.

Filed in Office of Secretary of State May 22, 1975.

CHAPTER 68

[House Bill No. 307]

UNIVERSITY OF WASHINGTON
GROUNDS—LIQUOR SALES

AN ACT Relating to the University of Washington; amending section 1, chapter 75, Laws of 1895, section 1, chapter 49, Laws of 1933 ex. sess., section 1, chapter 120, Laws of 1951, section 1, chapter 21, Laws of 1967 and RCW 66.44.190; and repealing section 2, chapter 75, Laws of 1895 and RCW 66.44.191.

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

Section 1. Section 1, chapter 75, Laws of 1895, section 1, chapter 49, Laws of 1933 ex. sess., section 1, chapter 120, Laws of 1951, section 1, chapter 21, Laws of 1967 and RCW 66.44.190 are each amended to read as follows:

It shall be unlawful to sell any intoxicating liquors, with or without a license on the grounds of the University of Washington, otherwise known and described as follows: Fractional section 16, township 25 north, range 4 east of Willamette Meridian except to the extent allowed under banquet permits issued pursuant to RCW 66.24.490.

NEW SECTION. Sec. 2. Section 2, chapter 75, Laws of 1895 and RCW 66-44.191 are each repealed.

Passed the House May 16, 1975.

Passed the Senate May 13, 1975.

Approved by the Governor May 23, 1975.

Filed in Office of Secretary of State May 23, 1975.

CHAPTER 69

[Substitute House Bill No. 308]

OPTOMETRY

AN ACT Relating to optometry; amending section 1, chapter 144, Laws of 1919 and RCW 18.53.010; amending section 2, chapter 144, Laws of 1919 and RCW 18.53.020; amending section 15, chapter 144, Laws of 1919 as amended by section 3, chapter 155, Laws of 1937 and RCW 18.53.040; amending section 5, chapter 144, Laws of 1919 as amended by section 1, chapter 155, Laws of 1937 and RCW 18.53.060; amending section 9, chapter 144, Laws of 1919 and RCW 18.53.070; amending section 11, chapter 144, Laws of 1919 and RCW 18.53.100; amending section 7, chapter 144, Laws of 1919 as last amended by section 1, chapter 78, Laws of 1945 and RCW 18.53.140; amending section 6, chapter 48, Laws of 1973 and RCW 18.53.190; amending section 5, chapter 25, Laws of 1963 and RCW 18.54.050; amending section 7, chapter 25, Laws of 1963 and RCW 18.54.070; amending section 8, chapter 25, Laws of 1963 and RCW 18.54.080; amending section 14, chapter 25, Laws of 1963 and RCW 18.54.140; adding new sections to chapter 18.53 RCW; and repealing section 6, chapter 144, Laws of 1919 and RCW 18.53.090.

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

NEW SECTION. Section 1. There is added to chapter 18.53 RCW a new section to read as follows:

The legislature finds and declares that the practice of optometry is a learned profession and affects the health, welfare and safety of the people of this state, and should be regulated in the public interest and limited to qualified persons licensed under the provisions of this 1975 amendatory act.

Sec. 2. Section 1, chapter 144, Laws of 1919 and RCW 18.53.010 are each amended to read as follows:

~~((Any person shall be deemed to be practicing optometry within the meaning of this chapter, who shall in any manner, except as provided in RCW 18.53.040, first, display any sign, circular, advertisement or device purporting or offering to in any manner examine eyes, test eyes, fit glasses, adjust frames or setting himself or herself forth as an optometrist, optician, specialist, optical specialist, eyesight specialist or refractionist, with intent to induce people to patronize himself, herself, or any other person; second, who shall make in any manner a test or examination of the eye or eyes of another, to ascertain the refractive, muscular or pathological condition thereof; third, who shall in any manner adapt lenses to the human eye for any purpose either directly or indirectly:))~~ The practice of optometry is defined as the examination of the human eye, the examination and ascertaining any defects of the human vision system and the analysis of the process of vision. The practice of optometry may include, but not necessarily be limited to, the following:

(1) The employment of any objective or subjective means or method and the use of any diagnostic instruments or devices for the examination or analysis of the human vision system, the measurement of the powers or range of human vision, or the determination of the refractive powers of the human eye or its functions in general; and

(2) The prescription and fitting of lenses, prisms, therapeutic or refractive contact lenses and the adaption or adjustment of frames and lenses used in connection therewith; and

(3) The prescription and provision of visual therapy, therapeutic aids and other optical devices; and

(4) The ascertainment of the perceptive, neural, muscular or pathological condition of the visual system; and

(5) The adaptation of prosthetic eyes.

Sec. 3. Section 2, chapter 144, Laws of 1919 and RCW 18.53.020 are each amended to read as follows:

It shall be unlawful for any person to practice optometry as above defined in the state of Washington without first obtaining a ~~((certificate of registration or other permit))~~ license from the director of ~~((licenses, and filing the same for record with the clerk of each and every county in which he may desire to practice))~~ motor vehicles.

Sec. 4. Section 5, chapter 144, Laws of 1919 as amended by section 1, chapter 155, Laws of 1937 and RCW 18.53.060 are each amended to read as follows:

~~((Persons eligible for examination for registration, shall be any citizen of the United States of America, who shall have a preliminary education of or equal to; two years in a state high school, has completed a full attendance course in a regularly chartered school of optometry maintaining a standard which is deemed sufficient and satisfactory by the optometry board, or who has studied at least three years in the office of a regularly registered optometrist or who has successfully passed an examination before a board of optometry in some other state, who is of good moral character, who is not afflicted with any contagious or infectious disease, who has a visual acuity in at least one eye, of a standard known as 20/40 under correction: PROVIDED, That))~~ From and after January 1, 1940, in order to be eligible for examination for registration, a person shall be a citizen of the

United States of America, who shall have a preliminary education of or equal to four years in a state accredited high school and has completed a full attendance course in a regularly chartered school of optometry maintaining a standard which is deemed sufficient and satisfactory by the optometry board, who is a person of good moral character, who is not afflicted with any contagious or infectious disease, who has a visual acuity in at least one eye, of a standard known as 20/40 under correction: PROVIDED, That from and after January 1, 1975, in order to be eligible for examination for a license, a person shall have the following qualifications:

(1) Be a graduate of a state accredited high school or its equivalent;

(2) Have a diploma or other certificate of completion from an accredited college of optometry or school of optometry, maintaining a standard which is deemed sufficient and satisfactory by the optometry board, conferring its degree of Doctor of Optometry or its equivalent, maintaining a course of four scholastic years in addition to pre-professional college level studies, and teaching substantially all of the following subjects: General anatomy, anatomy of the eyes, physiology, physics, chemistry, pharmacology, biology, bacteriology, general pathology, ocular pathology, ocular neurology, ocular myology, psychology, physiological optics, optometrical mechanics, clinical optometry, visual field charting and orthoptics, general laws of optics and refraction and use of the ophthalmoscope, retinoscope and other clinical instruments necessary in the practice of optometry;

(3) Be of good moral character; and

(4) Have no contagious or infectious disease.

Such person shall file an application for an examination and ((registration)) license with said board at any time ((fifteen)) thirty days prior to the time fixed for such examination, or at a later date if approved by the board, and such application must be on forms approved by the board, and properly attested, and if found to be in accordance with the provisions of this act shall entitle the applicant upon payment of the proper fee, to take the examination prescribed by the board. Such examination shall not be out of keeping with the established teachings and adopted textbooks of the recognized schools of optometry, and shall be confined to such subjects and practices as are recognized as essential to the practice of optometry. All candidates without discrimination, who shall successfully pass the prescribed examination, shall be registered by the board and shall, upon payment of the proper fee, be issued a ((certificate of registration)) license. The optometry board, at its discretion, may waive all or a portion of the written examination for any applicant who has satisfactorily passed the examination given by the National Board of Examiners in Optometry. Any license to practice optometry in this state issued by the director, and which shall be in full force and effect at the time of passage of this 1975 amendatory act, shall be continued.

Sec. 5. Section 9, chapter 144, Laws of 1919 and RCW 18.53.070 are each amended to read as follows:

The fee for application for examination shall be fifteen dollars and the fee for issuing a ((certificate of registration)) license shall be ((ten dollars)) the same as the annual renewal fee set forth in RCW 18.53.050 as the same now exists or is hereafter amended, which shall be paid to the director as he shall prescribe.

Sec. 6. Section 11, chapter 144, Laws of 1919 and RCW 18.53.100 are each amended to read as follows:

The ~~((director))~~ optometry board may under the provisions of the Administrative Procedure Act, chapter 34.04 RCW, upon presentation of evidence and information by the director, ~~((at his discretion;))~~ revoke the ~~((certificate of registration))~~ license of any optometrist for any of the following causes:

(1) Conviction ~~((of the accused))~~ of any crime ~~((of the grade of felony, or one which involved))~~ involving moral turpitude; or

(2) Any form of fraud or deceit used in securing a ~~((certificate of registration))~~ license; or

(3) Any ~~((grossly))~~ unprofessional conduct, of a nature likely to deceive or defraud the public; or

(4) The obtaining of any fee by fraud or misrepresentation; or

(5) The employing either directly or indirectly of any person or persons commonly known as "cappers" or "steerers" to obtain business; or

(6) To employ any person to solicit from house to house, or to personally solicit from house to house; or

(7) The employment of any ~~((unregistered))~~ unlicensed person to perform the work covered by this chapter; or

(8) ~~((To advertise))~~ Advertisement in any way in which untruthful, improbable or impossible statements are made regarding treatments, cures or values; or

(9) The use of the term "eye specialist" in connection with the name of such optometrist; or

(10) For habits of intemperance or habitual drunkenness, addiction to the drug habit, in a manner likely to destroy the accuracy of the work of an optometrist; or

(11) Affliction with a contagious or infectious disease, or one which is likely to destroy the accuracy of the work of the afflicted; or

(12) For any cause for which the director or board of optometry might refuse to admit a candidate to his examination; or

(13) ~~((For the violation of any of the provisions of this chapter; or~~

~~(14) Gross ignorance regarding the work of an optometrist, which shall be deemed to mean, "inability to demonstrate in manner satisfactory to the director, their practical ability to correctly measure eyes, fit glasses, adjust frames and neutralize lenses correctly"))~~ Inability to demonstrate, in a manner satisfactory to the director or the Board of Optometry, their practical ability to perform any function set forth in section 2 of this 1975 amendatory act which they utilize in their practice; or

(14) For the violation of any provision of this chapter or any rules and regulations of the director or the optometry board.

Sec. 7. Section 7, chapter 144, Laws of 1919 as last amended by section 1, chapter 78, Laws of 1945 and RCW 18.53.140 are each amended to read as follows:

It shall be unlawful for any person:

(1) To sell or barter, or offer to sell or barter any ~~((certificate of registration))~~ license issued by the director; or

(2) To purchase or procure by barter any ~~((certificate of registration))~~ license with the intent to use the same as evidence of the holder's qualification to practice optometry; or

(3) To alter with fraudulent intent in any material regard such ~~((certificate of registration))~~ license; or

(4) To use or attempt to use any such ~~((certificate of registration))~~ license which has been purchased, fraudulently issued, counterfeited or materially altered as a valid ~~((certificate of registration))~~ license; or

(5) To practice optometry under a false or assumed name, or as a representative or agent of any person, firm or corporation with which the ~~((accused))~~ licensee has no connection: PROVIDED, Nothing in this chapter nor in the optometry law shall make it unlawful for any lawfully licensed optometrist or association of lawfully licensed optometrists to practice optometry under the name of any lawfully licensed optometrist who may transfer by inheritance or otherwise the right to use such name; or

(6) To wilfully make any false statements in material regard in an application for an examination before the director, or for a ~~((certificate of registration))~~ license; or

(7) To practice optometry in this state either for himself or any other individual, corporation, partnership, group, public or private entity, or any member of the licensed healing arts without having at the time of so doing a valid ((unrevoked certificate of registration, or other permit,)) license issued by the director of ((licenses of this state, and properly recorded as provided in this chapter)) motor vehicles; or

(8) To in any manner barter or give away as premiums either on his own account or as agent or representative for any other purpose, firm or corporation, any eyeglasses, spectacles, lenses or frames; or

(9) To use drugs in the examination of eyes; or

(10) To use advertising whether printed, radio, display, or of any other nature, which is misleading or inaccurate in any material particular, nor shall any such person in any way misrepresent any goods or services (including but without limitation, its use, trademark, grade, quality, size, origin, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted; or

(11) To advertise the "free examination of eyes," "free consultation," "consultation without obligation," "free advice," or any words or phrases of similar import which convey the impression to the public that eyes are examined free or of a character tending to deceive or mislead the public, or in the nature of "bait advertising;" or

(12) To use an advertisement of a frame or mounting which is not truthful in describing the frame or mounting and all its component parts. Or advertise a frame or mounting at a price, unless it shall be depicted in the advertisement without lenses inserted, and in addition the advertisement must contain a statement immediately following, or adjacent to the advertised price, that the price is for frame or mounting only, and does not include lenses, eye examination and professional services, which statement shall appear in type as large as that used for the price, or advertise lenses or complete glasses, viz.: frame or mounting with

licenses included, at a price either alone or in conjunction with professional services; or

(13) To use advertising, whether printed, radio, display, or of any other nature, which inaccurately lays claim to a policy or continuing practice of generally underselling competitors; or

(14) To use advertising, whether printed, radio, display or of any other nature which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies or services; or

(15) To use advertising whether printed, radio, display, or of any other nature, which states any definite amount of money as "down payment" and any definite amount of money as a subsequent payment, be it daily, weekly, monthly, or at the end of any period of time; or

(16) To violate any provision of this chapter or any rules and regulations promulgated thereunder.

Sec. 8. Section 6, chapter 48, Laws of 1973 and RCW 18.53.190 are each amended to read as follows:

RCW 18.53.165 through 18.53.185 shall apply to all agreements, renewals, or contracts issued on or after June 7, 1973.

Health care service contracts having a participant agreement with a majority of the licensed optometrists within its service area may provide benefits to persons or groups of persons through contracts which allow a subscriber to utilize on an equal participation basis the services of any participant provided in the contract, and such contracts shall not be discriminatory.

Sec. 9. Section 5, chapter 25, Laws of 1963 and RCW 18.54.050 are each amended to read as follows:

The board must meet at least once yearly or more frequently upon call of the chairman or the director of ~~((licenses))~~ motor vehicles at such times and places as the chairman or the director of ~~((licenses))~~ motor vehicles may designate by giving three days' notice or as otherwise required by the administrative procedure act, chapter 34.04 RCW as now or hereafter amended.

Sec. 10. Section 7, chapter 25, Laws of 1963 and RCW 18.54.070 are each amended to read as follows:

The board has the following powers and duties:

(1) The board shall prepare the necessary lists of examination questions, conduct examinations, either written or oral or partly written and partly oral, and shall certify to the director of ~~((licenses))~~ motor vehicles all lists, signed by all members conducting the examination, ~~((showing the names and addresses))~~ of all applicants for licenses who have successfully passed the examination and a separate list ~~((of the names and addresses))~~ of all applicants for licenses who have failed to pass the examination, together with a copy of all examination questions used, and the written answers to questions on written examinations submitted by each of the applicants.

(2) The ~~((board))~~ director shall investigate all complaints and charges of unprofessional conduct against any licensed optometrist, and the board shall hold hearings to determine whether or not such charges are founded.

(3) The board shall take disciplinary action against any optometrist whom the board finds guilty of unprofessional conduct; and may, under appropriate circumstances, order the revocation or suspension of a license to practice optometry by filing a copy of its findings and conclusions with the director of ~~((licenses))~~ motor vehicles.

(4) The board may employ stenographic and clerical help, ~~((investigating officers, attorneys;))~~ and such other assistance as may be necessary to enforce the provisions of this act.

(5) The board shall adopt rules and regulations to promote safety, protection and the welfare of the public, to carry out the purposes of this chapter, to aid the board in the performance of its powers and duties, and to govern the practice of optometry.

Sec. 11. Section 8, chapter 25, Laws of 1963 and RCW 18.54.080 are each amended to read as follows:

The term "unprofessional conduct" as used in this act means and includes the following acts and omissions, or any one or any combination thereof, as follows:

(1) Any one or more of the acts enumerated as grounds for revocation of a ~~((certificate of registration))~~ license, under the provisions of RCW 18.53.100; or

(2) Any one or more of the acts enumerated as unlawful under the provisions of RCW 18.53.140.

Sec. 12. Section 14, chapter 25, Laws of 1963 and RCW 18.54.140 are each amended to read as follows:

Notwithstanding any other provisions of law, rule or regulation, the board may draw from the optometry account created and held pursuant to RCW 18.53-.050, on vouchers approved by the director of ~~((licenses))~~ motor vehicles, so much money as is necessary to carry into effect, to administer, and to enforce the provisions of this chapter.

NEW SECTION. Sec. 13. There is added to chapter 18.53 RCW a new section to read as follows:

If any person engages in the practice of optometry without possessing a valid license to do so, or if he violates the provisions of RCW 18.53.100 or 18.53.140, the attorney general, any prosecuting attorney, the director, or any citizen of the same county, may maintain an action in the name of the state of Washington to enjoin such person from engaging in practice as an optometrist. The injunction shall not relieve from criminal prosecution, but the remedy by injunction shall be in addition to the liability of such offender to criminal prosecution and to suspension or revocation of his license.

NEW SECTION. Sec. 14. There is added to chapter 18.53 RCW a new section to read as follows:

The information and records of a licensed optometrist pertaining to a patient shall be privileged communications, the same as now or hereafter may exist in the relationship of physician and patient and shall not be released or subjected to disclosure without the consent of the patient or as otherwise required by law.

Sec. 15. Section 15, chapter 144, Laws of 1919 as amended by section 3, chapter 155, Laws of 1937 and RCW 18.53.040 are each amended to read as follows:

Nothing in this chapter shall be construed to pertain in any manner to the practice of any regularly qualified oculist or physician, who is regularly licensed to practice medicine in the state of Washington, or to any person who is regularly licensed to practice as a dispensing optician in the state of Washington, nor to any person who in the regular course of trade, sells or offers for sale, spectacles or eyeglasses as regular merchandise without pretense of adapting them to the eyes of the purchaser, and not in evasion of this chapter: **PROVIDED**, That any such regularly qualified oculist or physician or other person shall be subject to the provisions of subdivisions (10) through (15) of RCW 18.53.140, in connection with the performance of any function coming within the definition of the practice of optometry as defined in this chapter: **PROVIDED FURTHER, HOWEVER, That in no way shall this section be construed to permit a dispensing optician to practice optometry as defined in this 1975 amendatory act.**

NEW SECTION. Sec. 16. Section 6, chapter 144, Laws of 1919 and RCW 18-.53.090 are each repealed.

NEW SECTION. Sec. 17. If any provision of this 1975 amendatory 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 May 16, 1975.

Passed the Senate May 9, 1975.

Approved by the Governor May 23, 1975.

Filed in Office of Secretary of State May 23, 1975.

CHAPTER 70

[House Bill No. 338]

ELECTRICIANS—CERTIFICATE OF COMPETENCY

AN ACT Relating to apprentice electricians; amending section 1, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.010; amending section 2, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.020; amending section 4, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.040; and repealing section 12, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.110.

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

Section 1. Section 1, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37-.010 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meaning:

- (1) "Advisory board" means the state advisory board of electricians;
- (2) (~~"Apprentice electrician" means any person engaged in learning the trade of electrical and who, under the supervision of a journeyman electrician, performs the actual work necessary to assemble, construct, install, repair, or modify electrical installations;~~)
- (3) "Department" means the department of labor and industries;
- (~~(4)~~)(3) "Director" means director of department of labor and industries;

~~((5))~~(4) "Journeyman electrician" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter for the installation of electrical equipment for light, heat, or power.

Sec. 2. Section 2, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.020 are each amended to read as follows:

(1) No person shall engage in the business or trade as a journeyman electrician without having a current certificate of competency issued by the department in accordance with the provisions of this chapter.

~~(2) ((No person shall engage in the business or trade as an electrical apprentice without having a current apprentice permit issued by the department in accordance with the provisions of this chapter.~~

~~(3))~~ The business or trade of electrician, as herein used, shall encompass all acts involving installation or maintenance of the distribution of electricity, except as is hereinafter specifically excluded.

Sec. 3. Section 4, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.040 are each amended to read as follows:

Upon receipt of the application and evidence set forth in RCW 18.37.030, the director shall review the same and make a determination as to whether the applicant is eligible to take an examination for the certificate of competency. To be eligible to take the examination the applicant must have worked ~~((as an apprentice electrician, as defined in RCW 18.37.010, for four years))~~ under the supervision of a journeyman electrician certified under this law, or have satisfactorily attended for ((up to) a ((maximum)) minimum of two years and successfully completed an accredited vocational or technical school program related to the electrical trade, or shall furnish written evidence that he has had at least four years practical experience in the wiring for the installation of electrical equipment of light, heat, and power. No other requirement for eligibility may be imposed. The director shall establish reasonable rules and regulations for the examinations to be given applicants for certificates of competency. In establishing said rules, regulations, and criteria, the director shall consult with the state advisory board of electricians as established in RCW 18.37.100. Upon determination that the applicant is eligible to take the examination, the director shall so notify him, indicating the time and place for taking the same.

NEW SECTION. Sec. 4. Section 11, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.110 are each hereby repealed.

Passed the House March 19, 1975.

Passed the Senate May 15, 1975.

Approved by the Governor May 23, 1975.

Filed in Office of Secretary of State May 23, 1975.

CHAPTER 71

[House Bill No. 339]

PLUMBERS—CERTIFICATE OF COMPETENCY

AN ACT Relating to state government; amending section 1, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.010; amending section 2, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.020; amending section 4, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.040; and repealing section 12, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.120.

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

Section 1. Section 1, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.010 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meaning:

- (1) "Advisory board" means the state advisory board of plumbers;
- (2) (~~"Apprentice plumber" means any person engaged in learning the trade of plumbing and who, under the supervision of a journeyman plumber, performs the actual work necessary to assemble, construct, install, repair, or modify plumbing;~~)
- (~~3~~) "Department" means the department of labor and industries;
- (~~(4)~~) (3) "Director" means the director of department of labor and industries;
- (~~(5)~~) (4) "Journeyman plumber" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter;
- (~~(6)~~) (5) "Plumbing" means that craft involved in installing, altering, repairing and renovating potable water systems and liquid waste systems within a building: PROVIDED, That installation in a water system of water softening or water treatment equipment shall not be within the meaning of plumbing as used in this chapter;
- (~~(7)~~) (6) "Local enforcement agency" shall mean any local governmental agency involved in the enforcement of plumbing codes and the issuance of journeyman plumbers' licenses.

Sec. 2. Section 2, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.020 are each amended to read as follows:

(~~(1)~~) No person shall engage in the business or trade of plumbing as a journeyman without having a current certificate of competency issued by the department in accordance with the provisions of this chapter.

(~~(2)~~ No person shall engage in the business or trade of plumbing as an apprentice without having a current apprentice permit issued by the department in accordance with the provisions of this chapter.)

Sec. 3. Section 4, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.040 are each amended to read as follows:

Upon receipt of the application and evidence set forth in RCW 18.106.030, the director shall review the same and make a determination as to whether the applicant is eligible to take an examination for the certificate of competency. To be eligible to take the examination the applicant must have worked ((as an apprentice plumber for three years)) under the supervision of a journeyman plumber certified under this chapter or have completed a course of study in the plumbing trade in

the armed services of the United States or at a school accredited by the coordinating council on occupational education. No other requirement for eligibility may be imposed. The director shall establish reasonable rules and regulations for the examinations to be given applicants for certificates of competency. In establishing said rules, regulations, and criteria, the director shall consult with the state advisory board of plumbers as established in RCW 18.106.110. Upon determination that the applicant is eligible to take the examination, the director shall so notify him, indicating the time and place for taking the same.

NEW SECTION. Sec. 4. Section 12, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.120 are each hereby repealed.

Passed the House March 19, 1975.

Passed the Senate May 15, 1975.

Approved by the Governor May 23, 1975.

Filed in Office of Secretary of State May 23, 1975.

CHAPTER 72

[House Bill No. 750]

PUBLIC AGENCIES—BOOK PURCHASES—PAYMENT

AN ACT Relating to public officers and agencies; and amending section 1, chapter 116, Laws of 1963 and RCW 42.24.035.

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

Section 1. Section 1, chapter 116, Laws of 1963 and RCW 42.24.035 are each amended to read as follows:

Notwithstanding the provisions of chapter 42.24 RCW or any other existing statute, school districts and other public agencies including but not limited to state agencies and municipal corporations which are expressly or by necessary implication authorized to subscribe to magazines or other periodical publications or books or to purchase postage or publications from the United States government or any other publisher may make payment of the costs of such purchases in a manner as consistent as possible and practicable with normal and usual business methods, and in the case of subscriptions, for periods not in excess of three years.

Passed the House March 26, 1975.

Passed the Senate May 15, 1975.

Approved by the Governor May 23, 1975.

Filed in Office of Secretary of State May 23, 1975.

CHAPTER 73

[House Bill No. 760]

RETIRED PUBLIC EMPLOYEES— HEALTH CARE DEDUCTIONS

AN ACT Relating to deduction of retired allowance for health care; and adding a new section to chapter 41.04 RCW.

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

NEW SECTION. Section 1. There is added to chapter 41.04 RCW a new section to read as follows:

Participants in a health care benefit plan approved pursuant to RCW 41.04-.180, 41.05.020, or 28A.58.420, whichever is applicable, who are retired public employees, may authorize the deduction from their retirement allowances, of the amount or amounts of their subscription payments, premiums, or contributions to any person, firm, or corporation furnishing or providing medical, surgical, and hospital care or other health care insurance upon the approval by the retirement board of an application for such deduction on the prescribed form, and the treasurer of the state shall duly and timely draw and issue proper warrants directly to and in favor of the person, firm, or corporation, or organization named in the authorization for the amount authorized to be deducted.

Passed the House March 26, 1975.

Passed the Senate May 15, 1975.

Approved by the Governor May 23, 1975.

Filed in Office of Secretary of State May 23, 1975.

CHAPTER 74

[House Bill No. 806]

CONVEYANCES FOR WINTER SPORTS ACTIVITIES— INSPECTION FEES

AN ACT Relating to conveyances for persons in winter sport activities; and amending section 7, chapter 327, Laws of 1959 as amended by section 2, chapter 253, Laws of 1961 and RCW 70.88.070.

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

Section 1. Section 7, chapter 327, Laws of 1959 as amended by section 2, chapter 253, Laws of 1961 and RCW 70.88.070 are each amended to read as follows:

The expenses incurred in connection with making inspections under this chapter shall be paid by the owner or operator of such recreational devices either by reimbursing the commission for the costs incurred or by paying directly such individuals or firms that may be engaged by the commission to accomplish the inspection service. Payment shall be made only upon notification by the commission of the amount due. ~~((No fee in excess of ten dollars an hour shall be charged and in no event shall the total cost for each inspection exceed the sum of two hundred and fifty dollars. In determining the costs to be assessed hereunder, the commission must approximate the reasonable costs necessary in order to accomplish the purposes of this chapter.))~~ The commission shall maintain accurate and complete records of the costs incurred for each inspection and shall assess the respective owners or operators of said recreational devices only for the actual costs incurred by the commission for such safety inspections. The costs as assessed by the commission shall be a lien on the equipment of the owner or operator of the

recreational devices so inspected. Such moneys collected by the commission hereunder shall be paid into the parks and parkways account of the general fund.

Passed the House April 25, 1975.

Passed the Senate May 19, 1975.

Approved by the Governor May 26, 1975.

Filed in Office of Secretary of State May 26, 1975.

CHAPTER 75

[House Bill No. 1050]

GRAIN INSPECTION—APPROPRIATION

AN ACT Relating to grain inspection; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. There is appropriated from the grain and hay inspection fund to the department of agriculture, the sum of two hundred thirty thousand five hundred sixty-nine dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1975, for grain inspection expenses.

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 8, 1975.

Passed the Senate May 16, 1975.

Approved by the Governor May 26, 1975.

Filed in Office of Secretary of State May 26, 1975.

CHAPTER 76

[Engrossed Senate Bill No. 2077]

JURORS' COMPENSATION

AN ACT Relating to jurors; and amending section 1, chapter 56, Laws of 1907 as last amended by section 1, chapter 73, Laws of 1959 and RCW 2.36.150.

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

Section 1. Section 1, chapter 56, Laws of 1907 as last amended by section 1, chapter 73, Laws of 1959 and RCW 2.36.150 are each amended to read as follows:

~~((Each grand and petit juror shall receive for each day's attendance upon the superior or any inferior court in the state of Washington, besides mileage, ten dollars; for each day's attendance upon a justice of the peace court, four dollars; and for serving on a coroner's jury, per day, four dollars; mileage, each way, per mile, ten cents))~~ Jurors shall receive for each day's attendance, besides mileage at thirteen cents per mile each way, the following compensation:

(1) Grand jurors shall receive ten dollars;

(2) Petit jurors shall receive ten dollars;

(3) Coroner's jurors shall receive ten dollars;

(4) Justice of the peace jurors shall receive ten dollars:

PROVIDED, That a person excused from jury service at his own request shall be

allowed not more than a per diem and such mileage, if any, as to the court shall seem just and equitable under all circumstances.

Passed the Senate April 8, 1975.

Passed the House May 16, 1975.

Approved by the Governor May 26, 1975.

Filed in Office of Secretary of State May 26, 1975.

CHAPTER 77

[Substitute Senate Bill No. 2249]

PUBLIC DEPOSITARIES

AN ACT Relating to public depositaries; amending section 1, chapter 193, Laws of 1969 ex. sess. as amended by section 9, chapter 126, Laws of 1973 and RCW 39.58.010; amending section 4, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.040; amending section 5, chapter 193, Laws of 1969 ex. sess. as amended by section 11, chapter 126, Laws of 1973 and RCW 39.58.050; amending section 43.85.010, chapter 8, Laws of 1965 as last amended by section 15, chapter 126, Laws of 1973 and RCW 43.85.010; and adding new sections to chapter 39.58 RCW.

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

Section 1. Section 1, chapter 193, Laws of 1969 ex. sess. as amended by section 9, chapter 126, Laws of 1973 and RCW 39.58.010 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Public deposit" means moneys of the state or of any county, city or town, or other political subdivision of the state or any commission, committee, board or officer thereof or any court of the state deposited in any qualified public depository, including moneys held as trustee, agent, or bailee by the state, any county, city or town, or other political subdivision of the state, or any commission, committee, board or office thereof or any court of the state, when deposited in any qualified public depository;

(2) "Qualified public depository" means a state bank or trust company ((or)), national banking association, or any branch of a bank engaged in the banking business in this state in accordance with RCW 30.04.300 which is located in this state and which receives or holds public deposits and segregates eligible collateral for public deposits as described in RCW 39.58.050 as now or hereafter amended;

(3) "Loss" means issuance of an order of supervisory authority restraining a qualified public depository from making payments of deposit liabilities or the appointment of a receiver for a qualified public depository;

(4) "Commission" means the Washington public deposit protection commission created under RCW 39.58.030;

(5) "Eligible collateral" means collateral which is eligible as security for public deposits pursuant to applicable state law;

(6) The "maximum liability" of a qualified public depository means a sum equal to five percent of (a) all public deposits held by the qualified public depository ~~((as determined by the average))~~ on the then most recent call report date, or (b) the average of the balances of said public deposits on the last four immediately preceding reports required pursuant to RCW 39.58.100, whichever amount is greater, less any assessments made under this chapter;

(7) "Public funds available for investment" means such public funds as are in excess of the anticipated cash needs throughout the duration of the contemplated investment period;

(8) "Investment deposits" means bank time deposits and savings deposits of public funds available for investment;

(9) "Treasurer" shall mean the state treasurer, a county treasurer, a city treasurer, a treasurer of any other municipal corporation, and the custodian of any other public funds.

Sec. 2. Section 4, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.040 are each amended to read as follows:

The commission shall have power (1) to make and enforce regulations necessary and proper to the full and complete performance of its functions under this chapter; (2) to require any qualified public depository to furnish such information dealing ~~((only))~~ with public deposits and the exact status of its capital, surplus, and undivided profits as the commission shall request. Any public depository which refuses or neglects to give promptly and accurately or to allow verification of any information so requested shall no longer be a qualified public depository and shall be excluded from the right to receive or hold public deposits until such time as the commission shall acknowledge that such depository has furnished the information requested; (3) to take such action as it deems best for the protection, collection, compromise or settlement of any claim arising in case of loss; (4) to prescribe regulations, subject to this chapter, fixing the requirements for qualification of banks as public depositories, and fixing other terms and conditions consistent with this chapter, under which public deposits may be received and held; (5) to fix the official date on which any loss shall be deemed to have occurred taking into consideration the orders, rules and regulations of supervisory authority as they affect the failure or inability of a qualified public depository to repay public deposits in full; (6) in case loss occurs in more than one qualified public depository, to determine the allocation and time of payment of any sums due to public depositories under this chapter.

Sec. 3. Section 5, chapter 193, Laws of 1969 ex. sess. as amended by section 11, chapter 126, Laws of 1973 and RCW 39.58.050 are each amended to read as follows:

(1) Every qualified public depository shall at all times maintain, segregated from its other assets, eligible collateral in the form of securities enumerated in this section having a value at least equal to its maximum liability under this chapter. Such collateral may be segregated by deposit in the trust department of the depository or in such other manner as the commission approves and shall be clearly designated as security for the benefit of public depositors under this chapter. (2) Securities eligible as collateral shall be valued at face value or market value as determined by the commission. (3) The depository shall have the right to make substitutions of such collateral at any time. (4) The income from the securities which have been segregated as collateral shall belong to the depository bank without restriction.

Each of the following enumerated classes of securities, providing there has been no default in the payment of principal or interest thereon, shall be eligible to qualify as collateral:

(a) Bonds, notes, or other securities constituting direct and general obligations of the United States or the bonds, notes, or other securities constituting the direct and general obligation of any instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States;

(b) (i) Direct and general obligation bonds and warrants of the state of Washington or of any other state of the United States;

(ii) Revenue bonds of this state or any authority, board, commission, committee, or similar agency thereof;

(c) Direct and general obligation bonds and warrants of any city, town, county, school district, port district, or other political subdivision of the state, having the power to levy general taxes, which are payable from general ad valorem taxes;

(d) Bonds issued by public utility districts as authorized under the provisions of Title 54 RCW, as now or hereafter amended;

(e) Bonds of any city of the state of Washington for the payment of which the entire revenues of the city's water system, power and light system, or both, less maintenance and operating costs, are irrevocably pledged, even though such bonds are not general obligations of such city;

(f) In addition to the securities enumerated in subsections (a) through (e) of this section, every public depository may also segregate such bonds, securities and other obligations as are designated to be authorized security for all public deposits pursuant to RCW 35.58.510, 35.81.110, 35.82.220, 39.60.030, 39.60.040 and 54.24.120, as now or hereafter amended.

The commission may at any time or times declare any particular security as ineligible to qualify as collateral when in the commission's judgment it is deemed desirable to do so.

~~((The commission may require the state auditor or the supervisor of banking to thoroughly investigate and report to it concerning the condition of any bank which makes application to become a qualified public depository for state funds, and may also as often as it deems necessary require such investigation and report concerning the condition of any bank which has been designated as such depository, with the expense of the investigation to be borne by the depository examined. In lieu of such investigation or report, the commission may rely upon reports made available to it by the comptroller of the currency and the director of the federal deposit insurance corporation.))~~

NEW SECTION. Sec. 4. There is added to chapter 39.58 RCW a new section to read as follows:

Each public depository shall within five working days of the event notify the commission in writing when the aggregate of the capital, surplus, and undivided profits of such depository has been reduced by an amount equal to or greater than ten percent of the amount shown as the capital accounts on the last report submitted to the commission as required by RCW 39.58.100.

NEW SECTION. Sec. 5. There is added to section 39.58 RCW a new section to read as follows:

The commission may require the state auditor or the supervisor of banking to thoroughly investigate and report to it concerning the condition of any bank which makes application to become a qualified public depository, and may also as often as it deems necessary require such investigation and report concerning the

condition of any bank which has been designated as such depository. The expense of any of the foregoing investigations or reports shall be borne by the depository examined. In lieu of such investigation or report, the commission may rely upon information made available to it or the supervisor of banking by the office of the comptroller of the currency, the federal deposit insurance corporation, or the federal reserve board.

The supervisor of banking shall in addition advise the commission of any action the supervisor has directed any qualified public depository to take which would result in a reduction, equal to or greater than ten percent, of the aggregate of the capital, surplus, and undivided profits of such depository.

NEW SECTION. Sec. 6. There is added to chapter 39.58 RCW a new section to read as follows:

Newly chartered banks in the state of Washington may become qualified depositories upon approval by the commission and segregation of collateral in the manner as set forth in this chapter, and upon compliance with all rules as promulgated by the commission. Until such time as newly chartered depositories have submitted four consecutive reports to the commission as required by RCW 39.58.100, they shall at all times pledge and segregate eligible securities in an amount equal to not less than ten percent of all public funds on deposit in said depository.

Sec. 7. Section 43.85.010, chapter 8, Laws of 1965 as last amended by section 15, chapter 126, Laws of 1973 and RCW 43.85.010 are each amended to read as follows:

Any national or state banking corporation, or other incorporated bank, or branch banks or branches thereof, authorized to do business in the state and approved by the public deposit protection commission, may, upon segregating collateral as provided in RCW 39.58.050 as now or hereafter amended and upon compliance with all other requirements of law, become a qualified public depository.

No state funds shall be deposited in any institution other than a qualified public depository except that such funds may be deposited in exempted institutions as defined in RCW 39.58.110 and subject to the limitations referred to therein.

The record of the proceedings of the commission shall be kept in the office of the commission and a duly certified copy thereof, or any part thereof, shall be admissible in evidence in any action or proceedings in any court of this state.

Passed the Senate March 14, 1975.

Passed the House May 16, 1975.

Approved by the Governor May 26, 1975.

Filed in Office of Secretary of State May 26, 1975.

CHAPTER 78

[Second Substitute Senate Bill No. 2258]
SCREENING FOR LEARNING/LANGUAGE
DISABILITIES ACT

AN ACT Relating to the screening of certain school children in order to identify any of such children with learning/language disabilities; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; creating a new section; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

The legislature recognizes as its initial duty in carrying out its responsibility to see to the education of the children of this state the importance of screening children within the schools to determine if there be any of such children with learning/language disabilities. It is the intent and purpose of this act to identify the number of children with recognizable learning/language disabilities, the type thereof, and to determine educational methods appropriate thereto.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

The superintendent of public instruction shall, by rule or regulation in accordance with chapter 34.04 RCW, adopt a program under which all public schools within the state carrying out an elementary school program shall implement an appropriate screening device designed to identify children with learning/language disabilities to be administered to first grade students prior to their entrance into the second grade. After approval by the superintendent, or his designee, of any such appropriate screening device offered by a particular school, such screening shall be administered not later than January 1, 1976. The results thereof shall be forthwith transmitted to the superintendent of public instruction who shall prepare a detailed report thereof for submission to the governor and to the house and senate education and ways and means committees of the legislature prior to February 1, 1976. Such reports shall include a description of the type of learning/language disabilities identified and the number of children involved therewith, together with recommendations for additional legislation as the superintendent deems appropriate. In no instance in conducting any program under this section shall disclosure of any individual test score obtained pursuant to such program be permitted except to the parents or guardians of such child: PROVIDED, That such scores, without identification of the individual concerned, may be utilized in the report and recommendations of the superintendent: PROVIDED, That the office of the superintendent of public instruction, the intermediate school districts, or the local districts will not use any additional personnel to implement this act.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

This act shall be known and may be cited as the "Screening for Learning/Language Disabilities Act".

NEW SECTION. Sec. 4. 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. 5. 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 Senate May 19, 1975.

Passed the House May 16, 1975.

Approved by the Governor May 26, 1975.

Filed in Office of Secretary of State May 26, 1975.

CHAPTER 79

[Engrossed Substitute Senate Bill No. 2322]

INDUSTRIAL INSURANCE—VOLUNTEER SERVICE

AN ACT Relating to industrial insurance; and amending section 1, chapter 20, Laws of 1971 as amended by section 44, chapter 171, Laws of 1974 ex. sess. and RCW 51.12.035.

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

Section 1. Section 1, chapter 20, Laws of 1971 as amended by section 44, chapter 171, Laws of 1974 ex. sess. and RCW 51.12.035 are each amended to read as follows:

(1) Volunteers shall be deemed employees and/or workmen, as the case may be, for all purposes relating to medical aid benefits under ~~((Title 51))~~ chapter 51.36 RCW.

A "volunteer" shall mean a person who performs any assigned or authorized duties for the state or any agency thereof, except emergency services workers as described by chapter 38.52 RCW, brought about by one's own free choice, receives no ~~((salary))~~ wages, and is registered and accepted as a volunteer ~~((with a))~~ by the state or any agency ((or organization)) thereof, prior to the occurrence of the injury or the contraction of an occupational disease, for the purpose of engaging in authorized volunteer service: PROVIDED, That ((said)) such person ((may)) shall be deemed to be a volunteer although he may be granted maintenance and reimbursement for actual expenses necessarily incurred in performing his assigned or authorized duties.

Any and all premiums or assessments due under this title on account of such volunteer service shall be the obligation of and be paid by the state or any agency thereof which has registered and accepted the services of volunteers.

(2) Volunteers may be deemed employees and/or workmen, as the case may be, for all purposes relating to medical aid benefits under chapter 51.36 RCW at the option of any city, county, town, special district, municipal corporation, or political subdivision of any type, or any private nonprofit charitable organization, when any such unit of local government or any such nonprofit organization has given notice of covering all of its volunteers to the director prior to the occurrence of the injury or contraction of an occupational disease.

A "volunteer" shall mean a person who performs any assigned or authorized duties for any such unit of local government, or any such organization, except emergency services workers as described by chapter 38.52 RCW, or firemen covered by chapter 41.24 RCW, brought about by one's own free choice, receives no wages, and is registered and accepted as a volunteer by any such unit of local

government, or any such organization which has given such notice, for the purpose of engaging in authorized volunteer services: PROVIDED, That such person shall be deemed to be a volunteer although he may be granted maintenance and reimbursement for actual expenses necessarily incurred in performing his assigned or authorized duties.

Any and all premiums or assessments due under this title on account of such volunteer service for any such unit of local government, or any such organization shall be the obligation of and be paid by such organization which has registered and accepted the services of volunteers and exercised its option to secure the medical aid benefits under chapter 51.36 RCW for such volunteers.

Passed the Senate April 11, 1975.

Passed the House May 16, 1975.

Approved by the Governor May 26, 1975.

Filed in Office of Secretary of State May 26, 1975.

CHAPTER 80

[Engrossed Senate Bill No. 2411]

WASHINGTON CREDIT UNION SHARE GUARANTY ASSOCIATION ACT

AN ACT Relating to credit unions; creating the Washington credit union share guaranty association; providing for a board of directors thereof; setting out certain powers, duties and functions; providing for certain qualifications of membership; establishing the share guaranty association contingency reserve; providing for the funding, assessments, liquidity and investment thereof; providing for the termination of membership; providing for the management of the association; providing for payment to shareholders; authorizing subrogation; exempting the association from certain taxes; providing immunity from actions; adding new sections to chapter 173, Laws of 1933 and to Title 31 RCW as chapter 31.12A thereof; creating new sections; and providing an effective date.

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

NEW SECTION. Section 1. LEGISLATIVE DIRECTION. Sections 2 through 21 of this act are added to chapter 173, Laws of 1933 and to Title 31 RCW as chapter 31.12A thereof.

NEW SECTION. Sec. 2. PURPOSE. The purpose of this act is to provide funds arising from assessments upon member credit unions chartered by the state of Washington to guarantee payment, to the extent herein provided, to credit union shareholders of the amount of loss to their share and deposit accounts in a liquidating member credit union, and to provide other services to promote the stability of state-chartered credit unions. In the judgment of the legislature, the foregoing purposes not being capable of accomplishment by a corporation created under general laws, the creation of the nonprofit association hereinafter in this act described is deemed essential for the protection of the general welfare.

NEW SECTION. Sec. 3. DEFINITIONS. As used in this act unless the context otherwise requires:

- (1) "Association" means the credit union share guaranty association created in section 4 of this act;
- (2) "Board" means board of directors of the guaranty association;

(3) "Credit union" means a credit union organized and authorized under laws contained in chapter 31.12 RCW, as now or hereafter amended;

(4) "Initial member" means a member qualified by the supervisor within sixty days after the effective date of this act but not yet ratified by the board;

(5) "Member" means a member of the guaranty association, ratified by the board.

(6) "Share account" of a credit union shareholder includes the share accounts and/or deposit accounts of which the shareholder is owner of record with the credit union; and

(7) "Supervisor" means the state supervisor of the division of savings and loan associations, or his successor in the event of a departmental restructuring.

NEW SECTION. Sec. 4. GUARANTY ASSOCIATION CREATED. There is hereby created a nonprofit unincorporated legal entity to be known as the Washington credit union share guaranty association, which shall be comprised of state chartered credit unions in the state of Washington and governed by a board of directors as in section 8 of this act provided.

NEW SECTION. Sec. 5. POWERS OF THE ASSOCIATION. The association shall have power:

(1) To use a seal, to contract, to sue and be sued;

(2) To make bylaws for conduct of its affairs, not inconsistent with the provisions of this act;

(3) To lend and to borrow money, and require and give security;

(4) To receive, collect, and enforce by legal proceedings, if necessary, payment of all assessments for which any member may be liable under this act, and payment of any other debt or obligation due the association;

(5) To invest and reinvest its funds in investments permitted for credit unions in RCW 31.12.260, as now or hereafter amended, provided such investments do not exceed a maximum maturity of ninety days;

(6) To acquire, hold, convey, dispose of and otherwise engage in transactions involving or affecting real and personal property of all kinds; and

(7) To carry out the applicable provisions of this act.

NEW SECTION. Sec. 6. MEMBERSHIP—ASSOCIATION OPERATIVE DATE. (1) Every credit union meeting the following qualifications is eligible for membership in the association:

(a) Must be in business as a duly authorized credit union.

(b) Must be operating in compliance with applicable laws and the rules and regulations of the supervisor.

(c) Must not be in the process of liquidation, either voluntary or involuntary.

(2) Prior to the operative date stated in subsection (3) hereof, application for membership shall be made by the credit union in writing to the association on forms designed and furnished by the association, and filed with the secretary-treasurer. An application fee, as fixed in the bylaws for operation expense, payable to the order of the association, shall accompany each such application. Should additional operational funds become necessary, an assessment not to exceed an amount, as fixed in the bylaws, per year may be levied by the board against each member. If the application is found to be:

(a) Complete, and the applicant qualified for membership: The association shall issue and deliver to the applicant a certificate of membership in appropriate form.

(b) Incomplete: The association shall require the applicant to refile said application in its entirety within thirty days.

(c) Not qualified: The association shall notify said applicant within thirty days of filing: PROVIDED, That said applicant will be allowed to meet qualification standards under conditions as provided in the bylaws of the association.

(3) The initial membership of the association shall be comprised of all those credit unions qualified under subsection (1) hereof by the supervisor within sixty days after the effective date of this act, with final ratification by the initial board of directors subject to full compliance of all qualifications for membership within one hundred twenty days after the effective date of this act.

(4) Membership in either this association or the federal share insurance program under the national credit union administration shall be mandatory.

NEW SECTION. Sec. 7. FUNDING—LIQUIDITY—INVESTMENTS—TERMINATION. (1) Establishment of the share guaranty association contingency reserve shall be accomplished by setting aside from each member's guaranty fund an amount equal to one-half of one percent of the total insurable outstanding shares and deposit balances as of the 31st of December preceding the effective date of this act. Such sum shall be retained in the credit union share guaranty contingency reserve as an integral part of its guaranty fund until such time and if necessary to be drawn for the purpose set forth in this act.

(2) Continued funding of the association shall be by assessment at the rate of one-forty-fifth of one percent of each member's insurable outstanding share and deposit balance as of December 31st each year commencing the year subsequent to the effective date of this act. Such funds shall be retained by the member in its share guaranty contingency reserve. Such sum may be offset from the statutory transfer requirement to the guaranty fund. The board, with concurrence of the supervisor, shall have authority to assess an additional amount not to exceed one-forty-fifth of one percent of each member's insurable share and deposit balance in any one year, as conditions may warrant.

(3) Members' share guaranty association contingency reserve funds shall be invested in investments as permitted in the bylaws of the association.

(4) The board, in concurrence with the supervisor, may also suspend or diminish the assessment in any given period after reaching a normal operating sufficiency as provided in the bylaws.

(5) Membership in this association may be terminated upon approval by a majority of the credit union members responding to such a proposal and subject further to acceptance by the national credit union administration of continued share insurance coverage under the national credit union administration share insurance program. Notice of such intentions shall be in writing to the association's board of directors at least twelve months prior to such contemplated action: PROVIDED, That in the event of conversion from state to federal credit union charter the converting member will notify the association in compliance with RCW 31.12.390. Share guarantee coverage through the association will terminate with the effective date of the federal charter.

NEW SECTION. Sec. 8. MANAGEMENT. (1) The affairs and operations of the association shall be managed and conducted by a board of directors and officers.

(2) The board shall consist of not more than five directors, as provided by the bylaws. Directors shall be elected by members for terms, as fixed by the bylaws, of not more than three years. The board shall have power to fill vacancies occurring during the interim between annual meetings and until an election is held at the next annual meeting, to fill that portion of the unexpired term.

(3) The officers shall be elected by the board, and shall be a chairman of the board, a vice chairman, and a secretary-treasurer. The officers shall have the usual and customary powers and responsibilities of the respective offices, as fixed by the bylaws.

(4) The directors shall be compensated only to the extent of actual out-of-pocket travel and meeting expenses as provided in the bylaws.

NEW SECTION. Sec. 9. FIRST MEETING OF MEMBERS AND BOARD OF DIRECTORS. (1) Within thirty days after the operative date of this act, the supervisor shall call a first meeting of the initial members of the association for the purpose of electing directors and shall give written notice of the time and place of such meeting. The meeting shall be held within sixty days after such operative date, at a place in this state selected by the supervisor and of convenience to members. The supervisor shall preside at the meeting.

(2) The initial board of directors shall meet within thirty days after the first meeting of members, to elect officers, consider bylaws, and transact such other business relating to the association as may properly come before it.

NEW SECTION. Sec. 10. BYLAWS. (1) The first bylaws of the association shall be as adopted by its initial board, and the board shall so adopt bylaws within three months after the association has become operative. All bylaws, and amendments thereof, shall be promptly filed with, and are subject to the approval of, the supervisor, and shall be approved if found by the supervisor to be reasonable, and fair and equitable to the association and its members. Among the customary, useful, and desirable provisions the bylaws shall provide:

- (a) For the date and place of holding the annual meeting of members.
- (b) Procedure for holding of special meetings.
- (c) For voting privilege.
- (d) For quorum requirements.
- (e) For qualifications of directors, for procedures for nomination, election and removal of directors; and number, term and compensation of directors.
- (f) For the bonding of any individual who may be expected to handle funds for the association.
- (g) Qualifications for membership.
- (h) Duties of officers.
- (i) Application fees and assessment fees.
- (j) Fines, if any.
- (k) Coverage loss limits.
- (l) Powers and duties of the board.
- (m) Types of investments, liquidity, and normal operating sufficiency.
- (n) Such other regulations as may be deemed necessary.

(2) After adoption of initial bylaws by the board, the bylaws shall be subject to amendments only by vote of the members. The secretary-treasurer of the association shall promptly file all bylaws and amendments with the supervisor. No bylaws or amendments thereto, except the adoption of initial bylaws, shall be effective until approved by the supervisor as hereinabove in this section provided.

NEW SECTION. Sec. 11. LIQUIDATION OF MEMBERS—ASSESSMENT. (1) In the event a member of the association is placed in liquidation, either voluntary or involuntary, the supervisor or his representative shall determine as soon as is reasonably possible the probable net assessment, if any, resulting therefrom to its shareholders. If a net assessment seems to be indicated, the supervisor or his representative shall promptly inform the association in writing of the probable amount of such assessment. In determining the probable net assessment of the liquidating member, charges, if any, for services of the supervisor or his representative, or his staff, as well as accrued but unpaid interest or dividends on share accounts, shall not be deemed liabilities of the liquidating credit union; and, with the consent of the association, all illiquid holdings (furniture, fixtures and other personal property) of the liquidating member, at the fair recoverable value thereof, as determined by the supervisor or his representative, may be excluded as assets. In determining the net assessment as to a particular share account, the supervisor or his representative shall first deduct the amount of any accrued and currently payable obligation of the shareholder to the liquidating credit union.

(2) Within thirty days after receipt by the association of the foregoing information, the board shall notify the remaining members of the association of the aggregate amount required to make good the probable net loss to share accounts, subject to the following conditions:

(a) The amount of loss to be made good to any shareholder shall not be less than provided by the national credit union administration share insurance program, with authority vested in the association to increase the coverage.

(b) To the amount of the assessment as otherwise determined pursuant to this section, the board may add such amount as it may deem to be reasonably necessary to cover its clerical, mailing and other expense connected with the assessment and distribution of the proceeds thereof to shareholders of the liquidating credit union, not to exceed actual costs of such mailing and clerical services.

(c) The gross amount of the assessment shall be prorated among the assessed members against their share guaranty contingency reserve: **PROVIDED**, That members shall not be liable for any amount of assessment exceeding their share guaranty contingency reserve or for any assessments exceeding those permitted in sections 6 and 7 of this act as now or hereafter amended.

(d) That a plan for an orderly and expeditious liquidation be presented to the board of directors for their consideration and approval. In cases where a central or other eligible credit union is authorized to act as liquidator or liquidating agent, the association would provide an indemnity against loss to such authorized credit union.

(3) In case of liquidation the board shall cause written notice to each member stating whether a potential assessment is indicated and, if so, the probable amount

of such contingency as it relates to a percentage of their total share guaranty contingency reserve. Actual assessment, if any, shall be paid by members upon completion of liquidation or sooner, as determined by the board of directors. In all cases the total reserve structure of a liquidating credit union, including its share guaranty contingency reserve, shall be utilized in concluding the liquidation.

NEW SECTION. Sec. 12. PAYMENT TO SHAREHOLDERS—SUBROGATION. (1) Upon collection in full of the amount assessed against members as provided for in section 11 of this act, or other provision satisfactory to the board, the association shall conclude the liquidation subject to acceptance by the supervisor.

(2) If illiquid holdings of the liquidating member have not been included as assets in determining net loss to share accounts, as provided for in section 11(1) of this act, the association shall be subrogated to all rights of shareholders with respect to such holdings and to the extent of the value thereof so excluded and reflected in the assessment of association members; and the officers of the liquidating member or other persons having authority with respect thereto shall execute such conveyances, assignments, or other documents as may be requested by the association to facilitate recovery by the association in due course of the amount of its interest in such assets or so much thereof as may in fact be recoverable. The association shall have the right to bring and maintain suit or other action in its own name for the enforcement of any right of the insolvent member or its shareholders with respect to any such asset.

NEW SECTION. Sec. 13. DISPOSITION OF AMOUNTS RECOVERED. Amounts recovered by the association pursuant to its right of subrogation as provided in section 12(2) of this act shall be refunded pro rata to those members who paid assessments out of which right of subrogation arose.

NEW SECTION. Sec. 14. REPORTS—RECOMMENDATIONS—EXAMINATION. (1) Within sixty days after expiration of each calendar year, the association shall render a report in writing of its financial affairs and transactions for the year, and of its financial condition at year-end. The association shall furnish a copy of the report to each member and to the supervisor.

(2) The financial affairs of the association shall be subject to examination by the supervisor at such intervals as he may deem advisable in relation to the extent of the association's activities. The cost of examination shall be borne by the association. In lieu of his own examination, the supervisor may accept the report of any competent accountant, satisfactory to the supervisor.

NEW SECTION. Sec. 15. TAXATION. The association shall be exempt from all taxes and fees now or hereafter imposed by the state of Washington or any county, municipality, or local authority or subdivision; except that any real property owned by the association shall be subject to taxation to the same extent according to its value as other real property is taxed.

NEW SECTION. Sec. 16. IMMUNITY. There shall be no separate and individual liability on the part of and no cause of action of any nature shall arise against any member insurer, agents or employees of the association, the board of directors, or the supervisor or his representatives, for any action taken by them in the performance of their powers and duties under this act.

NEW SECTION. Sec. 17. **SHORT TITLE.** This act shall be known and may be cited as the Washington credit union share guaranty association act.

NEW SECTION. Sec. 18. **CONSTRUCTION.** This act shall be liberally construed to effect the purpose stated in section 2 of this act, which shall constitute an aid and guide to interpretation.

NEW SECTION. Sec. 19. **SECTION HEADINGS NOT PART OF LAW.** Section headings in this act do not constitute any part of the law.

NEW SECTION. Sec. 20. **SEVERABILITY.** If any clause, sentence, paragraph, section or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment has been rendered.

NEW SECTION. Sec. 21. **EFFECTIVE DATE.** This act shall become effective on September 1, 1975.

Passed the Senate April 15, 1975.

Passed the House May 16, 1975.

Approved by the Governor May 26, 1975.

Filed in Office of Secretary of State May 26, 1975.

CHAPTER 81

[Engrossed Senate Bill No. 2434]

STATE FINANCE COMMITTEE—AUTHORIZED INVESTMENTS—EQUIPMENT TRANSACTIONS

AN ACT Relating to investments; and amending section 12, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.84.150.

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

Section 1. Section 12, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.84.150 are each amended to read as follows:

Except where otherwise specifically provided by law, the state finance committee and those boards otherwise responsible for the management of their respective funds shall have full power to invest and reinvest funds in the following classes of securities, and not otherwise:

(1) Bonds, notes, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States, or those guaranteed by, or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof, or the obligation of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system.

(2) Bonds, debentures, notes, or other obligations issued, assumed, or unconditionally guaranteed by the international bank for reconstruction and development, the inter-American development bank, or by the federal national mortgage association; in addition to bonds, debentures, or other obligations issued by a

federal land bank, or by a federal intermediate credit bank, under the act of congress of July 17, 1961, known as the "Federal Farm Loan Act", (as from time to time amended).

(3) First mortgages on unencumbered real property which are insured by the federal housing administration under the national housing act (as from time to time amended) or are guaranteed by the veterans' administration under the servicemen's readjustment act of 1944 (as from time to time amended), or are otherwise insured or guaranteed by the United States of America, or by an agency or instrumentality thereof to the extent that the investor protection thereby given is essentially the same as that as provided under the foregoing federal enactments.

(4) Conventional fee simple or leasehold first mortgages on real property located within the state of Washington.

(5) Bonds or other evidences of indebtedness of this state or a duly authorized authority or agency thereof; bonds, notes, or other obligations of any municipal corporation, political subdivision or state supported institution of higher learning of this state, issued pursuant to the laws of this state; obligations of any public housing authority or urban redevelopment authority issued pursuant to the laws of this state relating to the creation or operation of a public housing or urban redevelopment authority.

(6) Bonds, notes, or other obligations issued, guaranteed or assumed by any other state or municipal or political subdivision thereof.

(7) Bonds, debentures, notes or other full faith and credit obligations issued, guaranteed, or assumed as to both principal and interest by the government of the Dominion of Canada, or by any province of Canada, or by any city of Canada, which has a population of not less than one hundred thousand inhabitants: PROVIDED, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder: PROVIDED FURTHER, That such securities are rated "A" or better by at least one nationally recognized rating agency.

(8) Bonds, debentures, notes, or other obligations of any corporation duly organized and operating in any state of the United States: PROVIDED, That such securities are rated "A" or better by at least one nationally recognized rating agency.

(9) Capital notes, debentures, or other obligations of any national or state commercial or mutual savings bank doing business in the United States of America.

(10) Equipment trust certificates issued by any corporation duly organized and operating in any state of the United States of America: PROVIDED, That the bonds or debentures of the company are rated "A" or better by at least one nationally recognized rating agency.

(11) Commercial paper: PROVIDED, That it is given the highest attainable rating by at least two nationally recognized rating agencies.

(12) Subject to the limitations hereinafter provided, those funds created under chapters 2.10, 2.12, 41.24, 41.26, 41.32, 41.40, and 43.43 RCW and the accident reserve fund created by RCW 51.44.010 may be invested in the common or preferred stock or shares, whether or not convertible as well as convertible bonds and

debentures of corporations created or existing under the laws of the United States, or any state, district or territory thereof: PROVIDED, That:

(a) Those trustees responsible for the management of their respective funds shall contract with an investment counseling firm or firms or the trust department of a national or state chartered commercial bank having its principal office or a branch in this state and/or the staff of the state finance committee for the purpose of managing issues defined by subsection (12) of this section. The trustees shall receive advice which shall become part of the official minutes of the next succeeding meeting of the board. No investment counseling firm shall be engaged in buying, selling or otherwise marketing securities in which commissions or profit credits arising from these activities accrue to the firm during the time of its employment by the boards. Nothing in the preceding sentence shall be deemed to apply to the marketing of bonds, notes or other obligations of the United States or any agency thereof, or of a state or any municipal or political subdivision thereof by a bank in the normal course of its business.

(b) Stock investments to include convertible preferred stock investments, and investments in convertible bonds and debentures shall not exceed twenty-five percent of the total investments (cost basis) of the system: PROVIDED, That in the case of the accident reserve fund created by RCW 51.44.010 such stock investments shall not exceed ten percent of the total investments.

(c) Investment in the stock of any one corporation shall not exceed five percent of the common shares outstanding.

(d) No single common stock investment, based on cost, may exceed two percent of the assets of the total investments (cost basis) of the system.

(e) Such corporation has paid a cash and/or stock dividend on its common stock in at least eight of the ten years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash and/or stock dividend in each of the last three years.

(f) In the case of convertible bond, debenture and convertible preferred stock investments, the common stock into which such investments are convertible otherwise qualifies as an authorized investment under the provisions of this section.

(g) The common stock of any corporation concerned is registered on a national securities exchange provided in the "Securities Exchange Act of 1934" (as from time to time amended). Such registration shall not be required with respect to the following stocks:

(i) The common stock of a bank which is a member of the federal deposit insurance corporation and has capital funds represented by capital, surplus, and undivided profits of at least fifty million dollars.

(ii) The common stock of an insurance company which has capital funds, represented by capital, special surplus, and unassigned surplus of at least fifty million dollars.

(iii) Any preferred stock, as well as any convertible bond, debenture or preferred stock.

(iv) The common stock of Washington corporations meeting all the other qualifications except that of being registered on a national exchange.

(13) Investments in savings and loan associations organized under federal or state law, insured by the federal savings and loan insurance corporation, and operating in this state, including investment in their savings accounts, deposit accounts, bonds, debentures and other obligations or securities (except capital stock) which are insured or guaranteed by an agency of the federal government or by a private corporation approved by the state insurance commissioner and licensed to insure real estate loans in the state of Washington; savings deposits in commercial banks and mutual savings banks organized under federal or state law, insured by the federal deposit insurance corporation, and operating in this state: PROVIDED, That the investment of any one fund in the foregoing institutions shall not exceed the amount insured or guaranteed.

(14) Appropriate contracts of life insurance or annuities from insurers duly organized to do business in the state of Washington, if and when such purchase or purchases would in the judgment of the board be appropriate or necessary to carry out the purposes of this chapter.

(15) Any obligation, equipment trust certificate, or interest in any obligation arising out of any transaction involving the sale of any equipment by, or the lease of any equipment from, any corporation engaged in the business of transportation or manufacturing, with its principal place of business located in Washington state, or by or from any wholly-owned subsidiary of any such corporation, provided that either (a) the obligation shall be secured by ownership of the equipment or by a first mortgage or other security interest creating a first lien on such equipment or (b) the obligation shall be guaranteed by the United States government or any agency or instrumentality thereof or by a foreign government or any agency or instrumentality thereof or by any province of Canada.

Subject to the above limitations, the trustees of the several funds shall have the power to authorize the state finance committee to make purchases, sales, exchanges, investments and reinvestments, of any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of said investments and any money belonging to said funds.

Passed the Senate March 14, 1975.

Passed the House May 16, 1975.

Approved by the Governor May 26, 1975.

Filed in Office of Secretary of State May 26, 1975.

CHAPTER 82

[Senate Bill No. 2454]

CRIMINAL JUSTICE TRAINING COMMISSION AND BOARDS— PERSONNEL FITNESS STANDARDS

AN ACT Relating to criminal justice training; amending section 8, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.080; and amending section 15, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.150.

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

Section 1. Section 8, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.080 are each amended to read as follows:

The commission shall have all of the following powers:

- (1) To meet at such times and places as it may deem proper;
- (2) To adopt any rules and regulations as it may deem necessary;
- (3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;
- (4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;
- (5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;
- (6) To select and employ an executive director, and to empower him to perform such duties and responsibilities as it may deem necessary;
- (7) To assume legal, fiscal, and program responsibility for all training conducted by the commission;
- (8) To establish, by rule and regulation, standards for the training of criminal justice personnel where such standards are not prescribed by statute;
- (9) To establish and operate, or to contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel: PROVIDED, That the commission shall not have the power to invest any moneys received by it from any source for the purchase or lease of a training facility without prior approval of the legislature;
- (10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel;
- (11) To review and approve or reject standards for instructors of training programs for criminal justice personnel, and to employ personnel on a temporary basis as instructors without any loss of employee benefits to those instructors;
- (12) To direct the development of alternative, innovate, and interdisciplinary training techniques;
- (13) To review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards recommended by the training standards and education boards;
- (14) To allocate financial resources among training and education programs conducted by the commission;
- (15) To allocate training facility space among training and education programs conducted by the commission;
- (16) To issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;
- (17) To provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission;
- (18) To establish rules and regulations recommended by the training standards and education boards prescribing minimum standards relating to physical, mental and moral fitness which shall govern the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provision.

All rules and regulations adopted by the commission shall be adopted and administered pursuant to the Administrative Procedure Act, chapter 34.04 RCW, and the Open Public Meetings Act, chapter 42.30 RCW.

Sec. 2. Section 15, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.150 are each amended to read as follows:

The training standards and education boards shall have all of the following powers:

- (1) To meet at such times and places as they may deem proper;
- (2) To adopt rules and regulations as to the conduct of their business as deemed necessary by each board;
- (3) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, or city government, and commissions affected by or concerned with the business of the commission;
- (4) To do any and all things necessary or convenient to enable them fully and adequately to perform their duties and to exercise the power granted to them;
- (5) To advise the commission of the training and education needs of criminal justice personnel within their specific purview;
- (6) To recommend to the commission standards for the training and education of criminal justice personnel within their specific purview;
- (7) To recommend to the commission minimum curriculum standards for all training and education programs conducted for criminal justice personnel within their specific purview;
- (8) To recommend to the commission standards for instructors of training and education programs for criminal justice personnel within their specific purview;
- (9) To recommend to the commission alternative, innovative, and interdisciplinary training and education techniques for criminal justice personnel within their specific purview;
- (10) To review and recommend to the commission the approval of training and education programs for criminal justice personnel within their specific purview;
- (11) To monitor and evaluate training and education programs for criminal justice personnel within their specific purview;
- (12) To recommend to the commission minimum standards relating to physical, mental and moral fitness which shall govern the recruitment of criminal justice personnel within their specific purview where such standards are not prescribed by statute or constitutional provision.

Each training standards and education board shall report to the commission at the end of each fiscal year on the effectiveness of training and education programs for criminal justice personnel within its specific purview.

Passed the Senate April 4, 1975.

Passed the House May 16, 1975.

Approved by the Governor May 26, 1975.

Filed in Office of Secretary of State May 26, 1975.

CHAPTER 83

[Engrossed Senate Bill No. 2467]

MUTUAL SAVINGS BANK—CONVERSION TO BUILDING
AND LOAN OR SAVINGS OR LOAN ASSOCIATION

AN ACT Relating to savings and loan associations and mutual savings banks; and adding a new chapter to Title 33 RCW.

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

NEW SECTION. Section 1. As used in this chapter, unless the context indicates otherwise:

- (1) "Association" means any building and loan or savings and loan association or society organized under the laws of this state or a savings and loan association organized under the laws of the United States of America;
- (2) "Director" means a member of the managing board of an association;
- (3) "Bank" means a mutual savings bank organized under the laws of this state; and
- (4) "Trustee" means a member of the managing board of a bank.

NEW SECTION. Sec. 2. Any going bank may, if its guaranty fund regularly accumulated amounts to five thousand dollars or more, be converted into an association in the following manner:

- (1) The trustees of such bank shall pass, by at least a two-thirds favorable vote of all trustees, a resolution declaring its intention to convert the bank into an association, specifying in such resolution the type of association and whether the association is to be organized under the laws of this state, or is to be organized under the laws of the United States of America. If the association is to be a state association the bank shall apply to the supervisor of savings and loan associations for authority to convert into an association;
- (2) A duplicate of the application made to the supervisor of savings and loan associations, or such application as may be filed with the federal home loan bank board or other federal agency, shall be filed with the supervisor of banking;
- (3) The supervisor of savings and loan associations shall, in the case of an application to convert into a state association, make the same investigation and determine the same questions as he would be required by law to make in determining the case of submission to him of articles of incorporation of a proposed new state association, and shall also determine, after conference with the supervisor of banking, whether the proposed conversion would serve the needs and conveniences of the depositors of such bank; and
- (4) The supervisor of savings and loan associations shall grant or deny the application within sixty days of its date of filing and shall immediately notify the secretary of such bank of his decision.

NEW SECTION. Sec. 3. If the application is granted to become a state association, the supervisor of savings and loan associations shall require the applicant to enter into an agreement or undertaking with him, as trustee for the shareholders of the association, to make such cash contributions to an expense fund of the association as in his judgment will be necessary then and from time to time thereafter to pay the operating expenses of the association if its earnings should not be sufficient to pay the same in addition to the payment of such dividends as may be declared and credited to shareholders from its earnings.

NEW SECTION. Sec. 4. If the application is denied by the supervisor of savings and loan associations, the bank, acting by a two-thirds majority of its trustees, may, within thirty days after receiving notice of such denial, appeal to the superior court of Thurston county pursuant to the provisions of the administrative procedure act, chapter 34.04 RCW.

NEW SECTION. Sec. 5. If the application is granted by the supervisor of savings and loan associations, or by the court, the trustees of such bank shall, within thirty days thereafter, subscribe, acknowledge, and file with the supervisor of savings and loan associations, in quadruplicate, a certificate of reincorporation stating:

(1) The name by which the association is to be known, which name shall include the words "building and loan" or "savings and loan", and "association" or "society";

(2) The place where the association is to be located and its business transacted, naming the city or town and the county, which city or town shall be the same as that where the principal place of business of the bank has theretofore been located;

(3) The name, occupation, residence, and post office address of each signer of the certificate;

(4) The amount of the assets of the association, the amount of its liabilities, and the amount of its guaranty fund as of the first day of the calendar month during which the certificate is filed; and

(5) A declaration that each signer will accept the responsibilities and faithfully discharge the duties of a director of the association, and is free from all the disqualifications specified in the laws applicable to savings and loan associations.

NEW SECTION. Sec. 6. Upon filing the certificate in quadruplicate as provided in section 5 of this act, the supervisor of savings and loan associations shall, within thirty days thereafter, if satisfied that all the provisions of this chapter have been complied with, issue in quadruplicate an authorization certificate stating that the association has complied with all of the requirements of law, and that it has authority to transact, at the place or places designated in its certificate, the business of an association. The supervisor of savings and loan associations shall retain one set of the quadruplicate originals of the certificate of reincorporation and of the certificate of authorization and shall transmit the other three sets to the association, which shall retain one set, file one set with the secretary of state, and file one set with the auditor of the county in which the home office of the association is located, paying the required fees. Upon such filings being made, the conversion of such bank to such association shall be deemed complete and consummated, and the association shall thereupon be a corporation having the powers and being subject to the duties and obligations prescribed by the laws of this state applicable to state associations, and the time of existence of such association shall be perpetual, unless sooner terminated.

NEW SECTION. Sec. 7. Upon the conversion of a bank into an association, every person who was a depositor of the bank at the time of the conversion shall become and be deemed to be a shareholder or depositor of the association in a sum equal to the withdrawal value of his deposits in the bank as of the day on

which the conversion was consummated, and every such shareholder shall share in the interest paid by the corporation to that day as though the conversion had not been effected: PROVIDED, That any person who was a depositor of the bank shall be entitled, at any time within sixty days after the conversion was consummated, to withdraw the value of his deposits as though no conversion had taken place.

NEW SECTION. Sec. 8. All mortgages, notes, and other securities of any bank that has been converted into an association shall, on request of the association, be delivered to it by the supervisor of banking or, under his direction, by any trust company or other depository having possession thereof. The guaranty fund of the bank shall become the contingent fund of the association. If the association is a state association it shall, as soon as practicable and within such time and by such methods as the supervisor of savings and loan associations may direct, cause its organization, its securities and investments, the character of its business, and its methods of transacting the same to conform to the laws applicable to state associations.

NEW SECTION. Sec. 9. Upon a conversion being consummated all assets, rights and properties of the bank shall vest in and be the property of the association and all liabilities, debts, and obligations of the bank shall be the liabilities, debts, and obligations of the association and any right can be enforced by or against the association the same as it could have been enforced by or against the bank if the conversion had not occurred.

NEW SECTION. Sec. 10. Within twelve months following consummation of the conversion, the directors of a state association shall call a meeting of the shareholders for the purpose of electing directors and conducting such other business of the association as is appropriate. Notice of such meeting shall be mailed not less than ten nor more than thirty days in advance of such meeting to the last known address of each shareholder. Such notice may also include a proxy form authorizing any one or more persons, who may be directors or officers of the association, selected by the directors, to vote on behalf of any shareholder executing such proxy.

NEW SECTION. Sec. 11. If the bank specifies in the resolution that it intends to become a federal association it shall proceed to make all filings and do all things which are required by federal laws and regulations to qualify as and become a federal association, and when all such things have been accomplished and a charter has been issued by the appropriate federal agency, the bank shall thereupon cease to be a mutual savings bank organized under the laws of this state.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 33 RCW.

Passed the Senate April 22, 1975.

Passed the House May 16, 1975.

Approved by the Governor May 26, 1975.

Filed in Office of Secretary of State May 26, 1975.

CHAPTER 84

[Engrossed Substitute Senate Bill No. 2480]
SECURITIES REGULATION

AN ACT Relating to securities regulation; amending section 60, chapter 282, Laws of 1959 as last amended by section 1, chapter 199, Laws of 1967 and RCW 21.20.005; amending section 4, chapter 282, Laws of 1959 as amended by section 1, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.040; amending section 5, chapter 282, Laws of 1959 as amended by section 2, chapter 37, Laws of 1961 and RCW 21.20.050; amending section 7, chapter 282, Laws of 1959 as amended by section 2, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.070; amending section 8, chapter 282, Laws of 1959 and RCW 21.20.080; amending section 9, chapter 282, Laws of 1959 as amended by section 3, chapter 37, Laws of 1961 and RCW 21.20.090; amending section 11, chapter 282, Laws of 1959 as amended by section 2, chapter 17, Laws of 1965 and RCW 21.20.110; amending section 12, chapter 282, Laws of 1959 and RCW 21.20.120; amending section 13, chapter 282, Laws of 1959 and RCW 21.20.130; amending section 14, chapter 282, Laws of 1959 and RCW 21.20.140; amending section 23, chapter 282, Laws of 1959 as last amended by section 4, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.230; amending section 24, chapter 282, Laws of 1959 and RCW 21.20.240; amending section 26, chapter 282, Laws of 1959 as amended by section 5, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.260; amending section 27, chapter 282, Laws of 1959 as last amended by section 3, chapter 17, Laws of 1965 and RCW 21.20.270; amending section 28, chapter 282, Laws of 1959 and RCW 21.20.280; amending section 31, chapter 282, Laws of 1959 and RCW 21.20.310; amending section 32, chapter 282, Laws of 1959 as last amended by section 6, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.320; amending section 3, chapter 199, Laws of 1967 as amended by section 7, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.325; amending section 33, chapter 282, Laws of 1959 and RCW 21.20.330; amending section 34, chapter 282, Laws of 1959 as last amended by section 8, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.340; amending section 36, chapter 282, Laws of 1959 and RCW 21.20.360; amending section 38, chapter 282, Laws of 1959 as amended by section 9, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.380; amending section 39, chapter 282, Laws of 1959 as amended by section 10, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.390; amending section 43, chapter 282, Laws of 1959 as last amended by section 11, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.430; amending section 45, chapter 282, Laws of 1959 and RCW 21.20.450; adding new sections to chapter 21.20 RCW; repealing section 15, chapter 282, Laws of 1959 and RCW 21.20.150; repealing section 16, chapter 282, Laws of 1959 and RCW 21.20.160; and repealing section 17, chapter 282, Laws of 1959 and RCW 21.20.170.

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

Section 1. Section 60, chapter 282, Laws of 1959 as last amended by section 1, chapter 199, Laws of 1967 and RCW 21.20.005 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires:

- (1) "Director" means the director of licenses of this state.
- (2) "Salesman" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect sales of securities, but "salesman" does not include an individual who represents an issuer in (a) effecting a transaction in a security exempted by RCW 21.20.310(1), (2), (3), (4), (9), or (10), ((or (11))); (b) effecting transactions exempted by RCW 21.20.320, or (c) effecting transactions with existing employees, partners, or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state.
- (3) "Broker-dealer" means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. "Broker-dealer" does not include (a) a salesman, issuer, bank, savings institution, or trust company, (b) a person who has no place of business in this state if he effects transactions in this state exclusively with or through the issuers of the securities involved in the transactions, other broker-dealers, or banks, savings institutions,

trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (c) a person who has no place of business in this state if during any period of twelve consecutive months he does not direct more than fifteen offers to sell or to buy into this state in any manner to persons other than those specified in subsection (b) above.

(4) "Guaranteed" means guaranteed as to payment of principal, interest, or dividends.

(5) "Full business day" means all calendar days, excluding therefrom Saturdays, Sundays, and all legal holidays, as defined by statute.

(6) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "Investment adviser" does not include (a) a bank, savings institution, or trust company, (b) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice of his profession, (c) a broker-dealer, (d) a publisher of any bona fide newspaper, news magazine, or business or financial publication of general, regular, and paid circulation, (e) a person whose advice, analyses, or reports relate only to securities exempted by RCW 21.20.310(1), (f) a person who has no place of business in this state if (i) his only clients in this state are other investment advisers, broker-dealers, banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trust, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (ii) during any period of twelve consecutive months he does not direct business communications into this state in any manner to more than five clients other than those specified in clause (i) above, or (g) such other persons not within the intent of this paragraph as the director may by rule or order designate.

(7) "Issuer" means any person who issues or proposes to issue any security, except that with respect to certificates of deposit, voting trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted management, or unit type; the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued.

(8) "Nonissuer" means not directly or indirectly for the benefit of the issuer.

(9) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interest of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government.

(10) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value. "Offer" or "offer to sell"

includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value. A purported gift of assessable stock is considered to involve an offer and sale. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(11) "Securities Act of 1933", "Securities Exchange Act of 1934", "Public Utility Holding Company Act of 1935", and "Investment Company Act of 1940" means the federal statutes of those names as amended before or after the effective date of this chapter.

(12) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting-trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease; or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing; or any sale of or indenture, bond or contract for the conveyance of land or any interest therein where such land is situated outside of the state of Washington and such sale or its offering is not conducted by a real estate broker licensed by the state of Washington. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or some other specified period.

(13) "State" means any state, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico.

(14) "Investment adviser salesman" means a person retained or employed by an investment adviser to solicit clients or offer the services of the investment adviser or manage the accounts of said clients.

Sec. 2. Section 4, chapter 282, Laws of 1959 as amended by section 1, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.040 are each amended to read as follows:

It is unlawful for any person to transact business in this state as a broker-dealer or salesman, except in transactions exempt under RCW 21.20.320, unless he is registered under this chapter: PROVIDED, That an exemption from registration as a broker-dealer or salesman to sell or resell condominium units sold in conjunction with an investment contract, may be provided by rule or regulation of the director as to persons who are licensed pursuant to the provisions of chapter 18.85 RCW. It is unlawful for any broker-dealer or issuer to employ a salesman unless the salesman is registered or exempted from registration. It is unlawful for any person to transact business in this state as an investment adviser unless (1) he is so registered under this chapter, or (2) he is registered as a broker-dealer under

this chapter, or (3) his only clients in this state are investment companies as defined in the Investment Company Act of 1940, ~~((of for))~~ or insurance companies. It is unlawful for any person to transact business in this state as an investment adviser salesman or for any investment adviser to employ an investment adviser salesman unless such person is registered.

Sec. 3. Section 5, chapter 282, Laws of 1959 as amended by section 2, chapter 37, Laws of 1961 and RCW 21.20.050 are each amended to read as follows:

A broker-dealer, salesman, ~~((or))~~ investment adviser, or investment adviser salesman may apply for registration by filing with the director an application together with a consent to service of process in such form as the director shall prescribe and payment of the fee prescribed in RCW 21.20.340.

Sec. 4. Section 7, chapter 282, Laws of 1959 as amended by section 2, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.070 are each amended to read as follows:

If no denial order is in effect and no proceeding is pending under RCW 21.20.110, registration becomes effective when the applicant has successfully passed the written examination required under this section or satisfactorily demonstrated that he is exempt from the written examination requirements of this section. The director shall require as a condition of registration that the applicant (and, in the case of a corporation or partnership, all officers, directors or partners doing securities business in this state) pass a written examination as evidence of knowledge of the securities business: PROVIDED, That not more than two officers of an issuer or two individual general partners or two officers of a corporate general partner may be registered as a salesman for a particular original offering of the ~~((issuers))~~ issuer's securities without being required to pass such written examination: AND PROVIDED FURTHER, That no such ~~((officer))~~ person may again register within five years as such salesman for this or any other issuer without passing the written examination. Such examination shall be given twice a year or at such more frequent intervals as the advisory committee shall direct.

Any applicant for registration as a salesman who has successfully passed, within the preceding five years, a salesman examination by a national securities association registered under the Securities and Exchange Act of 1934, (15 U.S.C. Sec. 78-a-78jj), and since the passage of such examination, has been employed by broker-dealers, who were at the time of said employment members of such an association or duly licensed in accordance with this chapter, ~~((shall be))~~ are exempt from the written examination requirements of this section, unless otherwise provided by rule or order of the director.

Sec. 5. Section 8, chapter 282, Laws of 1959 and RCW 21.20.080 are each amended to read as follows:

Registration of a broker-dealer, salesman, investment adviser salesman, or investment adviser shall be effective until March 1st of the following year and may be renewed as hereinafter provided. The registration of a salesman or investment adviser salesman is not effective during any period when ~~((he))~~ the salesman is not associated with an issuer or a registered broker-dealer ~~((specified in his application or a notice filed with the director))~~ or when the investment adviser salesman is not associated with a registered investment adviser. To be associated with an

issuer, broker-dealer or investment adviser within the meaning of this section written notice must be given to the director. When a salesman begins or terminates ~~((a connection))~~ an association with an issuer or registered broker-dealer, the salesman and the issuer or broker-dealer shall promptly notify the director. When an investment adviser salesman begins or terminates an association with a registered investment adviser, the investment adviser salesman and registered investment adviser shall promptly notify the director.

Notwithstanding any provision of law to the contrary, the director may, from time to time, extend the duration of a licensing period for the purpose of staggering renewal periods. Such extension of a licensing period shall be by rule or regulation adopted in accordance with the provisions of chapter 34.04 RCW. Such rules and regulations may provide a method for imposing and collecting such additional proportional fee as may be required for the extended period.

Sec. 6. Section 9, chapter 282, Laws of 1959 as amended by section 3, chapter 37, Laws of 1961 and RCW 21.20.090 are each amended to read as follows:

Registration of a broker-dealer, salesman, investment adviser salesman, or investment adviser may be renewed by filing with the director prior to the expiration thereof an application containing such information as the director may require to indicate any material change in the information contained in the original application or any renewal application for registration as a broker-dealer, salesman, investment adviser salesman, or investment adviser filed with the director by the applicant, payment of the prescribed fee, and, in the case of a broker-dealer, a financial statement showing the financial condition of such broker-dealer as of a date within ninety days. A registered broker-dealer or investment adviser may file an application for registration of a successor, and the administrator may at his discretion grant or deny the application.

Sec. 7. Section 11, chapter 282, Laws of 1959 as amended by section 2, chapter 17, Laws of 1965 and RCW 21.20.110 are each amended to read as follows:

The director may by order deny, suspend, or revoke registration of any broker-dealer, salesman, investment adviser salesman, or investment adviser if he finds that the order is in the public interest and that the applicant or registrant or, in the case of a broker-dealer or investment adviser, any partner, officer, or director:

(1) Has filed an application for registration under this section which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false, or misleading with respect to any material fact;

(2) Has wilfully violated or wilfully failed to comply with any provision of this chapter or a predecessor act or any rule or order under this chapter or a predecessor act;

(3) Has been convicted, within the past five years, of any misdemeanor involving a security or any aspect of the securities business, or any felony involving moral turpitude;

(4) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

(5) Is the subject of an order of the director denying, suspending, or revoking registration as a broker-dealer, salesman, ~~((or))~~ investment adviser, or investment adviser salesman;

(6) Is the subject of an order entered within the past five years by the securities administrator of any other state or by the federal securities and exchange commission denying or revoking registration as a broker-dealer or salesman, or the substantial equivalent of those terms as defined in this chapter, or is the subject of an order of the federal securities and exchange commission suspending or expelling him from a national securities exchange or national securities association registered under the securities exchange act of 1934, or is the subject of a United States post office fraud order; but (a) the director may not institute a revocation or suspension proceeding under this clause more than one year from the date of the order relied on, and (b) he may not enter any order under this clause on the basis of an order unless that order was based on facts which would currently constitute a ground for an order under this section;

(7) Has engaged in dishonest or unethical practices in the securities business;

(8) Is insolvent, either in the sense that his liabilities exceed his assets or in the sense that he cannot meet his obligations as they mature; but the director may not enter an order against a broker-dealer or investment adviser under this clause without a finding of insolvency as to the broker-dealer or investment adviser; or

(9) Has not complied with a condition imposed by the director under RCW 21.20.100, or is not qualified on the basis of such factors as training, experience, or knowledge of the securities business; or

(10) The director may by order summarily postpone or suspend registration pending final determination of any proceeding under this section.

Sec. 8. Section 12, chapter 282, Laws of 1959 and RCW 21.20.120 are each amended to read as follows:

Upon the entry of ~~((the))~~ an order under RCW 21.20.110, the director shall promptly notify the applicant or registrant, as well as the employer or prospective employer if the applicant or registrant is a salesman or investment adviser salesman, that it has been entered and of the reasons therefor and that if requested by the applicant or registrant within fifteen days after the receipt of the director's notification the matter will be promptly set down for hearing. If no hearing is requested and none is ordered by the director, the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, after notice of and opportunity for hearing, may modify or vacate the order or extend it until final determination. No order may be entered under RCW 21.20.110 denying or revoking registration without appropriate prior notice to the applicant or registrant (as well as the employer or prospective employer if the applicant or registrant is a salesman or an investment adviser salesman), opportunity for hearing, and written findings of fact and conclusions of law.

Sec. 9. Section 13, chapter 282, Laws of 1959 and RCW 21.20.130 are each amended to read as follows:

If the director finds that any registrant or applicant for registration is no longer in existence or has ceased to do business as a broker-dealer, investment adviser, investment adviser salesman, or salesman, or is subject to an adjudication of mental incompetence or to the control of a committee, conservator, or guardian,

or cannot be located after reasonable search, the director may by order cancel the registration or application.

Sec. 10. Section 14, chapter 282, Laws of 1959 and RCW 21.20.140 are each amended to read as follows:

It is unlawful for any person to offer or sell any security in this state, except securities exempt under RCW 21.20.310 or when sold in transactions exempt under RCW 21.20.320, unless such security is registered by ~~((notification;))~~ coordination~~((;))~~ or qualification under this chapter.

Sec. 11. Section 23, chapter 282, Laws of 1959 as last amended by section 4, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.230 are each amended to read as follows:

A registration statement by qualification under RCW 21.20.210 becomes effective if no stop order is in effect and no proceeding is pending under RCW 21.20.280 and 21.20.300, at three o'clock Pacific standard time in the afternoon of the fifteenth full business day after the filing of the registration statement or the last amendment, or at such earlier time as the director determines. The director may require as a condition of registration under this section that a prospectus containing any information necessary for complete disclosure of any material fact relating to the security offering be sent or given to each person to whom an offer is made before or concurrently with (1) the first written offer made to him (other than by means of a public advertisement) by or for the account of the issuer or any other person on whose behalf the offering is being made, or by any underwriter or broker-dealer who is offering part of an unsold allotment or subscription taken by him as a participant in the distribution, (2) the confirmation of any sale made by or for the account of any such person, (3) payment pursuant to any such sale, or (4) delivery of the security pursuant to any such sale, whichever first occurs; but the director ~~((shall))~~ may accept for use under any such requirement a current prospectus or offering circular regarding the same securities filed under the Securities Act of 1933 or regulations thereunder.

Sec. 12. Section 24, chapter 282, Laws of 1959 and RCW 21.20.240 are each amended to read as follows:

A registration statement may be filed by the issuer, any other person on whose behalf the offering is to be made, or a registered broker-dealer. ~~((Any document filed under this chapter or a predecessor act within five years preceding the filing of a registration statement may be incorporated by reference in the registration statement to the extent that the document is currently accurate.))~~ The director may by rule or otherwise permit the omission of any item of information or document from any registration statement.

Sec. 13. Section 26, chapter 282, Laws of 1959 as amended by section 5, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.260 are each amended to read as follows:

When securities are registered by ~~((notification;))~~ coordination~~((;))~~ or qualification, they may be offered and sold by the issuer, any other person on whose behalf they are registered or by any registered broker-dealer or any person acting within the exemption provided in RCW 21.20.040. Every registration shall remain

effective until its expiration date or until revoked by the director or until terminated upon request of the registrant with the consent of the director. All outstanding securities of the same class as a registered security are considered to be registered for the purpose of any nonissuer transaction.

Sec. 14. Section 27, chapter 282, Laws of 1959 as last amended by section 3, chapter 17, Laws of 1965 and RCW 21.20.270 are each amended to read as follows:

(1) The director may require the person who filed the registration statement to file reports, not more often than quarterly to keep reasonably current the information contained in the registration statement and to disclose the progress of the offering with respect to registered securities which (a) are issued by a face-amount certificate company or a redeemable security issued by an open-end management company or unit investment trust as those terms are defined in the investment company act of 1940, or (b) are being offered and sold directly by or for the account of the issuer. A ten dollar fee shall accompany each such report.

(2) During the period of public offering of securities registered under the provisions of this chapter by (~~notification or~~) qualification financial data or statements corresponding to those required under the provisions of RCW (~~21.20.160 and~~) 21.20.210 and to the issuer's fiscal year shall be filed with the director annually, not more than (~~ninety~~) one hundred twenty days after the end of each such year. Such statements at the discretion of the director or administrator shall be certified by a certified public accountant who is not an employee of the issuer, and the director may verify them by examining the issuer's books and records. The certificate of such independent certified public accountant shall be based upon an audit of not less in scope or procedures followed than that which independent public accountants would ordinarily make for the purpose of presenting comprehensive and dependable financial statements, and shall contain such information as the director may prescribe, by rules and regulations in the public interest or for the protection of investors, as to the nature and scope of the audit and the findings and opinions of the accountants. Each such report shall state that such independent certified public accountant has verified securities owned, either by actual examination, or by receipt of a certificate from the custodian, as the director may prescribe by rules and regulations.

Sec. 15. Section 28, chapter 282, Laws of 1959 and RCW 21.20.280 are each amended to read as follows:

The director may issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, any registration statement if he finds that the order is in the public interest and that:

(1) The registration statement as of its effective date or as of any earlier date in the case of an order denying effectiveness, is incomplete in any material respect or contains any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

(2) Any provision of this chapter or any rule, order, or condition lawfully imposed under this chapter has been wilfully violated, in connection with the offering by (a) the person filing the registration statement, (b) the issuer, any partner,

officer, or director of the issuer, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling or controlled by the issuer, but only if the person filing the registration statement is directly or indirectly controlled by or acting for the issuer, or (c) any underwriter;

(3) The security registered or sought to be registered is the subject of a permanent or temporary injunction of any court of competent jurisdiction entered under any other federal or state act applicable to the offering; but (a) the director may not institute a proceeding against an effective registration statement under this clause more than one year from the date of the injunction relief on, and (b) he may not enter an order under this clause on the basis of an injunction entered under any other state act unless that order or injunction was based on facts which would currently constitute a ground for a stop order under this section;

(4) The issuer's enterprise or method of business includes or would include activities which are illegal where performed;

(5) The offering has worked or tended to work a fraud upon purchasers or would so operate;

~~(6) ((When a security is sought to be registered by notification, it is not eligible for such registration;~~

~~(7))~~ When a security is sought to be registered by coordination, there has been a failure to comply with the undertaking required by RCW 21.20.180(7), or

~~((8))~~ (7) The applicant or registrant has failed to pay the proper registration fee; but the director may enter only a denial order under this subsection and he shall vacate any such order when the deficiency has been corrected;

~~((9))~~ (8) The offering has been or would be made with unreasonable amounts of underwriters' and sellers' discounts, commissions, or compensation or promoters' profits or participation, or unreasonable amounts or kinds of options.

Sec. 16. Section 31, chapter 282, Laws of 1959 and RCW 21.20.310 are each amended to read as follows:

RCW 21.20.140 through 21.20.300, inclusive, shall not apply to any of the following securities:

(1) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state, or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing.

(2) Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor.

(3) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, or any bank or trust company organized or supervised under the laws of any state.

(4) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any building and loan or similar association organized under the laws of any state and authorized to do business in this state.

(5) Any security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company organized under the laws of this state and authorized to do and actually doing business in this state.

(6) Any security issued or guaranteed by any federal credit union or any credit union, industrial loan association, or similar association organized and supervised under the laws of this state.

(7) Any security issued or guaranteed by any railroad, other common carrier, public utility, or holding company which is (a) subject to the jurisdiction of the interstate commerce commission; (b) a registered holding company under the public utility holding company act of 1935 or a subsidiary of such a company within the meaning of that act; (c) regulated in respect of its rates and charges by a governmental authority of the United States or any state or municipality; or (d) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada, or any Canadian province; also equipment trust certificates in respect of equipment conditionally sold or leased to a railroad or public utility, if other securities issued by such railroad or public utility would be exempt under this subsection.

(8) Any security listed or approved for listing upon notice of issuance on the New York stock exchange, the American stock exchange, the Midwest stock exchange, the Spokane stock exchange or any other stock exchange registered with the federal securities and exchange commission and approved by the director; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing. The director shall have power at any time by written order to withdraw the exemption so granted as to any particular security.

~~(9) ((Any security issued by any person organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic, or reformatory purposes, or as a chamber of commerce or professional association.~~

~~(10))~~ Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transaction, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal, when such commercial paper is sold to the banks or insurance companies.

~~((11))~~ (10) Any investment contract issued in connection with an employee's stock purchase, savings, pension, profit-sharing, or similar benefit plan if the director is notified in writing thirty days before the inception of the plan or, with respect to plans which are in effect on the effective date of this chapter, within sixty days thereafter (or within thirty days before they are reopened if they are closed on the effective date of this chapter).

Sec. 17. Section 32, chapter 282, Laws of 1959 as last amended by section 6, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.320 are each amended to read as follows:

Except as hereinafter in this section expressly provided, RCW 21.20.040, 21.20.050, 21.20.060, 21.20.070, 21.20.080, 21.20.090, 21.20.100, 21.20.110, 21.20.120,

21.20.130, 21.20.135, 21.20.140, ~~((21.20.150, 21.20.160, 21.20.170;))~~ 21.20.180, 21.20.190, 21.20.200, 21.20.210, 21.20.220, 21.20.230, 21.20.240, 21.20.250, 21.20.260, 21.20.270, 21.20.280, 21.20.290 and 21.20.300, shall not apply to any of the following transactions:

(1) Any isolated transaction, or sales not involving a public offering, whether effected through a broker-dealer or not.

(2) Any nonissuer distribution of an outstanding security by a registered broker-dealer if (a) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (b) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security.

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the director may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period.

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter.

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(9) Any transaction pursuant to ~~((an))~~ offers directed by the ~~((offerer to not more than twenty persons (other than those designated in subsection (8) of this section)))~~ issuer or the issuer's representative to offerees in this state ~~((during any period of twelve consecutive months, whether or not the offerer or any of the offerees is then present in this state, if))~~: PROVIDED, That:

(a) The seller reasonably believes that all the buyers are purchasing for investments and for their respective accounts, and

(b) No public or general solicitation is utilized in said offers or sales, and

(c) No commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer, and

(d) The number of sales by any issuer does not exceed ten individuals in twelve consecutive months and does not exceed an aggregate amount of one hundred thousand dollars, and

(e) The issuer first files a notice specifying the terms of the offer as the director may prescribe by rules and regulations and the director does not by order disallow the exemption within the next ten full business days, and

(f) For the purpose of this exemption, if a limited partnership form of business is used, the general partner and not the partnership is deemed to be the issuer, and

(g) The issuer submits a list of security holders within thirty days after the end of each fiscal year it has operated under this exemption. Failure to file such report will not subject the issuer to retroactive loss of this exemption but will result in loss of this exemption during the period the list of security holders is due and not filed.

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber.

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (b) the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days.

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act.

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock.

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation or sale of assets.

(15) The offer or sale by a registered broker-dealer, or a person exempted from the registration requirements pursuant to RCW 21.20.040, acting either as principal or agent, of securities previously sold and distributed to the public: PROVIDED, That:

(a) Such securities are sold at prices reasonably related to the current market price thereof at the time of sale, and, if such broker-dealer is acting as agent, the commission collected by such broker-dealer on account of the sale thereof is not in excess of usual and customary commissions collected with respect to securities and transactions having comparable characteristics;

(b) Such securities do not constitute the whole or a part of an unsold allotment to or subscription or participation by such broker-dealer as an underwriter of such securities or as a participant in the distribution of such securities by the issuer, by an underwriter or by a person or group of persons in substantial control of the issuer or of the outstanding securities of the class being distributed; and

(c) The security has been lawfully sold and distributed in this state or any other state of the United States under this or any act regulating the sale of such securities.

(16) Any transactions by a mutual or cooperative association issuing to its patrons any receipt, written notice, certificate of indebtedness or stock for a patronage dividend, or for contributions to capital by such patrons in the association provided that any such receipt, written notice or certificate made pursuant to this paragraph shall be nontransferable except in the case of death or by operation of law and shall so state conspicuously on its face.

The director may by order deny or revoke the exemption specified in subsection (2) of this section with respect to a specific security. Upon the entry of such an order, the director shall promptly notify all registered broker-dealers that it has been entered and of the reasons therefor and that within fifteen days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the director, the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, after notice of an opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under this subsection may operate retroactively. No person may be considered to have violated this chapter by reason of any offer or sale effected after the entry of an order under this subsection if he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known of the order. In any proceeding under this chapter, the burden of proving an exemption from a definition is upon the person claiming it.

Sec. 18. Section 3, chapter 199, Laws of 1967 as amended by section 7, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.325 are each amended to read as follows:

The director or administrator may by order deny, revoke, or condition any exemption specified in subsection ~~((s (9) or (11)))~~ (10) of RCW 21.20.310 or in RCW 21.20.320 with respect to a specific security or transaction. No such order may be entered without appropriate prior notice to all interested parties, opportunity for hearing, and written findings of fact and conclusions of law, except that the director or administrator may by order summarily deny, revoke, or condition any of the specified exemptions pending final determination of any proceeding under this section. Upon the entry of a summary order, the director or administrator shall promptly notify all interested parties that it has been entered and of the reasons therefor and that within fifteen days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the director or administrator, the order will remain in effect until it is modified or vacated by the director or administrator. If a hearing is requested or ordered, the director or administrator, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final

determination. No order under this section may operate retroactively. No person may be considered to have violated RCW 21.20.140 as now or hereafter amended by reason of any offer or sale effected after the entry of an order under this section if he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the order.

Sec. 19. Section 33, chapter 282, Laws of 1959 and RCW 21.20.330 are each amended to read as follows:

Every applicant for registration as a broker-dealer, investment adviser, investment adviser salesman, or salesman under this chapter and every issuer which proposes to offer a security in this state through any person acting on an agency basis in the common law sense shall file with the director, in such form as he by rule prescribes, an irrevocable consent appointing the director or his successor in office to be the attorney of the applicant to receive service of any lawful process in any noncriminal suit, action, or proceeding against the applicant or it or his successor, executor or administrator which arises under this chapter or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous registration need not file another. Service may be made by leaving a copy of the process in the office of the director, but it is not effective unless (1) the plaintiff, who may be the director in a suit, action, or proceeding instituted by him, forthwith sends notice of the service and a copy of the process by registered mail to the defendant or respondent at it or his last address on file with the director, and (2) the plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

Sec. 20. Section 34, chapter 282, Laws of 1959 as last amended by section 8, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.340 are each amended to read as follows:

The following fees shall be paid in advance under the provisions of this chapter:

(1) For registration of all securities other than investment trusts and securities registered by coordination the fee shall be ~~((fifty))~~ one hundred dollars for the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-twentieth of one percent for any excess over one hundred thousand dollars which are to be offered during that year: PROVIDED, HOWEVER, That an issuer may upon the payment of a fifty dollar fee renew for one additional twelve month period only the unsold portion for which the registration fee has been paid.

(2) For registration of securities issued by a face-amount certificate company or redeemable security issued by an open-end management company or unit investment trust, as those terms are defined in the Investment Company Act of 1940, the fee shall be ~~((fifty))~~ one hundred dollars for the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-twentieth of one percent for any excess over one hundred thousand dollars which are to be offered in this state during that year: PROVIDED,

HOWEVER, That an issuer may upon the payment of a ~~((twenty-five))~~ fifty dollar fee renew for an additional twelve month period the unsold portion for which the registration fee has been paid.

(3) For registration by coordination, other than investment trusts, the fee shall be ~~((fifty))~~ one hundred dollars for initial filing fee for the first twelve month period plus ~~((fifty))~~ one hundred dollars for each additional twelve months in which the same offering is continued.

(4) For filing ~~((an))~~ annual financial statements, the fee shall be ~~((ten))~~ twenty-five dollars.

(5) For filing an amended offering circular after the initial registration permit has been granted the fee shall be ten dollars.

(6) For registration of a broker-dealer or investment adviser, the fee shall be one hundred fifty dollars for original registration and fifty dollars for each annual renewal. When an application is denied or withdrawn the director shall retain one-half of the fee.

~~((6))~~ (7) For registration of a salesman or investment adviser salesman, the fee shall be twenty-five dollars for original registration with each employer and ~~((ten))~~ fifteen dollars for each annual renewal. When an application is denied or withdrawn the director shall retain one-half of the fee.

~~((7))~~ (8) For written examination for registration as a salesman or investment adviser salesman, the fee shall be fifteen dollars. For examinations for registration as a broker-dealer or investment adviser, the fee shall be fifty dollars.

~~((8))~~ (9) If the application for a renewal license is not received by the department on or before March 5 of each year the renewal license fee for a late license for a broker-dealer or an investment adviser shall be ~~((seventy-five))~~ one hundred dollars and for a salesman or investment adviser salesman shall be ~~((fifteen))~~ twenty-five dollars. Acceptance by the director of an application for renewal after March 5 shall not be a waiver of delinquency.

~~((9))~~ (10) (a) For the transfer of a broker-dealer license to a successor, the fee shall be twenty-five dollars.

(b) For the transfer of a salesman from a broker-dealer or issuer to another broker-dealer or issuer, the transfer fee shall be fifteen dollars.

(c) For the transfer of an investment adviser salesman from an investment adviser to another investment adviser, the transfer fee shall be fifteen dollars.

~~((10))~~ (11) For certified copies of any documents filed with the director, the fee shall be the cost to the department.

~~((11))~~ (12) All fees collected under this chapter shall be turned in to the state treasury and shall not be refundable, except as herein provided.

Sec. 21. Section 36, chapter 282, Laws of 1959 and RCW 21.20.360 are each amended to read as follows:

Neither the fact that an application for registration under RCW 21.20.050, a registration statement under RCW ~~((21.20.150))~~ 21.20.180 or 21.20.210 has been filed, nor the fact that a person or security is effectively registered, constitutes a finding by the director that any document filed under this chapter is true, complete, and not misleading. Neither any such fact nor the fact that an exemption or exception is available for a security or a transaction means that the director has passed in any way upon the merits of qualifications of, or recommended or given

approval to, any person, security, or transaction. It is unlawful to make, or cause to be made, to any prospective purchaser, customer, or client any representation inconsistent with this section.

Sec. 22. Section 38, chapter 282, Laws of 1959 as amended by section 9, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.380 are each amended to read as follows:

For the purpose of any investigation or proceeding under this chapter, the director or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the director deems relevant or material to the inquiry.

In case of disobedience on the part of any person to comply with any subpoena lawfully issued by the director, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, the superior court of any county or the judge thereof, on application of the director, and after satisfactory evidence of wilful disobedience, may compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such a court on a refusal to testify therein.

~~((No person is excused from attending and testifying or from producing any document or record before the director or in obedience to the subpoena of the director or any officer designated by him, or in any proceeding instituted by the director, on the ground that the testimony or evidence (documentary or otherwise) required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after claiming his privilege against self-incrimination, to testify or produce evidence (documentary or otherwise), except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.))~~

Sec. 23. Section 39, chapter 282, Laws of 1959 as amended by section 10, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.390 are each amended to read as follows:

Whenever it appears to the director that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule or order hereunder, he may in his discretion:

(1) Issue an order directing the person to cease and desist from continuing the act or practice: PROVIDED, That reasonable notice of and opportunity for a hearing shall be given: PROVIDED, FURTHER, That the director may issue a temporary order pending the hearing which shall remain in effect until ten days after the hearing is held and which shall become final if the person to whom notice is addressed does not request a hearing within fifteen days after the receipt of notice; or

(2) The director may without issuing a cease and desist order, bring an action in any court of competent jurisdiction to enjoin any such acts or practices and to enforce compliance with this chapter or any rule or order hereunder. Upon a proper showing a permanent or temporary injunction, restraining order, or writ of

mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The director may not be required to post a bond. If the director prevails, he shall be entitled to a reasonable attorney's fee to be fixed by the court.

(3) Whenever it appears to the director that any person who has received a permit to issue, sell or otherwise dispose of securities under this chapter, whether current or otherwise, has become insolvent, the director may petition a court of competent jurisdiction to appoint a receiver or conservator for the defendant or the defendant's assets. The director may not be required to post a bond.

(4) The director may include in any action authorized by subsection (2) of this section a claim for restitution or damages on behalf of the persons injured by the act or practice constituting the subject matter of the action. The court shall have the power to award appropriate relief to such persons, if the court finds that enforcement of the rights of such persons by private civil action, whether by class action or otherwise, would be so burdensome or expensive as to be impractical.

Sec. 24. Section 43, chapter 282, Laws of 1959 as last amended by section 11, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.430 are each amended to read as follows:

(1) Any person, who offers or sells a security in violation of any provisions of RCW 21.20.140 through 21.20.220 and 21.20.230, or offers or sells a security by means of fraud or misrepresentation is liable to the person buying the security from him, who may sue either at law or in equity to recover the consideration paid for the security, together with interest at ~~((six))~~ eight percent per annum from the date of payment, costs, and reasonable attorneys' fees, less the amount of any income received on the security, upon the tender of the security, or for damages if he no longer owns the security. Damages are the amount that would be recoverable upon a tender less (a) the value of the security when the buyer disposed of it and (b) interest at ~~((six))~~ eight percent per annum from the date of disposition.

(2) Any person who buys a security by means of fraud or misrepresentation is liable to the person selling the security to him, who may sue either at law or in equity to recover the security, together with any income received on the security, costs, and reasonable attorneys' fees or if the security cannot be recovered, the value of the security, any profits arising from the security, costs, and reasonable attorneys' fees.

(3) Every person who directly or indirectly controls a seller or buyer liable under subsection (1) or (2) above, every partner, officer, or director (or person occupying a similar status or performing similar functions) or employee of such a seller or buyer who materially aids in the ~~((safe))~~ transaction, and every broker-dealer, salesman or person exempt under the provisions of RCW 21.20.040 who materially aids in the ~~((safe))~~ transaction is also liable jointly and severally with and to the same extent as the seller or buyer, unless ~~((the nonseller who is so liable))~~ he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist. There is contribution as in cases of contract among the several persons so liable.

~~(((3)) Any tender specified in this section may be made at any time before entry of judgment.))~~ (4) (a) Every cause of action under this statute survives the death of any person who might have been a plaintiff or defendant.

(b) No person may sue under this section more than three years after the contract of sale. No person may sue under this section ~~(((a)))~~ if the buyer ~~(((received)))~~ or seller receives a written rescission offer, which has been passed upon by the director before suit and at a time when he owned the security, to refund the consideration paid together with interest at ~~(((six)))~~ eight percent per annum from the date of payment, less the amount of any income received on the security ~~(((and he failed to accept the offer within thirty days of its receipt, or (b) if the buyer received such an offer before suit and at a time when he did not own the security, unless he rejected the offer in writing within thirty days of its receipt)))~~ in the case of a buyer, or plus the amount of income received on the security in the case of a seller.

~~(((4)))~~ (5) No person who has made or engaged in the performance of any contract in violation of any provision of this chapter or any rule or order hereunder, or who has acquired any purported right under any such contract with knowledge of the facts by reason of which its making or performance was in violation, may base any suit on the contract. Any condition, stipulation, or provision binding any person acquiring any security to waive compliance with any provision of this chapter or any rule or order hereunder is void.

Sec. 25. Section 45, chapter 282, Laws of 1959 and RCW 21.20.450 are each amended to read as follows:

The administration of the provisions of this chapter shall be under the department of licenses. The director may from time to time make, amend, and rescind such rules and forms as are necessary to carry out the provisions of this chapter, including rules defining any term, whether or not such term is used in the Washington securities law. The director may classify securities, persons, and matters within his jurisdiction, and prescribe different requirements for different classes. No rule or form, may be made unless the director finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this chapter. In prescribing rules and forms the director may cooperate with the securities administrators of the other states and the securities and exchange commission with a view to effectuating the policy of this statute to achieve maximum uniformity in the form and content of registration statements, applications, and reports wherever practicable. All rules and forms of the director shall be published.

NEW SECTION. Sec. 26. There is added to chapter 21.20 RCW a new section to read as follows:

The interest charged by any broker-dealer registered under this chapter and under the Federal Securities Exchange Act of 1934, as amended, with respect to a margin account debit balance which is subject to Regulation T of the Board of Governors of the Federal Reserve System and which account may be paid in full at the will of the customer, shall not, regardless of whether the customer is a resident or a nonresident of, or the written agreement providing for such interest charge is entered into within or without, the state of Washington, be subject to the

limitations imposed by chapter 19.52 RCW relating to the maximum rate of interest which may be agreed to in writing and taken and received; PROVIDED, HOWEVER, That the interest rate charged by such broker-dealer shall not be more than one and one-half percent higher than the effective rate of interest paid by such broker dealer for funds borrowed to make margin account purchases for his customers on the date of the customer borrowing, or such lesser rate as may be set by rules or regulations of the securities division of the department of motor vehicles.

NEW SECTION. Sec. 27. There is added to chapter 21.20 RCW a new section to read as follows:

(1) The following restricted real estate securities may be registered under this section even though they are eligible for registration under other provisions of this chapter. The rules and regulations of the securities division shall be applicable to offerings registered under this section.

(2) Restricted real estate securities are hereby defined and limited as follows:

(a) An offering of a security involving any interest in a limited partnership, general partnership, joint venture, or unincorporated association (but not a corporation) which invests in specific real property known to the investor at the time of the investment.

(b) The person selling such securities is a licensed real estate broker, associate real estate broker, or real estate salesman duly licensed with the Washington real estate division, or a securities salesman or securities broker-dealer duly licensed with the Washington securities division, and has demonstrated a knowledge of the field of real estate securities by passing an examination as required by the director.

(c) Such securities are purchased by not more than thirty-five persons. An interest purchased by husband and wife shall be considered purchased by one person.

(d) In connection with the offering of such securities, public advertisements, meetings, seminars, or other means of public solicitation may not be employed unless such advertising contains a reference to the fact that these are restricted real estate securities and are filed with the securities division and are not disallowed in accordance with the rules and regulations of the securities division. The conducting of lectures or classes in any established public or private school shall not be deemed to constitute a means of public solicitation.

(3) Offerings of restricted real estate securities shall be registered on a form prescribed by the director. Said form shall be filed with the securities division by the selling real estate broker prior to any offer of solicitation to purchase such securities, and a copy of such completed form as filed shall be given by the registrant to each person to whom an offer is made before or concurrently with (a) the first written offer made to him (other than by means of a public advertisement), (b) the confirmation of any sale made, (c) payment pursuant to any such sale, or (d) delivery of the security pursuant to any such sale, whichever occurs first.

(4) The selling real estate broker under subsection (3) must, at the completion of the offering, file a report with the securities division which contains a list of the security holders, their addresses, and the dollar amounts purchased.

(5) A registration under subsections (1) to (3) of this section becomes effective if no stop order is in effect and no proceeding is pending under RCW 21.20.280 and 21.20.300 at three o'clock Pacific standard time in the afternoon of the fifteenth full business day after the filing of the registration statement or the last amendment, or at such earlier time as the director determines.

NEW SECTION. Sec. 28. The following acts or parts of acts are each hereby repealed:

- (1) Section 15, chapter 282, Laws of 1959 and RCW 21.20.150;
- (2) Section 16, chapter 282, Laws of 1959 and RCW 21.20.160; and
- (3) Section 17, chapter 282, Laws of 1959 and RCW 21.20.170.

Passed the Senate April 22, 1975.

Passed the House May 16, 1975.

Approved by the Governor May 26, 1975.

Filed in Office of Secretary of State May 26, 1975.

CHAPTER 85

[Engrossed Senate Bill No. 2509]

NOTARIES PUBLIC—OFFICIAL SEAL OR STAMP

AN ACT Relating to notaries public; amending section 3, page 473, Laws of 1890 and RCW 42.28.030; amending section 5, page 474, Laws of 1890 and RCW 42.28.060; amending section 6, page 474, Laws of 1890 and RCW 42.28.070; amending section 1, chapter 56, Laws of 1907 as amended by section 7, chapter 51, Laws of 1951 and RCW 42.28.090; and adding a new section to chapter 42.28 RCW.

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

Section 1. Section 3, page 473, Laws of 1890 and RCW 42.28.030 are each amended to read as follows:

Before a commission shall issue to the person appointed he shall—(1) execute a bond, payable to the state of Washington, in the sum of one thousand dollars, with sureties to be approved by the county clerk of the county in which the applicant resides, conditioned for the faithful discharge of the duties of his office; (2) pay into the state treasury the sum of ten dollars for special state library fund [state general fund], taking the treasurer's receipt therefor; (3) procure a seal or stamp, on which shall be engraved or impressed the words "Notary Public" and "State of Washington", and date of expiration of his commission, with surname in full, and at least the initials of his Christian name; (4) to take and subscribe the oath of office required of state officers; (5) file the said oath of office, bond and treasurer's receipt in the office of the secretary of state, and before performing any official acts, shall file in the office of the secretary of state a clear impression of his official seal or stamp, which seal or stamp shall be approved by the governor: PROVIDED, That if a stamp is used the following requirements shall apply:

- (1) The type shall be a minimum of 8 point type.
- (2) The stamp shall be two inches minimal in diameter.
- (3) The imprint shall be affixed with indelible ink only.
- (4) The face of any notary stamp shall contain permanently affixed letters and numerals and shall not be preprinted.

Sec. 2. Section 5, page 474, Laws of 1890 and RCW 42.28.060 are each amended to read as follows:

It shall not be necessary for a notary public in certifying an oath to be used in any of the courts in this state, to append an impression of his official seal or stamp, but in all other cases when the notary public shall sign any instrument officially, he shall, in addition to his name and the words "Notary Public", add his place of residence and affix his official seal or stamp.

Sec. 3. Section 6, page 474, Laws of 1890 and RCW 42.28.070 are each amended to read as follows:

Every notary public is required to keep a true record of all notices of protest given or sent by him, with the time and manner in which the same were given or sent, and the names of all the parties to whom the same were given or sent, with the copy of the instrument in relation to which the notice is served, and of the notice itself; said record, or a copy thereof, duly certified under the hand and seal or stamp of the notary public, or county clerk having the custody of the original record, shall be competent evidence to prove the facts therein stated, but the same may be contradicted by other competent evidence.

Sec. 4. Section 1, chapter 56, Laws of 1907 as amended by section 7, chapter 51, Laws of 1951 and RCW 42.28.090 are each amended to read as follows:

Notaries public may make but not exceed the following charges for their services:

Protest of a bill of exchange or promissory note, one dollar;

Attesting any instrument of writing with or without seal or stamp, one dollar;

Taking acknowledgment, two persons, with seal or stamp, one dollar;

Taking acknowledgment, each person over two, fifty cents;

Certifying affidavit, with or without seal or stamp, one dollar;

Registering protest of bill of exchange or promissory note for nonacceptance or nonpayment, fifty cents;

Being present at demand, tender, or deposit, and noting the same, besides mileage at the rate of ten cents per mile, fifty cents;

Noting a bill of exchange or promissory note, for nonacceptance or nonpayment, fifty cents;

For copying any instrument or record, per folio, besides certificate and seal or stamp, fifteen cents.

All public officers who are paid a salary in lieu of fees shall collect the prescribed fees for the use of the state or county as the case may be.

NEW SECTION. Sec. 5. There is added to chapter 42.28 RCW a new section to read as follows:

Notwithstanding any other provision of law, any requirement that a notary public affix his seal or his official seal shall be fully satisfied if such notary uses instead a rubber stamp which complies with the requirements of RCW 42.28.030 as now or hereafter amended.

Passed the Senate April 3, 1975.

Passed the House May 16, 1975.

Approved by the Governor May 26, 1975.

Filed in Office of Secretary of State May 26, 1975.

CHAPTER 86

[Senate Bill No. 2945]

SEWER DISTRICTS—CONSOLIDATIONS AND MERGERS

AN ACT Relating to sewer districts; amending section 2, chapter 197, Laws of 1967 and RCW 56.32.010; amending section 3, chapter 197, Laws of 1967 and RCW 56.32.020; amending section 4, chapter 197, Laws of 1967 and RCW 56.32.030; amending section 5, chapter 197, Laws of 1967 and RCW 56.32.040; amending section 6, chapter 197, Laws of 1967 and RCW 56.32.050; amending section 9, chapter 197, Laws of 1967 and RCW 56.32.080; amending section 11, chapter 197, Laws of 1967 and RCW 56.32.100; amending section 12, chapter 197, Laws of 1967 and to chapter 56.32 RCW.

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

Section 1. Section 2, chapter 197, Laws of 1967 and RCW 56.32.010 are each amended to read as follows:

Two or more sewer districts, adjoining or in close proximity to ~~((and in the same county with))~~ each other, may be joined into one consolidated sewer district. The consolidation may be initiated in either of the following ways: Ten percent of the legal electors residing within each of the sewer districts proposed to be consolidated may petition the board of sewer commissioners of each of their respective sewer districts to cause the question to be submitted to the legal electors of the sewer districts proposed to be consolidated; or, the boards of sewer commissioners of each of the sewer districts proposed to be consolidated may by resolution determine that the consolidation of such districts shall be conducive to the public health, welfare, and convenience and to be of special benefit to the lands of such districts.

Sec. 2. Section 3, chapter 197, Laws of 1967 and RCW 56.32.020 are each amended to read as follows:

If consolidation proceedings are initiated by petition, upon the filing of such petitions with the boards of sewer commissioners of the sewer districts, the boards of sewer commissioners of all of the districts shall file such petitions with the county auditor of each county in which any of the affected districts is located, who shall within ten days examine the signatures thereon and certify to the sufficiency or insufficiency thereof. If all of the petitions shall be found to contain a sufficient number of signatures, the respective county auditor shall transmit them, together with his certificate of sufficiency attached thereto, to the boards of sewer commissioners of each of the districts proposed for consolidation. In the event that there are no legal electors residing in one or more of the sewer districts proposed to be consolidated, the petitions may be signed by such a number as appear of record to own at least a majority of the acreage in the pertinent sewer district, and the petitions shall disclose the total number of acres of land in the sewer district and shall also contain the names of all record owners of land therein.

Sec. 3. Section 4, chapter 197, Laws of 1967 and RCW 56.32.030 are each amended to read as follows:

Upon the receipt of ~~((the))~~ each county auditor's certificate of sufficiency of the petitions by the boards of sewer commissioners of the districts proposed for consolidation, hereinafter referred to as the "consolidating districts", or upon

adoption by the boards of sewer commissioners of the consolidating districts of their resolutions for consolidation, the boards of the consolidating districts shall, within ninety days, enter into an agreement providing for consolidation.

The agreement shall set forth the method and manner of consolidation, a comprehensive plan or scheme of sewer supply for the consolidated district and, if such comprehensive plan or scheme of sewer supply provides that one or more of the consolidating districts or the proposed consolidated district issue revenue bonds for the construction and/or other costs of any part or all of the comprehensive plan, then the details thereof shall be set forth.

The requirement that a comprehensive plan or scheme of sewer supply for the consolidated district be set forth in the agreement for consolidation((:)) shall be satisfied if the existing comprehensive plans or schemes of the consolidating districts are incorporated therein by reference and any changes or additions thereto are set forth in detail.

Sec. 4. Section 5, chapter 197, Laws of 1967 and RCW 56.32.040 are each amended to read as follows:

The respective boards of sewer commissioners of the consolidating districts shall certify such agreement to the county auditors of the ((county)) counties in which the districts are located. Thereupon, the county auditor of the county in which the largest amount of territory of the proposed consolidated sewer is located shall call a special election for the purpose of submitting to the voters of each of the consolidating districts the proposition of whether or not the several districts shall be consolidated into one sewer district. The proposition shall give the title of the proposed consolidated district. Notice of the election shall be given and the election conducted in accordance with the general election laws.

Sec. 5. Section 6, chapter 197, Laws of 1967 and RCW 56.32.050 are each amended to read as follows:

If at the election a majority of the voters in each of the consolidating districts shall vote in favor of the consolidation, the county canvassing board of the county the auditor of which conducted the election shall so declare in its canvass and the return of the election shall be made within ten days after the date thereof. Upon the return the consolidation shall be effective and the consolidating districts shall cease to exist and shall then be and become a new sewer district and municipal corporation of the state of Washington.

The name of such new sewer district shall be ". . . .(name). . . . Sewer District of County", which shall be the name appearing on the ballot.

The district shall have all and every power, right and privilege possessed by other sewer districts of the state of Washington. The district may issue revenue bonds to pay for the construction of any additions and betterments set forth in the comprehensive scheme and plan of sewer supply contained in the agreement for consolidation and any future additions and betterments to the comprehensive scheme and plan of sewer supply, as its board of sewer commissioners shall by resolution adopt, without submitting a proposition therefor to the voters of the district.

Sec. 6. Section 9, chapter 197, Laws of 1967 and RCW 56.32.080 are each amended to read as follows:

Whenever there are two sewer districts, the territories of which are adjoining or in close proximity to ~~((and in the same county with))~~ each other, either district hereinafter referred to as the "merging district", may merge into the other districts, hereinafter referred to as the "merger district", and the merger district will survive under its original name or number.

Sec. 7. Section 11, chapter 197, Laws of 1967 and RCW 56.32.100 are each amended to read as follows:

The respective boards of sewer commissioners of the districts shall certify the agreement to the county auditor of the county in which the largest amount of territory of the merging district~~((s are))~~ is located. Thereupon, the county auditor shall call a special election for the purpose of submitting to the voters of the merging district the proposition of whether the merging district shall be merged into the merger district. Notice of the election shall be given and the election conducted in accordance with the general election laws.

Sec. 8. Section 12, chapter 197, Laws of 1967 and RCW 56.32.110 are each amended to read as follows:

If at the election a majority of the voters of the merging sewer district shall vote in favor of the merger, the county canvassing board of the county the auditor of which conducted the election shall so declare in its canvass and the return of the election shall be made within ten days after the date thereof. Upon the return the merger shall be effective and the merging sewer district shall cease to exist and shall become a part of the merger sewer district. The sewer commissioners of the merging district shall cease to hold office and the affairs of the merged districts shall be managed by the sewer commissioners of the merger district.

NEW SECTION. Sec. 9. There is added to chapter 197, Laws of 1967 and to chapter 56.32 RCW a new section to read as follows:

For the purposes of this 1975 amendatory act, county auditor of a county shall mean the election officer of that county.

Passed the Senate April 16, 1975.

Passed the House May 16, 1975.

Approved by the Governor May 26, 1975.

Filed in Office of Secretary of State May 26, 1975.

CHAPTER 87

[House Bill No. 295]

BANKS—SUPERVISORY DIRECTION AND CONSERVATORSHIP

AN ACT Relating to banks and banking; adding a new chapter to Title 30 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to Title 30 RCW a new section to read as follows:

For the purposes of this chapter the following terms shall be defined as follows:

(1) "Unsafe condition" shall mean and include, but not be limited to, any one or more of the following circumstances:

- (a) If a bank's capital is impaired or impairment of capital is threatened;
 - (b) If a bank violates the provisions of Title 30 RCW or any other law or regulation applicable to banks;
 - (c) If a bank conducts a fraudulent or questionable practice in the conduct of its business that endangers the bank's reputation or threatens its solvency;
 - (d) If a bank conducts its business in an unsafe or unauthorized manner;
 - (e) If a bank violates any conditions of its charter or any agreement entered with the supervisor; or
 - (f) If a bank fails to carry out any authorized order or direction of the bank examiner or the supervisor.
- (2) "Exceeded its powers" shall mean and include, but not be limited to the following circumstances:
- (a) If a bank has refused to permit examination of its books, papers, accounts, records, or affairs by the supervisor, his deputy or duly commissioned examiners; or
 - (b) If a bank has neglected or refused to observe an order of the supervisor to make good, within the time prescribed, any impairment of its capital.
- (3) "Consent" includes and means a written agreement by the bank to either supervisory direction or conservatorship under this chapter.

NEW SECTION. Sec. 2. There is added to Title 30 RCW a new section to read as follows:

If upon examination or at any other time it appears to the supervisor that any bank is in an unsafe condition and its condition is such as to render the continuance of its business hazardous to the public or to its depositors and creditors, or if such bank appears to have exceeded its powers or has failed to comply with the law, or if such bank gives its consent, then the supervisor shall upon his determination (1) notify the bank of his determination, and (2) furnish to the bank a written list of the supervisor requirements to abate his determination, and (3) if the supervisor makes further determination to directly supervise, he shall notify the bank that it is under the supervisory direction of the supervisor and that the supervisor is invoking the provisions of this chapter. If placed under supervisory direction the bank shall comply with the lawful requirements of the supervisor within such time as provided in the notice of the supervisor, subject however, to the provisions of this chapter. If the bank fails to comply within such time the supervisor may appoint a conservator as hereafter provided.

NEW SECTION. Sec. 3. There is added to Title 30 RCW a new section to read as follows:

During the period of supervisory direction the supervisor may appoint a representative to supervise such bank and may provide that the bank may not do any of the following during the period of supervisory direction, without the prior approval of the supervisor or the appointed representative.

- (1) Dispose of, convey or encumber any of the assets;
- (2) Withdraw any of its bank accounts;
- (3) Lend any of its funds;
- (4) Invest any of its funds;
- (5) Transfer any of its property; or
- (6) Incur any debt, obligation, or liability.

NEW SECTION. Sec. 4. There is added to Title 30 RCW a new section to read as follows:

After the period of supervisory direction specified by the supervisor for compliance, if he determines that such bank has failed to comply with the lawful requirements imposed, upon due notice and hearing or by consent of the bank, the supervisor may appoint a conservator, who shall immediately take charge of such bank and all of its property, books, records, and effects. The conservator shall conduct the business of the bank and take such steps toward the removal of the causes and conditions which have necessitated such order, as the supervisor may direct. During the pendency of the conservatorship the conservator shall make such reports to the supervisor from time to time as may be required by the supervisor, and shall be empowered to take all necessary measures to preserve, protect, and recover any assets or property of such bank, including claims or causes of actions belonging to or which may be asserted by such bank, and to deal with the same in his own name as conservator, and shall be empowered to file, prosecute, and defend any suit and suits which have been filed or which may thereafter be filed by or against such bank which are deemed by the conservator to be necessary to protect all of the interested parties for a property affected thereby. The supervisor, or any newly appointed deputy, may be appointed to serve as conservator. If the supervisor, however, is satisfied that such bank is not in condition to continue business in the interest of its depositors or creditors under the conservator as above provided, the supervisor may proceed with appropriate remedies provided by other provisions of this title.

NEW SECTION. Sec. 5. There is added to Title 30 RCW a new section to read as follows:

All costs incident to supervisory direction and the conservatorship shall be fixed and determined by the supervisor and shall be a charge against the assets of the bank to be allowed and paid as the supervisor may determine.

NEW SECTION. Sec. 6. There is added to Title 30 RCW a new section to read as follows:

During the period of the supervisory direction and during the period of conservatorship, the bank may request the supervisor to review an action taken or proposed to be taken by the representative or conservator; specifying wherein the action complained of is believed not to be in the best interest of the bank, and such request shall stay the action specified pending review of such action by the supervisor. Any order entered by the supervisor appointing a representative and providing that the bank shall not do certain acts as provided in sections 3 and 4 of this 1975 act, any order entered by the supervisor appointing a conservator, and any order by the supervisor following the review of an action of the representative or conservator as herein above provided shall be subject to review in accordance with the administrative procedure act of the state of Washington.

NEW SECTION. Sec. 7. There is added to Title 30 RCW a new section to read as follows:

Any suit filed against a bank or its conservator, after the entrance of an order by the supervisor placing such bank in conservatorship and while such order is in

effect, shall be brought in the superior court of Thurston county and not elsewhere. The conservator appointed hereunder for such bank may file suit in any superior court or other court of competent jurisdiction against any person for the purpose of preserving, protecting, or recovering any asset or property of such bank including claims or causes of action belonging to or which may be asserted by such bank.

NEW SECTION. Sec. 8. There is added to Title 30 RCW a new section to read as follows:

The conservator shall serve for such time as is necessary to accomplish the purposes of the conservatorship as intended by this chapter. If rehabilitated, the rehabilitated bank shall be returned to management or new managements under such conditions as are reasonable and necessary to prevent recurrence of the condition which occasioned the conservatorship.

NEW SECTION. Sec. 9. There is added to Title 30 RCW a new section to read as follows:

If the supervisor determines to act under authority of this chapter, the sequence of his acts and proceedings shall be as set forth in this chapter. However, it is the purpose and substance of this chapter to authorize administrative discretion—to allow the supervisor administrative discretion in the event of unsound banking operations—and in furtherance of that purpose the supervisor is hereby authorized to proceed with regulation either under this chapter or under any other applicable provisions of law or under this chapter in connection with other law, either as such law is now existing or is hereinafter enacted, and it is so provided.

NEW SECTION. Sec. 10. There is added to Title 30 RCW a new section to read as follows:

The supervisor is empowered to adopt and promulgate such reasonable rules and regulations as may be necessary for the implementation of this chapter and its purposes.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act shall constitute a new chapter in Title 30 RCW.

NEW SECTION. Sec. 12. 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 March 14, 1975.

Passed the Senate May 19, 1975.

Approved by the Governor May 26, 1975.

Filed in Office of Secretary of State May 27, 1975.

CHAPTER 88

[Substitute House Bill No. 1091]

UNIVERSITY OF WASHINGTON HOSPITAL FACILITIES

—GENERAL OBLIGATION BONDS—BOND ANTICIPATION NOTES

AN ACT Relating to the University of Washington; authorizing the sale and issuance of state general obligation bonds and bond anticipation notes to finance the acquisition, construction, remodeling, furnishing or equipping of certain University of Washington hospital facilities; providing ways

and means of payment of such bonds; adding new sections to Title 28B RCW; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature has previously approved by its appropriation of funds from time to time, a capital improvement project for the University of Washington hospital, which project was to be partly funded by the issuance, by the university board of regents, of revenue bonds payable from certain university hospital fees. In order that such project may be funded on terms most advantageous to the state, it is hereby determined to be in the public interest that state general obligation bonds be issued to provide part of the funds for such project in lieu of revenue bonds.

NEW SECTION. Sec. 2. For the purpose of providing financing for needed acquisition, construction, remodeling, furnishing or equipping of buildings and facilities of the University of Washington hospital, the state finance committee is hereby authorized to issue from time to time general obligation bonds of the state of Washington in the aggregate principal amount of eight million dollars, or so much thereof as shall be required to finance the university hospital improvements project described in section 1 of this 1975 act, to be paid and discharged within thirty years of the date of issuance, in accordance with Article VIII, section 1, of the Constitution of the state of Washington.

NEW SECTION. Sec. 3. When the state finance committee has determined to issue such general obligation bonds or a portion thereof, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of such bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for the payment of principal and redemption premium, if any, of and interest on such notes shall be applied thereto when such bonds are issued.

NEW SECTION. Sec. 4. The state finance committee is authorized to prescribe the form, terms, conditions and covenants of the bonds and/or the bond anticipation notes, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each such bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and the interest thereon when due.

NEW SECTION. Sec. 5. Except for that portion of the proceeds required to pay bond anticipation notes pursuant to section 3 of this 1975 act, the proceeds from the sale of the bonds and/or bond anticipation notes authorized herein, together with all grants, donations, transferred funds and other moneys which the state finance committee or the board of regents of the University of Washington may direct the state treasurer to deposit therein, shall be deposited in the building authority construction account in the state treasury.

NEW SECTION. Sec. 6. Subject to legislative appropriation, all proceeds of the bonds and/or bond anticipation notes authorized in this 1975 act shall be administered and expended by the board of regents of the University of Washington exclusively for the purposes specified in this 1975 act and for the payment of the

expenses incurred in connection with the sale and issuance of such bonds and bond anticipation notes.

NEW SECTION. Sec. 7. The 1975 University of Washington hospital bond retirement fund is hereby created in the state treasury for the purpose of the payment of principal of and interest on the bonds authorized to be issued pursuant to this 1975 act.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and interest coming due on such bonds. On July 1st of each such year the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1975 University of Washington hospital bond retirement fund an amount equal to the amount certified by the state finance committee.

NEW SECTION. Sec. 8. On or before June 30th of each year, the board of regents of the University shall cause to be accumulated, in an appropriate local fund, from fees charged patients of the university hospital and other moneys legally available for such purposes, an amount at least equal to the amount required in the next succeeding twelve months for the payment of the principal of and interest coming due on the bonds issued pursuant to this 1975 act. Notwithstanding the provisions of RCW 28B.15.220, on July 1st of each such year the board of regents of the university shall cause to be paid to the state treasurer for deposit into the general fund of the state treasury, the sum so accumulated.

NEW SECTION. Sec. 9. The bonds authorized in this 1975 act shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 10. The bonds authorized in this act shall be issued only after the university board of regents has certified to the state finance committee that projected revenue from fees charged patients of the University Hospital shall be adequate, based upon reasonable projections for that revenue, to enable the board of regents to meet the requirement of section 8 of this act during the life of the bonds proposed to be issued.

NEW SECTION. Sec. 11. Sections 1 through 10 of this 1975 act are added to Title 28B RCW.

NEW SECTION. Sec. 12. If any provision of this 1975 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, shall in no way be affected.

NEW SECTION. Sec. 13. This 1975 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 12, 1975.

Passed the Senate May 16, 1975.

Approved by the Governor May 26, 1975.

Filed in Office of Secretary of State May 27, 1975.

CHAPTER 89

[Engrossed Senate Bill No. 2194]
VACANCY IN UNITED STATES
SENATORSHIP—FILLING

AN ACT Relating to United States senators; amending section 29.68.070, chapter 9, Laws of 1965 and RCW 29.68.070; and providing for the submission of this act to a vote of the people.

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

Section 1. Section 29.68.070, chapter 9, Laws of 1965 and RCW 29.68.070 are each amended to read as follows:

When a vacancy happens in the representation of this state in the senate of the United States the governor shall make a temporary appointment until the people fill the vacancy by election at the next ensuing general state election occurring during an even-numbered year. Such temporary appointment shall be from a list of three names submitted to the governor by the state central committee of the same political party as the senator holding office prior to the vacancy. A vacancy occurring after the first day for filing specified in RCW 29.18.030 and prior to the general state election shall be filled by election at the next ensuing general state election occurring during an even-numbered year.

NEW SECTION. Sec. 2. This amendatory act shall be submitted to the people for their adoption and ratification, or rejection, at a special election hereby ordered by the legislature, which election shall be held in conjunction with the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1975, all in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

Passed the Senate April 17, 1975.

Passed the House May 23, 1975.

Filed in Office of Secretary of State May 27, 1975.

CHAPTER 90

[Substitute House Bill No. 86]
EXCISE TAXES—GOVERNMENT CONSTRUCTION

AN ACT Relating to revenue and taxation; amending section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 1, chapter 145, Laws of 1973 1st ex. sess. and RCW 82.04.050; amending section 82.04.190, chapter 15, Laws of 1961 as last amended by section 4, chapter 299, Laws of 1971 ex. sess. and RCW 82.04.190; amending section 2, chapter 8, Laws of 1970 ex. sess. as last amended by section 5, chapter 299, Laws of 1971 ex. sess. and RCW 82.04.280; creating a new section; and prescribing an effective date.

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

Section 1. Section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 1, chapter 145, Laws of 1973 1st ex. sess. and RCW 82.04.050 are each amended to read as follows:

"Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of

the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a) purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), or (c) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsections (2) and (7) and RCW 82.04.290.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning,

snow removal or sandblasting; (d) the sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW; (e) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same; (f) the sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), and (e) above when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this paragraph shall be construed to modify the first paragraph of this section and nothing contained in the first paragraph of this section shall be construed to modify this paragraph.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal business or professional services, including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities; (a) amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

The term shall also include the renting or leasing of tangible personal property to consumers.

The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind, nor shall it include sales of feed, seed, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

The term shall not include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible

personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority.

Sec. 2. Section 82.04.190, chapter 15, Laws of 1961 as last amended by section 4, chapter 299, Laws of 1971 ex. sess. and RCW 82.04.190 are each amended to read as follows:

"Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of his business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale;

(2) Any person engaged in any business activity taxable under RCW 82.04.290;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state of Washington or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right of way of such street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of such mass public transportation terminal or parking facility;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real ~~((or personal))~~ property which is being constructed, repaired, decorated, improved, ((cleaned, imprinted,)) or otherwise altered by a person engaged in business, excluding only ~~((the United States and))~~ (a) municipal corporations or political subdivisions of the state in respect to labor and services rendered to their real property which is used or held for public road purposes, and (b) the United States, instrumentalities thereof, and county and city housing authorities created pursuant to chapter 35.82 RCW in respect to labor and services

rendered to their real property. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer";

(5) Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business;

(6) Any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Any such person shall be a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person.

Sec. 3. Section 2, chapter 8, Laws of 1970 ex. sess. as last amended by section 5, chapter 299, Laws of 1971 ex. sess. and RCW 82.04.280 are each amended to read as follows:

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals or magazines; (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6), as now or hereafter amended; as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of forty-four one hundredths of one percent.

NEW SECTION. Sec. 4. In the event any person has entered into a contract prior to July 1, 1975 or has bid upon a contract prior to July 1, 1975 and has been awarded the contract after July 1, 1975 and would be required under the terms of

the contract to bear the economic burden of the additional taxes imposed by this 1975 amendatory act, the additional taxes imposed by this 1975 amendatory act shall not be required to be paid by such person in carrying on activities in the fulfillment of such contract.

NEW SECTION. Sec. 5. This 1975 amendatory 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 July 1, 1975.

Passed the House March 14, 1975.

Passed the Senate May 19, 1975.

Approved by the Governor May 27, 1975.

Filed in Office of Secretary of State May 27, 1975.

CHAPTER 91

[House Bill No. 1075]

STATE FUNDS AND ACCOUNTS—TRANSFERS

AN ACT Relating to state funds; adding a new section to chapter 43.79 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 43.79 RCW a new section to read as follows:

All moneys to the credit of the following state funds or accounts as of the effective date of this act are transferred to the state general fund on that date:

(1) The public school building construction account of the general fund created under RCW 43.79.330; and

(2) The general administration construction fund in the general fund created under RCW 43.82.090.

***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.*

*Sec. 2. was vetoed, see message at end of chapter.

Passed the House May 8, 1975.

Passed the Senate May 16, 1975.

Approved by the Governor May 27, 1975, with the exception of section 2 which is vetoed.

Filed in Office of Secretary of State May 27, 1975.

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

"I am returning herewith without my approval as to one section House Bill No. 1075 entitled:

"AN ACT Relating to state funds."

This bill transfers balances in the general administration construction fund and public school building construction account to the state general fund.

Section 2 declares an emergency and provides for the act to take effect immediately. I have, on several recent occasions, expressed my increasing apprehension

over repeated and unwarranted use of emergency clauses in bills that do not measure up to the standard of urgency contained in Article II, section 1(b) of our Constitution. I have vetoed emergency clauses from such bills, and must do so again for the same reason in the case of this bill.

With the exception of section 2 which I have vetoed, the remainder of House Bill No. 1075 is approved."

CHAPTER 92

[Substitute House Bill No. 409]
ELECTRICIANS—GENERAL
OR SPECIALTY LICENSES

[Veto override: See chapter 195, *infra*.]

AN ACT Relating to electricians and electrical installations; amending section 1, chapter 30, Laws of 1969 as last amended by section 1, chapter 188, Laws of 1974 ex. sess. and RCW 19.28.120; amending section 2, chapter 188, Laws of 1974 ex. sess. and RCW 19.28.123; and amending section 4, chapter 188, Laws of 1974 ex. sess. and RCW 19.28.125.

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

**Section 1. Section 1, chapter 30, Laws of 1969 as last amended by section 1, chapter 188, Laws of 1974 ex. sess. and RCW 19.28.120 are each amended to read as follows:*

(1) It shall be unlawful for any person, firm, or corporation to engage in, conduct or carry on the business of installing wires or equipment to convey electric current, or installing apparatus to be operated by such current as it pertains to the electrical industry, without having an unrevoked, unsuspended and unexpired license so to do, issued by the director of labor and industries in accordance with the provisions of this chapter. All such licenses shall expire on the thirty-first day of December following the day of their issue. Application for such license shall be made in writing to the department of labor and industries, accompanied by the required fee, and shall state the name and address of the applicant, and in case of firms, the names of the individuals composing the firm, and in case of corporations, the name of the managing officials thereof, and shall state the location of the place of business of the applicant and the name under which such business is conducted, and shall state the type of license sought, whether a general or specialty electrical license, and if the latter, the type of specialty. ((Such)) A general electrical license shall grant to the holder thereof the right to engage in, conduct((;)) or carry on, the business of installing wires or equipment to carry electric current, and installing apparatus, or install material to fasten, or insulate such wires or equipment, to be operated by such current, in any and all places in the state of Washington. A specialty electrical license shall grant to the holder thereof a limited right to engage in, conduct or carry on, the business of installing wires or equipment to carry electrical current, and installing apparatus, or to install material to fasten, or insulate such wires or equipment, to be operated by such current in the state of Washington as expressly allowed by such license. The application for such license shall be accompanied by a bond in the sum of three thousand dollars with the state of Washington named as obligee therein, with good and sufficient surety, to be approved by the attorney general. Said bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof,

or withdrawal of the surety therefrom, shall ipso facto revoke and suspend the license issued to the principal until such time as a new bond of like tenor and effect shall have been filed and approved as herein provided. Upon approval of said bond by the attorney general, the director of labor and industries shall on the next business day thereafter deposit the fee accompanying said application in the fund to be known and designated as the "electrical license fund". Upon approval of said bond by the attorney general, he shall transmit the same to the state electrical inspection division, who shall file said bond in the office, and upon application furnish to any person, firm or corporation a certified copy thereof, under seal, upon the payment of a fee of two dollars. Said bond shall be conditioned that in any installation of wires or equipment to convey electrical current, and apparatus to be operated by such current, the principal therein will comply with the provisions of this chapter and in case such installation is in an incorporated city or town having an ordinance, building code, or regulations prescribing equal, a higher or better standard, manner or method of such installation that the principal will comply with the provisions of such ordinance, building code or regulations governing such installations as may be in effect at the time of entering into a contract for such installation. Said bond shall be conditioned further that the principal will pay for all labor, including employee benefits, and material furnished or used upon such work, taxes and contributions to the state of Washington, and all damages that may be sustained by any person, firm or corporation due to a failure of the principal to make such installation in accordance with the provisions of this chapter, or any ordinance, building code or regulation applicable thereto. In lieu of the surety bond required by this section the license applicant may file with the director a cash deposit or other negotiable security acceptable to the director: **PROVIDED, HOWEVER,** If the license applicant has filed a cash deposit, the director shall deposit such funds in a special trust savings account in a commercial bank, mutual savings bank, or savings and loan association and shall pay annually to the depositor the interest derived from such account. The board of electrical examiners shall certify to the director of labor and industries all persons who are entitled to either a general or specialty electrical contractors' qualifying certificate(s). The director of labor and industries shall issue ((the license)) general or specialty licenses to applicants meeting all of the requirements of this chapter. The provisions of this chapter relating to the licensing of any person, firm, or corporation, including the requirement of a bond with the state of Washington named as obligee therein and the collection of a fee therefor, shall be exclusive and no political subdivision of the state of Washington shall require or issue any licenses or bonds nor charge any fee for the same or a similar purpose: **PROVIDED,** That no person holding more than one specialty license under the provisions of this chapter shall be required to pay an annual fee for more than one such license or shall be required to post more than one three thousand dollar bond or an equivalent cash deposit or other negotiable security.

~~(2) From and after ((July 1, 1974, no license shall be issued pursuant to the provisions of subsection (1) of this section, unless the applicant possesses an electrical contractor's qualifying certificate, or alternately, has in his regular employ at least one individual possessing an electrical contractor's qualifying certificate. To obtain such a certificate an individual shall pass an examination as set forth in~~

~~RCW 19.28.123~~) the effective date of this 1975 amendatory act to obtain a general or specialty contractor license the applicant must designate an individual who currently possesses an electrical qualifying certificate as a general electrical contractor or as to the specialty electrical contractor license for which application has been made. To obtain such a certificate an individual shall pass an examination as set forth in RCW 19.28.123 or, alternately, the applicant was a duly licensed electrical contractor at any time during 1974. As to those applicants who were duly licensed as electrical contractors by the state of Washington at any time during 1974 such applicants shall be entitled to receive a general electrical contractor qualifying certificate without examination.

*Sec. 1. was vetoed, see message at end of chapter.

Sec. 2. Section 2, chapter 188, Laws of 1974 ex. sess. and RCW 19.28.123 are each amended to read as follows:

There is hereby created a board of electrical examiners consisting of ~~((seven))~~ nine members to be appointed by the governor. It shall be the purpose and function of this board to establish ~~((and administer a written examination for an electrical contractor's qualifying certificate))~~ in addition to a general electrical contractors' license, such classifications of specialty electrical contractors' licenses as it deems appropriate with regard to individual sections pertaining to state adopted codes in chapter 19.28 RCW. In addition, it shall be the purpose and function of this board to establish and administer written examinations for general electrical contractors' qualifying certificates and the various specialty electrical contractors' qualifying certificates. ~~((The))~~ Examinations shall be designed to reasonably insure that general and specialty electrical contractor's qualifying certificate holders are competent to engage in and supervise the work covered by this statute and their respective licenses. The examinations shall include questions from the following categories to assure proper safety and protection for the general public: (1) Safety, (2) state electrical code, and (3) electrical theory. Meetings of the board shall be held quarterly on the first Monday of February, May, August and November of each year. Each member of the board shall be paid a per diem of twenty-five dollars for each day or portion thereof that the board is in session and each member shall receive in addition thereto his necessary and reasonable transportation and other expenses as provided in chapter 43.03 RCW, which shall be paid out of the electrical license fund, upon vouchers approved by the director of labor and industries.

Sec. 3. Section 4, chapter 188, Laws of 1974 ex. sess. and RCW 19.28.125 are each amended to read as follows:

Each applicant, other than an individual, shall designate a supervisory employee or member of the firm to take the required examination. This person shall be designated as administrator under the license. No person may qualify as administrator ~~((under))~~ for more than one ~~((license))~~ contractor. If the relationship of the administrator with the applicant firm or corporation is terminated, the license is void within ninety days unless another administrator is qualified by the board. A ~~((license))~~ certification issued under this ~~((section))~~ chapter is valid for ~~((one year after))~~ the calendar year of issuance, unless revoked or suspended, and

further is nontransferable(~~(, and)~~). The certification may be renewed without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within thirty days: PROVIDED, That an individual holding any certification(s) under the provisions of this chapter shall not be required to pay annual fees for more than one certificate.

NEW SECTION. Sec. 4. If any provision of this 1975 amendatory 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. 5. This 1975 amendatory 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 1, 1975.

Passed the Senate May 15, 1975.

Approved by the Governor May 27, 1975, with the exception of section 1 which is vetoed.

Filed in Office of Secretary of State May 27, 1975.

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

"I am returning herewith without my approval as to one section Substitute House Bill No. 409 entitled:

"AN ACT Relating to electricians and electrical installations."

The purpose of the bill is to empower the board of electrical examiners to establish, in addition to a general electrical contractors' license, other classifications of specialty licenses, and to administer written examinations for general and specialty electrical contractors' qualifying certificates.

Section 1 of the bill contains a grandfather clause providing that any person licensed as an electrical contractor during 1974 will be entitled to receive a general electrical contractor license. As a first matter, I do not believe a grandfather clause serves either the best interest of the industry or the public. The grandfather clause should not be necessary where different classes of examinations are to be administered to take into account those electrical contractors who may only be skilled in certain specialties. Second, I believe it is extremely unwise to grant, by the grandfather clause, a general electrical contractor's license to all those presently licensed regardless of whether they may be qualified to perform general electrical contracting work.

It is my belief and intent that a veto of section 1 will still leave the board of electrical examiners with sufficient flexibility to establish examinations in both general and specialty areas which take into account an applicant's past experience as a licensed electrical contractor under previous law so that qualified practitioners are not unfairly barred from their lifetime profession.

For the foregoing reasons, I have determined to veto section 1. With the sole exception of that section, I have approved the remainder of Substitute House Bill No. 409."

CHAPTER 93

[House Bill No. 385]

CATTLE ASSESSMENTS

AN ACT Relating to cattle; amending section 11, chapter 133, Laws of 1969 and RCW 16.67.120.

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

Section 1. Section 11, chapter 133, Laws of 1969 and RCW 16.67.120 are each amended to read as follows:

There is hereby levied an assessment of ~~((ten))~~ twenty cents per head on all Washington cattle sold in this state or elsewhere to be paid by the seller at the time of sale: PROVIDED, That on July 1, 1977 the assessment of twenty cents per head shall be reduced to ten cents per head, unless the director finds, after a hearing held in accordance with the Administrative Procedures Act, RCW 34.04, which shall be held at least sixty days prior to July 1, 1977, that the assessment should be otherwise, but in no instance may such assessment exceed twenty cents per head: PROVIDED FURTHER if such sale is accompanied by a brand inspection by the department such assessment shall be collected at the same time, place and in the same manner as brand inspection fees. Such fees shall be collected by the regulatory division of the department and transmitted to the commission: PROVIDED FURTHER, That, if such sale is made without a brand inspection by the department the assessment shall be paid by the seller and transmitted directly to the commission not later than thirty days following the sale.

Passed the House May 15, 1975.

Passed the Senate May 13, 1975.

Approved by the Governor May 28, 1975.

Filed in Office of Secretary of State May 28, 1975.

CHAPTER 94

[Senate Bill No. 2071]

SHERIFFS' FEES

AN ACT Relating to county officers; and amending section 36.18.040, chapter 4, Laws of 1963 and RCW 36.18.040.

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

Section 1. Section 36.18.040, chapter 4, Laws of 1963 and RCW 36.18.040 are each amended to read as follows:

Sheriffs shall collect the following fees for their official services: For service of each summons and complaint, and return thereon, on each defendant, besides mileage, ~~((two))~~ three dollars;

For making a return of "not found" in the county upon a summons, besides mileage actually traveled, two dollars;

For levying each writ of attachment or writ of execution upon real or personal property, besides mileage, ~~((three))~~ four dollars and fifty cents;

For filing copy of writ of attachment or writ of execution with auditor, ~~((two))~~ three dollars plus auditor's filing fee;

For chattel mortgage foreclosure (short form), levy ~~((three))~~ four dollars and fifty cents; posting notice, two dollars; service of notice, ~~((two))~~ three dollars;

For serving writ of possession or restitution without aid of the county, besides mileage, ~~((three))~~ four dollars and fifty cents;

For serving writ of possession or restitution with aid of the county, besides mileage, ~~((five))~~ seven dollars and fifty cents;

For service and return of subpoena, upon each person served, besides mileage, one dollar and fifty cents;

For summoning each juror, besides mileage, one dollar and fifty cents;

For serving an arrest warrant in any action or proceeding, besides mileage, ~~((four))~~ six dollars;

For serving or executing any other writ or process in a civil action or proceeding, besides mileage, ~~((two))~~ three dollars and fifty cents;

For taking and approving any bond, in a civil action or proceeding, required by law to be taken or approved by him, except indemnity bonds, ~~((two))~~ three dollars and fifty cents;

For each mile actually and necessarily traveled by him in going to or returning from any place of service, or attempted service, ~~((ten))~~ fifteen cents;

For making a deed to lands sold upon execution or order of sale or other decree of court, to be paid by the purchaser, ~~((six))~~ nine dollars;

For making copies of papers when sufficient copies are not furnished, ~~((two))~~ one dollar~~((s))~~ for first page and ~~((one dollar))~~ fifty cents per each additional page;

For the service of any process for which no other fee is provided for herein, ~~((two))~~ three dollars and fifty cents;

For the making of any return for which no other fee is provided herein, ~~((two))~~ three dollars and fifty cents;

For the execution of any process for which no other fee is provided herein, ~~((four))~~ six dollars;

For the service of affidavit and bond in replevin, ~~((two))~~ three dollars and fifty cents for each defendant; approval of bond, ~~((two))~~ three dollars and fifty cents; taking property, ~~((two))~~ three dollars and fifty cents;

For posting notices of sale, or postponement, ~~((two))~~ three dollars and fifty cents besides mileage;

For certificate of sale of real property, ~~((five))~~ seven dollars and fifty cents;

For serving notice of redemption, ~~((two))~~ three dollars and fifty cents; certificate of redemption, ~~((five))~~ seven dollars and fifty cents;

For making a return of no property found, two dollars;

For estray sales, crying sale, ~~((two))~~ three dollars and fifty cents, besides mileage;

For conducting sale of personal property pursuant to exemption or order of sale, five dollars.

Passed the Senate May 20, 1975.

Passed the House May 19, 1975.

Approved by the Governor May 28, 1975.

Filed in Office of Secretary of State May 28, 1975.

CHAPTER 95

[Substitute Senate Bill No. 2086]

GUARDIANSHIP

AN ACT Relating to guardianship; amending section 11.88.010, chapter 145, Laws of 1965 and RCW 11.88.010; amending section 11.88.020, chapter 145, Laws of 1965 as amended by section 4, chapter 28, Laws of 1971 and RCW 11.88.020; amending section 11.88.030, chapter 145, Laws of 1965

and RCW 11.88.030; amending section 11.88.040, chapter 145, Laws of 1965 as amended by section 1, chapter 70, Laws of 1969 and RCW 11.88.040; amending section 11.88.090, chapter 145, Laws of 1965 and RCW 11.88.090; amending section 11.88.100, chapter 145, Laws of 1965 and RCW 11.88.100; amending section 11.88.105, chapter 145, Laws of 1965 and RCW 11.88.105; amending section 11.88.107, chapter 145, Laws of 1965 and RCW 11.88.107; amending section 11.88.110, chapter 145, Laws of 1965 and RCW 11.88.110; amending section 11.88.120, chapter 145, Laws of 1965 and RCW 11.88.120; amending section 11.88.130, chapter 145, Laws of 1965 and RCW 11.88.130; amending section 11.88.140, chapter 145, Laws of 1965 and RCW 11.88.140; amending section 11.88.150, chapter 145, Laws of 1965 and RCW 11.88.150; amending section 11.92.010, chapter 145, Laws of 1965 as amended by section 5, chapter 28, Laws of 1971 and RCW 11.92.010; amending section 11.92.035, chapter 145, Laws of 1965 and RCW 11.92.035; amending section 11.92.040, chapter 145, Laws of 1965 and RCW 11.92.040; amending section 11.92.050, chapter 145, Laws of 1965 and RCW 11.92.050; amending section 11.92.056, chapter 145, Laws of 1965 and RCW 11.92.056; amending section 11.92.060, chapter 145, Laws of 1965 and RCW 11.92.060; amending section 11.92.090, chapter 145, Laws of 1965 and RCW 11.92.090; amending section 11.92.100, chapter 145, Laws of 1965 and RCW 11.92.100; amending section 11.92.110, chapter 145, Laws of 1965 and RCW 11.92.110; amending section 11.92.115, chapter 145, Laws of 1965 and RCW 11.92.115; amending section 11.92.120, chapter 145, Laws of 1965 and RCW 11.92.120; amending section 11.92.130, chapter 145, Laws of 1965 and RCW 11.92.130; amending section 11.92.150, chapter 145, Laws of 1965 as amended by section 1, chapter 18, Laws of 1969 and RCW 11.92.150; amending section 11.92.160, chapter 145, Laws of 1965 and RCW 11.92.160; amending section 11.92.170, chapter 145, Laws of 1965 and RCW 11.92.170; amending section 11.92.180, chapter 145, Laws of 1965 and RCW 11.92.180; amending section 11.92.185, chapter 145, Laws of 1965 and RCW 11.92.185; and adding new sections to chapter 11.88 RCW.

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

NEW SECTION. Section 1. There is added to chapter 11.88 RCW a new section to read as follows:

It is the intent and purpose of the legislature to recognize that mentally retarded, developmentally disabled, and other allegedly mentally incompetent persons have special and unique abilities and competencies with varying degrees of disability.

Such persons must be legally protected without the necessity for determination of total incompetency and without the attendant deprivation of civil and legal rights that such a determination requires.

Sec. 2. Section 11.88.010, chapter 145, Laws of 1965 and RCW 11.88.010 are each amended to read as follows:

(1) The superior court of each county shall have power to appoint guardians for the persons and estates, or either thereof, of incompetent persons resident of the county, and guardians for the estates of all such persons who are nonresidents of the state but who have property in such county needing care and attention.

An "incompetent" is any person who is either

~~((1))~~ (a) Under the age of majority, as defined in RCW 11.92.010, or
~~((2) Incapable))~~ (b) Incompetent by reason of insanity, mental illness, ~~((imbecility, idiocy;))~~ mental retardation senility, habitual drunkenness, excessive use of drugs, or other mental incapacity, of either managing his property or caring for himself or both.

(2) The superior court for each county shall have power to appoint limited guardians for the persons and estates, or either thereof, of disabled persons, who by reason of their disability have need for protection and assistance, but who cannot be found to be fully incompetent, upon investigation by the court or any agency jointly designated by the mental health board and mental retardation board (or county social service administrative board where applicable) of the county where such person resides. After considering all evidence presented as a

result of such investigation, the court shall impose, by order, only such specific limitations and disabilities on a disabled person to be placed under a limited guardianship as the court finds necessary for such person's protection and assistance. A person shall not be presumed to be incompetent nor shall a person lose any legal rights or suffer any legal disabilities as the result of being placed under a limited guardianship, except as to those rights and disabilities specifically set forth in the court order establishing such a limited guardianship. In addition, the court order shall state the period of time for which it shall be applicable.

For the purposes of chapters 11.88 and 11.92 RCW the term "disabled person" includes, but is not limited to, an individual who is mentally retarded, mentally ill, developmentally disabled, or is gravely disabled.

Sec. 3. Section 11.88.020, chapter 145, Laws of 1965 as amended by section 4, chapter 28, Laws of 1971 and RCW 11.88.020 are each amended to read as follows:

Any suitable person over the age of eighteen years, or any parent under the age of eighteen years may, if not otherwise disqualified, be appointed guardian or limited guardian of the person and/or the estate of an incompetent or disabled person; any trust company regularly organized under the laws of this state and national banks when authorized so to do may act as guardian or limited guardian of the estate of an incompetent or disabled person; and any nonprofit corporation may act as guardian or limited guardian of the person and/or estate of an incompetent or disabled person if the articles of incorporation or bylaws of such corporation permit such action and such corporation is in compliance with all applicable provisions of Title 24 RCW. No person is qualified to serve as a domiciliary guardian who is

- (1) under eighteen years of age except as otherwise provided herein;
- (2) of unsound mind;
- (3) convicted of a felony or of a misdemeanor involving moral turpitude;
- (4) a nonresident of this state who has not appointed a resident agent to accept service of process in all actions or proceedings with respect to the estate and caused such appointment to be filed with the court;
- (5) a corporation not authorized to act as a fiduciary, guardian, or limited guardian in the state;
- (6) a person whom the court finds unsuitable.

Sec. 4. Section 11.88.030, chapter 145, Laws of 1965 and RCW 11.88.030 are each amended to read as follows:

Any interested person or entity may file a petition for the appointment of himself or some other qualified person, trust company, national bank, or nonprofit corporation authorized in RCW 11.88.020 as now or hereafter amended as the guardian or limited guardian of an incompetent or disabled person. ~~((Such))~~ A petition for guardianship or limited guardianship shall state:

- (1) The name, age, residence and post office address of the incompetent or disabled person;
- (2) The nature of his ~~((incapacity))~~ alleged incompetency in accordance with RCW 11.88.010;
- (3) The approximate value and description of his property, including any compensation, pension, insurance or allowance to which he may be entitled;

(4) Whether there is, in any state, a guardian or limited guardian for the person or estate of the alleged incompetent or disabled person;

(5) The residence and post office address of the person whom petitioner asks to be appointed guardian or limited guardian;

(6) The names and addresses, so far as known or can be reasonably ascertained, of the persons most closely related by blood or marriage to the alleged incompetent or disabled person;

(7) The name and address of the person or institution having the care and custody of the alleged incompetent or disabled person;

(8) The reason why the appointment of a guardian or limited guardian is sought and the interest of the petitioner in the appointment, and whether the appointment is sought as guardian or limited guardian of the person, the estate, or both;

(9) The nature and degree of the alleged disability and the specific areas of protection and assistance requested and the limitation of rights requested to be included in the court's order of appointment;

(10) The requested term of the limited guardianship to be included in the court's order of appointment: PROVIDED, That no filing fee shall be charged by the court for filing either a petition for guardianship or a petition for limited guardianship unless the alleged incompetent or disabled person has an estate valued in excess of fifteen hundred dollars.

All petitions filed under the provisions of this section shall be heard within thirty days.

Sec. 5. Section 11.88.040, chapter 145, Laws of 1965 as amended by section 1, chapter 70, Laws of 1969 and RCW 11.88.040 are each amended to read as follows:

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be given personally to the alleged incompetent or disabled person, if over fourteen years of age.

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be given by registered or certified mail requesting a return receipt signed by the addressee only, or by personal service in the manner provided for services of summons, to the following:

(1) The alleged incompetent, disabled person, or minor, if ((over)) under fourteen years of age;

(2) A parent, if the alleged incompetent or disabled person is a minor, and the spouse of the alleged incompetent or disabled person if any;

(3) Any other person who has been appointed as guardian or limited guardian, or the person ((having the care and custody of the incompetent, if any)) with whom the alleged incompetent or disabled person resides. No notice need be given to those persons named in subsections (2) and (3) of this section if they have signed the petition for the appointment of the guardian or limited guardian or have waived notice of the hearing. If the petition is by a parent asking for his appointment as guardian or limited guardian of a minor child under the age of fourteen years, or if the petition be accompanied by the written consent of a minor of the age of fourteen years or upward, consenting to the appointment of the guardian or limited guardian asked for, or if the petition be by a nonresident

guardian of any minor or incompetent or disabled person, then the court may appoint the guardian without notice of the hearing. The court for good cause may reduce the number of days of notice, but in every case, at least three days notice shall be given. ~~((It shall not be necessary that the person for whom guardianship is sought shall be represented by a guardian ad litem in the proceedings.))~~

In all guardianship and limited guardianship hearings the alleged incompetent or disabled person shall be present in court at the final hearing on the petition. If the petition for guardianship or limited guardianship states that the alleged incompetent or disabled person is physically unable to be present, the guardian ad litem may request the court to waive the requirement of the presence of the alleged incompetent at the hearing or the court may remove itself to the place of residence of the alleged incompetent or disabled person and conduct the final hearing in the presence of the alleged incompetent or disabled person.

NEW SECTION. Sec. 6. There is added to chapter 11.88 RCW a new section to read as follows:

The person appointed by the court as either guardian or limited guardian of the person and/or estate of an incompetent or disabled person, shall file in writing with the court, a designated stand-by limited guardian or guardian to serve as limited guardian or guardian at the death of the court-appointed guardian or limited guardian. Such stand-by guardian or limited guardian shall have all the powers, duties, and obligations of the regularly appointed guardian or limited guardian and in addition shall, within a period of thirty days from the death of the regularly appointed guardian or limited guardian, file with the superior court in which the original guardianship or limited guardianship was filed, a petition for appointment of a substitute guardian or limited guardian. Upon the court's appointment of a new, substitute guardian or limited guardian, the stand-by guardian shall make an accounting and report to be approved by the court, and upon approval of the court, the stand-by guardian or limited guardian shall be released from all duties and obligations arising from or out of the guardianship or limited guardianship.

NEW SECTION. Sec. 7. There is added to chapter 11.88 RCW a new section to read as follows:

An alleged incompetent or disabled person is entitled to independent legal counsel at his own expense to represent him in the procedure: PROVIDED, That if the alleged incompetent or disabled person is unable to pay for such representation or should such payment result in substantial hardship upon such person the county shall be responsible for such costs. The alleged incompetent or disabled person is further entitled upon request to a jury trial on the issues of his alleged incompetency or disability, with the standard of proof to be applied being that of clear, cogent, and convincing evidence.

In all proceedings for appointment of a guardian or limited guardian, the court must be presented with a sworn medical report pertaining to the alleged incompetent or disabled persons' degree of incompetency or disability: PROVIDED, That the court may waive the filing of a sworn medical report.

NEW SECTION. Sec. 8. There is added to chapter 11.88 RCW a new section to read as follows:

Every petition for guardianship or limited guardianship, the grounds for which allege incompetency or disability as a result of mental illness or mental retardation, shall be referred by the court to an agency to be designated and paid for by the local mental health board and the local mental retardation board (or county social service administrative board where applicable) for an impartial investigation and report relating to the degree of incompetency or disability, the appropriateness of the petitioned for guardian or limited guardian, and the limits to be placed upon the disabled person should a limited guardianship be ordered. The investigation and report shall be made and forwarded to the court, with copies to the alleged incompetent or disabled person and the petitioner, within twenty days after reference to the agency by the court.

Sec. 9. Section 11.88.090, chapter 145, Laws of 1965 and RCW 11.88.090 are each amended to read as follows:

Nothing contained in RCW 11.88.080 through 11.88.120, 11.92.010 through 11.92.040, 11.92.060 through 11.92.120, 11.92.170, and 11.92.180, as now or hereafter amended, shall affect or impair the power of any court to appoint a guardian to defend the interests of any incompetent person interested in any suit or matter pending therein, or to commence and prosecute any suit in his behalf.

Upon receipt of a petition for appointment of guardian or limited guardian, the court shall appoint a guardian ad litem, who may be a person recommended by either the local mental health board or mental retardation board (or county social service administrative board where applicable), to represent the interests of the alleged incompetent or disabled person in response to any petition for guardianship or limited guardianship. The appointment of a guardian ad litem shall have no effect on the legal competency of the alleged incompetent or disabled person and such appointment shall not overcome the presumption of competency or full legal and civil rights of the alleged incompetent or disabled person.

The court appointed guardian ad litem shall have the authority, in the event that the alleged incompetent or disabled person is in need of emergency and life-saving medical services, and is unable to consent to such medical services due to incapacity pending the hearing on the petition to give consent for such emergency and life-saving medical services on behalf of the alleged incompetent or disabled person.

Sec. 10. Section 11.88.100, chapter 145, Laws of 1965 and RCW 11.88.100 are each amended to read as follows:

Before letters of guardianship are issued, each guardian or limited guardian shall take and subscribe an oath and, unless dispensed with by order of the court as provided in RCW 11.88.105, file a bond, with sureties to be approved by the court, payable to the state, in such sum as the court may fix, taking into account the character of the assets on hand or anticipated and the income to be received and disbursements to be made, and such bond shall be conditioned substantially as follows:

The condition of this obligation is such, that if the above bound A.B., who has been appointed guardian or limited guardian for C.D., shall faithfully discharge the office and trust of such guardian or limited guardian according to law and shall render a fair and just account of his guardianship or limited guardianship to the superior court of the county of, from time to time as he shall

thereto be required by such court, and comply with all orders of the court, lawfully made, relative to the goods, chattels, moneys, care, management, and education of such incompetent or disabled person, or his or her property, and render and pay to such incompetent or disabled person all moneys, goods, chattels, title papers, and effects which may come into the hands or possession of such guardian or limited guardian, at such time and in such manner as the court may order or adjudge, then this obligation shall be void, otherwise to be and remain in full force and effect.

The bond shall be for the use of the incompetent or disabled person, and shall not become void upon the first recovery, but may be put in suit from time to time against all or any one of the obligors, in the name and for the use and benefit of any person entitled by the breach thereof, until the whole penalty is recovered thereon. The court may require an additional bond whenever for any reason it appears to the court that an additional bond should be given.

In all guardianships or limited guardianships of the person, and in all guardianship or limited guardianships of the estate, in which the inventory filed with the court shows that the incompetent or disabled person has total accumulated assets of a value of less than fifteen hundred dollars, the court may dispense with the requirement of a bond: PROVIDED, That the guardian or limited guardian shall swear to report to the court any changes in the accumulated assets of the incompetent or disabled person increasing their value to over fifteen hundred dollars: PROVIDED FURTHER, That said guardian or limited guardian shall file a yearly statement showing the monthly income of the incompetent or disabled person if said monthly income is over the sum of two hundred fifty dollars per month for any three consecutive months.

Sec. 11. Section 11.88.105, chapter 145, Laws of 1965 and RCW 11.88.105 are each amended to read as follows:

In cases where all or a portion of the estate consisting of cash or securities or both, has been placed in possession of savings and loan associations or banks, trust companies, escrow corporations, or other corporations approved by the court and a receipt is filed by the guardian or limited guardian in court therefor stating that such corporations hold the same subject to order of court then in such case the court may in its discretion dispense with the giving of a bond or reduce the same by the amount of such deposits of cash or securities, and may order that no further reports by said guardian or limited guardian be required until such time as the guardian or limited guardian desires to withdraw such funds or change the investment thereof.

Sec. 12. Section 11.88.107, chapter 145, Laws of 1965 and RCW 11.88.107 are each amended to read as follows:

In all cases where a bank or trust company, authorized to act as guardian or limited guardian, is appointed as guardian or limited guardian, or acts as guardian or limited guardian under an appointment as such heretofore made, no bond shall be required.

Sec. 13. Section 11.88.110, chapter 145, Laws of 1965 and RCW 11.88.110 are each amended to read as follows:

All the provisions of this title relative to bonds given by executors and administrators shall apply to bonds given by guardians or limited guardians.

Sec. 14. Section 11.88.120, chapter 145, Laws of 1965 and RCW 11.88.120 are each amended to read as follows:

The court in all cases shall have power to remove guardians or limited guardians for good and sufficient reasons, which shall be entered of record, and to appoint others in their place or in the place of those who may die, who shall give bond and security for the faithful discharge of their duties as prescribed in RCW 11.88.100 as now or hereafter amended; and when any guardian or limited guardian shall be removed or die, and a successor be appointed, the court shall have power to compel such guardian or limited guardian removed to deliver up to such successor all goods, chattels, moneys, title papers, or other effects belonging to such incompetent or disabled person, which may be in the possession of such guardian or limited guardian so removed, or of the personal representatives of a deceased guardian, or in the possession of any other person or persons, or in the possession of a stand-by guardian or limited guardian and upon failure, to commit the party offending to prison, until he complies with the order of the court.

Sec. 15. Section 11.88.130, chapter 145, Laws of 1965 and RCW 11.88.130 are each amended to read as follows:

The court of any county having jurisdiction of any guardianship or limited guardianship proceeding is authorized to transfer jurisdiction and venue of the guardianship or limited guardianship proceeding to the court of any other county of the state upon application of the guardian or limited guardian and such notice to an alleged incompetent or disabled person or other interested party as the court may require. Such transfers of guardianship or limited guardianship proceedings shall be made to the court of a county wherein either the guardian or limited guardian or alleged incompetent or disabled person resides, as the court may deem appropriate, at the time of making application for such transfer. The original order providing for any such transfer shall be retained as a permanent record by the clerk of the court in which such order is entered, and a certified copy thereof together with the original file in such guardianship or limited guardianship proceeding and a certified transcript of all record entries up to and including the order for such change shall be transmitted to the clerk of the court to which such proceeding is transferred.

Sec. 16. Section 11.88.140, chapter 145, Laws of 1965 and RCW 11.88.140 are each amended to read as follows:

(1) **TERMINATION WITHOUT COURT ORDER.** A guardianship or limited guardianship is terminated

(a) Upon the attainment of full and legal age, as defined in RCW 11.92.010 as now or hereafter amended, of any person defined as an incompetent or disabled person pursuant to RCW 11.88.010 as now or hereafter amended solely by reason of youth, RCW 26.28.020 to the contrary notwithstanding.

(b) By an adjudication of competency.

(c) By the death of the incompetent or disabled person.

(2) **TERMINATION ON COURT ORDER.** A guardianship or limited guardianship may be terminated by court order after such notice as the court may require

(a) If the guardianship or limited guardianship is of the estate and the estate is exhausted;

(b) If the guardianship or limited guardianship is no longer necessary for any other reason.

(3) **EFFECT OF TERMINATION.** When a guardianship or limited guardianship terminates otherwise than by the death of the incompetent or disabled person, the powers of the guardian or limited guardian cease, except that a guardian or limited guardian of the estate may make disbursements for claims that are or may be allowed by the court, for liabilities already properly incurred for the estate or for the incompetent or disabled person, and for expenses of administration. When a guardianship or limited guardianship terminates by death of the incompetent or disabled person, the guardian or limited guardian of the estate may proceed under RCW 11.88.150 as now or hereafter amended, but the rights of all creditors against the incompetent's or disabled person's estate shall be determined by the law of decedents' estates.

Sec. 17. Section 11.88.150, chapter 145, Laws of 1965 and RCW 11.88.150 are each amended to read as follows:

Upon the death of an incompetent or disabled person intestate the guardian or limited guardian of his estate has power under the letters issued to him and subject to the direction of the court to administer the estate as the estate of the deceased incompetent or disabled person without further letters unless within forty days after death of the incompetent or disabled person a petition is filed for letters of administration or for letters testamentary and the petition is granted. If the guardian or limited guardian elects to administer the estate under his letters of guardianship or limited guardianship, he shall petition the court for an order transferring the guardianship or limited guardianship proceeding to a probate proceeding, and upon court approval, the clerk of the court shall re-index the cause as a decedent's estate, using the same file number which is assigned to the guardianship or limited guardianship proceeding. The guardian or limited guardian shall then be authorized to continue administration of the estate without the necessity for any further petition or hearing. Notice to creditors and other persons interested in the estate shall be published and may be combined with the notice of the guardian's or limited guardian's final account. This notice shall be published in the manner provided in RCW 11.40.010, once each week for three successive weeks, with proof by affidavit of the publication of such notice to be filed with the court. All claims which are not filed within four months after first publication shall be barred against the estate. Upon the hearing, the account may be allowed and the balance distributed to the persons entitled thereto, after the payment of such claims as may be allowed. Liability on the guardian's or limited guardian's bond shall continue until exonerated on settlement of his account, and may apply to the complete administration of the estate of the deceased incompetent or disabled person with the consent of the surety. If letters of administration or letters testamentary are granted upon petition filed within forty days after the death of the incompetent or disabled person, the personal representative shall supersede

the guardian or limited guardian in the administration of the estate and the estate shall be administered as a decedent's estate as provided in this title, including the publication of notice to creditors and other interested persons and the barring of creditors claims.

Sec. 18. Section 11.92.010, chapter 145, Laws of 1965 as amended by section 5, chapter 28, Laws of 1971 and RCW 11.92.010 are each amended to read as follows:

Guardians or limited guardians herein provided for shall at all times be under the general direction and control of the court making the appointment. For the purposes of chapters 11.88 and 11.92 RCW, all persons shall be of full and legal age when they shall be eighteen years old.

Sec. 19. Section 11.92.035, chapter 145, Laws of 1965 and RCW 11.92.035 are each amended to read as follows:

(1) **DUTY OF GUARDIAN TO PAY.** A guardian of the estate is under a duty to pay from the estate all just claims against the estate of his incompetent, whether they constitute liabilities of the incompetent which arose prior to the guardianship or liabilities properly incurred by the guardian for the benefit of the incompetent or his estate and whether arising in contract or in tort or otherwise, upon allowance of the claim by the court or upon approval of the court in a settlement of the guardian's accounts. The duty of the guardian to pay from the estate shall not preclude his personal liability for his own contracts and acts made and performed on behalf of the estate as it exists according to the common law. If it appears that the estate is likely to be exhausted before all existing claims are paid, preference shall be given to prior claims for the care, maintenance and education of the incompetent and of his dependents and existing claims for expenses of administration over other claims.

(2) **CLAIMS MAY BE PRESENTED.** Any person having a claim against the estate of an incompetent, or against the guardian of his estate as such, may file a written claim with the court for determination at any time before it is barred by the statute of limitations, and, upon proof thereof, procure an order for its allowance and payment from the estate. Any action against the guardian of the estate as such shall be deemed a claim duly filed.

(3) **DUTY OF LIMITED GUARDIAN TO PAY.** Claims against a limited guardianship estate shall be paid by the limited guardian only to the extent specified in the order appointing the limited guardian.

Sec. 20. Section 11.92.040, chapter 145, Laws of 1965 and RCW 11.92.040 are each amended to read as follows:

It shall be the duty of the guardian and limited guardian

(1) To make out and file within three months after his appointment a verified inventory of all the property of the incompetent or disabled person which shall come to his possession or knowledge, including a statement of all encumbrances, liens, and other secured charges on any item.

(2) ~~((Unless otherwise directed by the court, to file with the court annually within thirty days after the anniversary date of his appointment, and also within thirty days after termination of his appointment, a written verified account of his administration:))~~ To file annually, within thirty days after the anniversary date of

his appointment, and also within thirty days after termination of his appointment, a written verified account of his administration: PROVIDED, That the court in its discretion may allow such reports at intervals of up to thirty-six months, with instruction to the guardian or limited guardian that any substantial increase in income or assets or substantial change in the incompetent's or disabled person's condition shall be reported within thirty days of such substantial increase or change.

(3) If he is a guardian or limited guardian of the person, to care for and maintain the incompetent, and if the incompetent or disabled person is a minor, to see that the incompetent or disabled person is properly trained and educated and that the incompetent or disabled person has the opportunity to learn a trade, occupation or profession. The guardian or limited guardian of the person may be required to report the condition of his incompetent or disabled person to the court, at regular intervals or otherwise as the court may direct.

(4) If he is a guardian or limited guardian of the estate, to protect and preserve it, to apply it as provided in this chapter, to account for it faithfully, to perform all of the duties required of him by law, and at the termination of the guardianship or limited guardianship, to deliver the assets of the incompetent or disabled person to the persons entitled thereto. Except as provided to the contrary herein, the court may authorize a guardian or limited guardian to do anything that a trustee can do under the provisions of RCW 30.99.070 for periods not exceeding one year from the date of the order.

(5) To invest and reinvest the property of the incompetent or disabled person in accordance with the rules applicable to investment of trust estates by trustees as provided in chapter 30.24 RCW, except that:

(a) No investments shall be made without prior order of the court in any property other than unconditional interest bearing obligations of this state or of the United States and in obligations the interest and principal of which are unconditionally guaranteed by the United States, and in share accounts or deposits which are insured by an agency of the United States government. Such prior order of the court may authorize specific investments, or, in the discretion of the court, may authorize the guardian or limited guardian during a period of not exceeding one year following the date of the order to invest and reinvest as provided in chapter 30.24 RCW without further order of the court.

(b) If it is for the best interests of the incompetent or disabled person that a specific property be used by the incompetent or disabled person rather than sold and the proceeds invested, the court may so order.

(6) To apply to the court for an order authorizing any disbursement on behalf of the incompetent or disabled person; provided, however, that the guardian or limited guardian of the estate, or the person, department, bureau, agency or charitable organization having the care and custody of an incompetent or disabled person, may apply to the court for an order directing the guardian or limited guardian of the estate to pay to the person, department, bureau, agency or charitable organization having the care and custody of an incompetent or disabled person, or if the guardian or limited guardian of the estate has the care and custody of the incompetent or disabled person, directing the guardian or limited

guardian of the estate to apply an amount weekly, monthly, quarterly, semi-annually, or annually, as the court may direct, to be expended in the care, maintenance and education of the incompetent or disabled person and of his dependents. In proper cases, the court may order payment of amounts directly to the incompetent or disabled person for his maintenance or incidental expenses. The amounts authorized under this section may be decreased or increased from time to time by direction of the court. If payments are made to another under such order of the court, the guardian or limited guardian of the estate is not bound to see to the application thereof.

Sec. 21. Section 11.92.050, chapter 145, Laws of 1965 and RCW 11.92.050 are each amended to read as follows:

Upon the filing of any intermediate guardianship or limited guardianship account required by statute, or of any intermediate account required by court rule or order, the guardian or limited guardian may petition the court for an order settling his account with regard to any and all receipts, expenditures and investments made and acts done by the guardian or limited guardian to the date of said interim report. Upon such petition being filed, the court may in its discretion, where the size or condition of the estate warrants it, set a date for the hearing of such petition and require the service of the petition and a notice of such hearing as provided in RCW 11.88.040 as now or hereafter amended; and, in the event such a hearing be ordered, the court shall also appoint a guardian ad litem, whose duty it shall be to investigate the report of the guardian or limited guardian of the estate and to advise the court thereon at said hearing, in writing. At such hearing on said report of the guardian or limited guardian, if the court be satisfied that the actions of the guardian or limited guardian have been proper, and that the guardian or limited guardian has in all respects discharged his trust with relation to such receipts, expenditures, investments, and acts, then, in such event, the court shall enter an order approving such account, and such order shall be final and binding upon the incompetent or disabled person, subject only to the right of appeal as upon a final order; provided that at the time of final account of said guardian or limited guardian or within one year after said incompetent or disabled person attains his majority any such interim account may be challenged by said incompetent or disabled person on the ground of fraud.

Sec. 22. Section 11.92.056, chapter 145, Laws of 1965 and RCW 11.92.056 are each amended to read as follows:

If, at any hearing upon a petition to settle the account of any guardian or limited guardian, it shall appear to the court that said guardian or limited guardian has not fully accounted or that said account should not be settled, the court may continue said hearing to a day certain and may cite the surety or sureties upon the bond of said guardian or limited guardian to appear upon the date fixed in said citation and show cause why the account should not be disapproved and judgment entered for any deficiency against said guardian or limited guardian and the surety or sureties upon his or her bond. Said citation shall be personally served upon said surety or sureties in the manner provided by law for the service of summons in civil actions and shall be served not less than twenty days previous to said hearing. At said hearing any interested party, including the surety so cited,

shall have the right to introduce any evidence which shall be material to the matter before the court. If, at said hearing, the final account of said guardian or limited guardian shall not be approved and the court shall find that said guardian or limited guardian is indebted to the incompetent or disabled person in any amount, said court may thereupon enter final judgment against said guardian or limited guardian and the surety or sureties upon his or her bond, which judgment shall be enforceable in the same manner and to the same extent as judgments in ordinary civil actions.

Sec. 23. Section 11.92.060, chapter 145, Laws of 1965 and RCW 11.92.060 are each amended to read as follows:

(1) **GUARDIAN MAY SUE AND BE SUED.** When there is a guardian of the estate, all actions between the incompetent or the guardian and third persons in which it is sought to charge or benefit the estate of the incompetent shall be prosecuted by or against the guardian of the estate as such. He shall represent the interests of the incompetent in the action and all process shall be served on him.

(2) **JOINDER, AMENDMENT AND SUBSTITUTION.** When the guardian of the estate is under personal liability for his own contracts and acts made and performed on behalf of the estate he may be sued both as guardian and in his personal capacity in the same action. Misnomer or the bringing of the action by or against the incompetent shall not be grounds for dismissal of the action and leave to amend or substitute shall be freely granted. If an action was commenced by or against the incompetent before the appointment of a guardian of his estate, such guardian when appointed may be substituted as a party for the incompetent. If the appointment of the guardian of the estate is terminated, his successor may be substituted; if the incompetent dies, his personal representative may be substituted; if the incompetent becomes competent, he may be substituted.

(3) **GARNISHMENT, ATTACHMENT AND EXECUTION.** When there is a guardian of the estate, the property and rights of action of the incompetent shall not be subject to garnishment or attachment, except for the foreclosure of a mortgage or other lien, and execution shall not issue to obtain satisfaction of any judgment against the incompetent or the guardian of his estate as such.

(4) **COMPROMISE BY GUARDIAN.** Whenever it is proposed to compromise or settle any claim by or against the incompetent or the guardian as such, whether arising as a result of personal injury or otherwise, and whether arising before or after appointment of a guardian, the court on petition of the guardian of the estate, if satisfied that such compromise or settlement will be for the best interests of the incompetent, may enter an order authorizing the settlement or compromise be made.

(5) **LIMITED GUARDIAN.** Limited guardians may serve and be served with process or actions on behalf of the disabled person, but only to the extent provided for in the court order appointing a limited guardian.

Sec. 24. Section 11.92.090, chapter 145, Laws of 1965 and RCW 11.92.090 are each amended to read as follows:

Whenever it shall appear to the satisfaction of a court by the petition of any guardian or limited guardian, that it is necessary or proper to sell, exchange, lease, mortgage, or grant an easement, license or similar interest in any of the real or personal property of the estate of such incompetent or disabled person for the

purpose of paying debts or for the care, support and education of such incompetent or disabled person, or to redeem any property of such incompetent's or disabled person's estate covered by mortgage or other lien, or for the purpose of making any investments, or for any other purpose which to the court may seem right and proper, the court may make an order directing such sale, exchange, lease, mortgage, or grant of easement, license or similar interest of such part or parts of the real or personal property as shall to the court seem proper.

Sec. 25. Section 11.92.100, chapter 145, Laws of 1965 and RCW 11.92.100 are each amended to read as follows:

Such application shall be by petition, verified by the oath of the guardian or limited guardian, and shall substantially set forth:

(1) The value and character of all personal estate belonging to such incompetent or disabled person that has come to the knowledge or possession of such guardian or limited guardian.

(2) The disposition of such personal estate.

(3) The amount and condition of the incompetent's or disabled person's personal estate, if any, dependent upon the settlement of any estate, or the execution of any trust.

(4) The annual income of the real estate of the incompetent or disabled person.

(5) The amount of rent received and the application thereof.

(6) The proposed manner of reinvesting the proceeds of the sale, if asked for that purpose.

(7) Each item of indebtedness, or the amount and character of the lien, if the sale is prayed for the liquidation thereof.

(8) The age of the incompetent or disabled person, where and with whom residing.

(9) All other facts connected with the estate and condition of the incompetent or disabled person necessary to enable the court to fully understand the same. If there is no personal estate belonging to such incompetent or disabled person in possession or expectancy, and none has come into the hands of such guardian or limited guardian, and no rents have been received, the fact shall be stated in the application.

Sec. 26. Section 11.92.110, chapter 145, Laws of 1965 and RCW 11.92.110 are each amended to read as follows:

The order directing the sale of any of the real property of the estate of such incompetent or disabled person shall specify the particular property affected and the method, whether by public or private sale or by negotiation, and terms thereof, and with regard to the procedure and notices to be employed in conducting such sale, the provisions of RCW 11.56.060, 11.56.070, 11.56.080, and 11.56.110 shall be followed unless the court otherwise directs.

Sec. 27. Section 11.92.115, chapter 145, Laws of 1965 and RCW 11.92.115 are each amended to read as follows:

The guardian or limited guardian making any sale of real estate, either at public or private sale or sale by negotiation, shall within ten days after making such sale file with the clerk of the court his return of such sale, the same being

duly verified. At any time after the expiration of ten days from the filing of such return, the court may, without notice, approve and confirm such sale and direct proper instruments of transfer to be executed and delivered. Upon the confirmation of any such sale, the court shall direct the guardian or limited guardian to make, execute and deliver instruments conveying the title to the person to whom such property may be sold and such instruments of conveyance shall be deemed to convey all the estate, rights and interest of the incompetent or disabled person and of his estate. In the case of a sale by negotiation the guardians or limited guardians shall publish a notice in one issue of a legal newspaper published in the county in which the estate is being administered; the substance of such notice shall include the legal description of the property sold, the selling price and the date after which the sale may be confirmed: PROVIDED, That such confirmation date shall be at least ten days after such notice is published.

Sec. 28. Section 11.92.120, chapter 145, Laws of 1965 and RCW 11.92.120 are each amended to read as follows:

No sale by any guardian or limited guardian of real or personal property shall be void or be set aside or be attacked because of any irregularities whatsoever, and none of the steps leading up to such sale or the confirmation thereof shall be jurisdictional, and the confirmation by the court of any such sale shall be conclusive as to the regularity and legality of such sale or sales, and the passing of title after confirmation by the court shall vest an absolute title in the purchaser, and such instrument of transfer may not be attacked for any purpose or any reason, except for fraud.

Sec. 29. Section 11.92.130, chapter 145, Laws of 1965 and RCW 11.92.130 are each amended to read as follows:

If any person who is bound by contract in writing to perform shall become incompetent or become a disabled person before making the performance, the court having jurisdiction of the guardianship or limited guardianship of such property may, upon application of the guardian or limited guardian of such incompetent or disabled person, or upon application of the person claiming to be entitled to the performance, make an order authorizing and directing the guardian or limited guardian to perform such contract. The application and the proceedings, shall, as nearly as may be, be the same as provided in chapter 11.60 RCW.

Sec. 30. Section 11.92.150, chapter 145, Laws of 1965 as amended by section 1, chapter 18, Laws of 1969 and RCW 11.92.150 are each amended to read as follows:

At any time after the issuance of letters of guardianship in the estate of any incompetent or disabled person, any person interested in said estate, or in such incompetent or disabled person, or any relative of such incompetent or disabled person, or any authorized representative of any agency, bureau, or department of the United States government from or through which any compensation, insurance, pension or other benefit is being paid, or is payable, may serve upon such guardian or limited guardian, or upon the attorney for such guardian or limited guardian, and file with the clerk of the court wherein the administration of such guardianship or limited guardianship estate is pending, a written request stating

that special written notice is desired of any or all of the following matters, steps or proceedings in the administration of such estate:

(1) Filing of petition for sales, exchanges, leases, mortgages, or grants of easements, licenses or similar interests in any property of the estate.

(2) Filing of all intermediate or final accountings or accountings of any nature whatsoever.

(3) Petitions by the guardian or limited guardian for family allowances or allowances for the incompetent or disabled person or any other allowance of every nature from the funds of the estate.

(4) Petitions for the investment of the funds of the estate.

(5) Petition to terminate guardianship or limited guardianship or petition for adjudication of competency.

Such request for special written notice shall designate the name, address and post office address of the person upon whom such notice is to be served and no service shall be required under this section and RCW 11.92.160 as now or hereafter amended other than in accordance with such designation unless and until a new designation shall have been made.

When any account, petition, or proceeding is filed in such estate of which special written notice is requested as herein provided, the court shall fix a time for hearing thereon which shall allow at least ten days for service of such notice before such hearing; and notice of such hearing shall be served upon the person designated in such written request at least ten days before the date fixed for such hearing. The service may be made by leaving a copy with the person designated, or his authorized representative, or by mailing through the United States mail, with postage prepaid to the person and place designated.

Sec. 31. Section 11.92.160, chapter 145, Laws of 1965 and RCW 11.92.160 are each amended to read as follows:

Whenever any request for special written notice is served as provided in this section and RCW 11.92.150 as now or hereafter amended, the person making such request may, upon failure of any guardian or limited guardian for any incompetent or disabled person, to file any account or report required by law, petition the court administering such estate for a citation requiring such guardian or limited guardian to file such report or account, or to show cause for failure to do so, and thereupon the court shall issue such citation and hold a hearing thereon and enter such order as is required by the law and the facts.

Sec. 32. Section 11.92.170, chapter 145, Laws of 1965 and RCW 11.92.170 are each amended to read as follows:

Whenever it is made to appear that it would be in the best interests of the incompetent or disabled person, the court may order the transfer of property in this state to a guardian or limited guardian of the estate of the incompetent or disabled person appointed in another jurisdiction.

Sec. 33. Section 11.92.180, chapter 145, Laws of 1965 and RCW 11.92.180 are each amended to read as follows:

A guardian or limited guardian shall be allowed such compensation for his services as guardian or limited guardian as the court shall deem just and reasonable. Additional compensation may be allowed for his necessary services as attorney and for other necessary services not required of a guardian or limited guardian. He may also be allowed compensation for necessary expenses in the administration of his trust, including reasonable attorney's fees if the employment of an attorney for the particular purpose is necessary. In all cases, compensation of the guardian or limited guardian and his expenses including attorney's fees shall be fixed by the court and may be allowed at any annual or final accounting; but at any time during the administration of the estate, the guardian or limited guardian or his attorney may apply to the court for an allowance upon the compensation or necessary expenses of the guardian or limited guardian and for attorney's fees for services already performed. If the court finds that the guardian or limited guardian has failed to discharge his duties as such in any respect, it may deny him any compensation whatsoever or may reduce the compensation which would otherwise be allowed.

Sec. 34. Section 11.92.185, chapter 145, Laws of 1965 and RCW 11.92.185 are each amended to read as follows:

The court shall have authority to bring before it, in the manner prescribed by RCW 11.48.070, any person or persons suspected of having in his possession or having concealed, embezzled, conveyed or disposed of any of the property of the estate of incompetents or disabled persons subject to administration under this title.

Passed the Senate March 20, 1975.

Passed the House May 21, 1975.

Approved by the Governor May 28, 1975.

Filed in Office of Secretary of State May 28, 1975.

CHAPTER 96

[Engrossed Senate Bill No. 2117]
ACQUISITION AND DISPOSITION OF
STATE HIGHWAY PROPERTY

AN ACT Relating to state government; amending section 47.12.060, chapter 13, Laws of 1961 and RCW 47.12.060; amending section 47.12.070, chapter 13, Laws of 1961 as amended by section 2, chapter 91, Laws of 1969 and RCW 47.12.070; amending section 47.12.080, chapter 13, Laws of 1961 and RCW 47.12.080; amending section 47.12.130, chapter 13, Laws of 1961 and RCW 47.12.130; amending section 47.12.150, chapter 13, Laws of 1961 and RCW 47.12.150; and amending section 2, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.12.290.

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

Section 1. Section 47.12.060, chapter 13, Laws of 1961 and RCW 47.12.060 are each amended to read as follows:

When a state highway is relocated and the old route is abandoned, and the new route crosses land owned by a person who owns land abutting on the old route, the Washington state highway commission may agree with the owner to convey to him title to the old route or a part thereof as all or part consideration for his land to be taken for the new route.

Whenever the state has abandoned any highway rights of way, pit sites, stock pile sites or owns land not needed for highway purposes, the Washington state highway commission may sell same to abutting owners for the fair market value or exchange with any person as a consideration or part consideration for lands or property rights needed by the state, or may sell same by public auction whenever it is deemed in the public interest to do so: PROVIDED, That whenever the commission finds that it is in the public interest to sell such property to an abutting private owner and there are two or more abutting owners, the commission shall sell the same only by public auction unless every abutting owner but one signs a statement signifying he does not intend to bid on or purchase such property.

The Washington state highway commission shall certify the agreement to the ~~((governor))~~ director of highways with a description of the property to be conveyed, and the ~~((governor may execute and the secretary of state shall attest))~~ director of highways shall execute the deed which shall be duly acknowledged and deliver it to the grantee.

Sec. 2. Section 47.12.070, chapter 13, Laws of 1961 as amended by section 2, chapter 91, Laws of 1969 and RCW 47.12.070 are each amended to read as follows:

If the Washington state highway commission deems that any land is no longer required for state highway purposes and that it is in the public interest so to do, said highway commission may negotiate for the sale of the land to a city or county of the state. The state highway commission shall certify the agreement for the sale to the ~~((governor))~~ director of highways, with a description of the land and the terms of the sale, and the ~~((governor may execute and the secretary of the state shall attest))~~ director of highways shall execute the deed ~~((and deliver it))~~ which shall be duly acknowledged and deliver it to the grantee.

Any moneys received pursuant to the provisions of this section shall be deposited in the motor vehicle fund.

Sec. 3. Section 47.12.080, chapter 13, Laws of 1961 and RCW 47.12.080 are each amended to read as follows:

Whenever in the construction, reconstruction, location or improvement of any state highway it may become necessary to transfer and convey to the United States, its agencies or instrumentalities, to any municipal subdivision of this state, or to any public utility company, any unused state highway right of way or real property, and in the judgment of the highway commission and the attorney general, such transfer and conveyance is consistent with public interest, the highway commission may enter into agreements accordingly. Whenever the highway commission shall make any such agreement for any such transfer or conveyance, and together with the attorney general, certifies to the ~~((governor))~~ director of highways that such agreement has been made setting forth in such certification a description of the lands or premises involved, the ~~((governor may execute and the secretary of state shall attest))~~ director of highways shall execute and deliver unto the United States government, or its agencies or instrumentalities, unto any municipal subdivision of this state, or unto any public utility company, a deed of conveyance, easement or other instrument, duly acknowledged, as shall be necessary to fulfill the terms of the aforesaid agreement. All moneys paid to the state of

Washington under any of the provisions hereof shall be deposited in the motor vehicle fund.

Sec. 4. Section 47.12.130, chapter 13, Laws of 1961 and RCW 47.12.130 are each amended to read as follows:

Whenever the state department of highways shall have title to any parcel of land which the state highway commission shall determine is not necessary for highway purposes, the commission is authorized to cause such land to be deeded to the owner of land abutting upon such parcel in consideration, or partial consideration, for other lands owned by such property owner which the highway commission deems to be necessary for highway purposes. ~~The ((governor is authorized to execute and the secretary of state shall attest))~~ director of highways shall execute the conveyances, which shall be duly acknowledged, necessary to carry out such exchange.

Sec. 5. Section 47.12.150, chapter 13, Laws of 1961 and RCW 47.12.150 are each amended to read as follows:

Whenever the highway commission shall need for highway purposes land or property rights belonging to the United States government or any municipality or political subdivision of the state, or which shall be a part of the right of way of any public utility having authority to exercise powers of eminent domain, when the acquisition of such property by the state will result in the displacement of any existing right of way or facility, the state highway commission is authorized to acquire by condemnation or otherwise such lands and property rights as shall be needed to relocate such right of way or facilities so displaced and to exchange lands or property rights so acquired in consideration or partial consideration for the land or property rights needed for highway purposes. ~~The ((governor))~~ director of highways, at the request of the state highway commission, shall execute ((and conveyances)) each conveyance, which shall be duly acknowledged, necessary to accomplish such exchange.

Sec. 6. Section 2, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.12.290 are each amended to read as follows:

When full payment for real property agreed to be sold as authorized by RCW 47.12.280 has been received the director of ~~((the department of))~~ highways shall ~~((certify this fact to the governor with a description of the land and the terms of the sale and the governor may execute and the secretary of state shall attest))~~ execute the deed which shall be duly acknowledged and deliver it to the grantee.

Passed the Senate March 24, 1975.

Passed the House May 19, 1975.

Approved by the Governor May 28, 1975.

Filed in Office of Secretary of State May 28, 1975.

CHAPTER 97

[Engrossed Senate Bill No. 2253]
NURSING HOME ADMINISTRATORS

AN ACT Relating to nursing homes; amending section 4, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.040; amending section 12, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.120; and declaring an emergency.

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

Section 1. Section 4, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.040 are each amended to read as follows:

There is hereby created a state board of examiners for nursing home administrators ((is hereby created. Six of)) which shall consist of nine members appointed by the governor. All members shall be representative of the professions and institutions concerned with the care and treatment of chronically ill or infirm elderly patients. However, at no time shall representatives of a single profession or a single institutional category compose a majority of the board membership. In addition, no member who is a noninstitutional representative shall have any direct financial interest in nursing homes while serving as a member of the board. For purposes of this section, nursing home administrators are considered representatives of institutions. Eight of the board's ((nine)) members shall be privately or self-employed persons who the governor finds have had at least four years of actual experience in the administration or overall management of licensed nursing homes in this state immediately prior to the governor's appointment of them to the board((- Three members of the board)); or shall be representatives from the medical professions, or health care administration education, or persons with four years actual experience in the administration of the nursing home unit of a licensed hospital immediately preceding the governor's appointment of them to the board; and shall be privately or self-employed persons, or persons employed by educational institutions, whom the governor appoints because of their special knowledge or expertise in the field of long term care or the care of the aged and chronically ill: PROVIDED, That one member shall be a citizen eligible for Medicare who shall have no financial interest in or family ownership connection with nursing homes. Board members selected who meet any of the preceding qualifications may in addition be nurses, physicians or other persons with special health care training. The governor shall consult with and seek the recommendations of the appropriate state-wide business and professional organizations and societies primarily concerned with long term health care facilities in the course of considering his appointments to the board.

Sec. 2. Section 12, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.120 are each amended to read as follows:

The director, after notice and hearing before the board and upon the order of the board shall refuse to reregister or shall suspend or revoke an administrator's license as provided in this chapter:

(1) In the event the licensee or applicant has committed any fraud or material misrepresentation or concealment in obtaining or applying for the license.

(2) In the event the licensee or applicant has been convicted of a crime involving moral turpitude.

(3) If the license was obtained due to the mistake or inadvertence of the board or director.

(4) In the event the licensee has wilfully or repeatedly violated any of the provisions of this chapter or of the rules promulgated by the board in accordance with this chapter, or of the rules promulgated by the department of social and health services: PROVIDED, That the license suspension shall only occur when instituted by board action and shall be subject to court review pursuant to RCW 34.04.

(5) In the event the licensee has been declared mentally incompetent by a court of competent jurisdiction.

Persons whose licenses have been revoked, or to whom reregistration has been refused, may, on subsequent application be licensed, relicensed, or reregistered, according to such rules or regulations as may be prescribed by the board and according to standards prescribed by the board. Suspended licenses are automatically in force at the expiration of thirty days from the date of suspension, but must be reregistered in the normal course if they expire during the period of suspension.

NEW SECTION. Sec. 3. 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 Senate May 20, 1975.

Passed the House May 19, 1975.

Approved by the Governor May 28, 1975.

Filed in Office of Secretary of State May 28, 1975.

CHAPTER 98

[Engrossed Senate Bill No. 2271]

STATE AID FOR SCHOOL PLANT FACILITIES

AN ACT Relating to state aid for school plant facilities; and amending section 4, chapter 244, Laws of 1969 ex. sess. as amended by section 3, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47-.803; declaring an emergency and making an effective date.

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

Section 1. Section 4, chapter 244, Laws of 1969 ex. sess. as amended by section 3, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.803 are each amended to read as follows:

Allocations to school districts of state funds provided by RCW 28A.47.800 through 28A.47.811 shall be made by the state board of education and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The boards of directors of the districts shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the

first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state-owned housing, or (e) a need for the construction of a school building to provide for improved school district organization or racial balance, or (f) conditions similar to those defined under (a), (b), (c), (d) and (e) hereinabove, creating a like emergency.

NEW SECTION. Sec. 2. The state board of education shall prioritize the construction of common school facilities only from funds appropriated and available in the common school construction fund.

NEW SECTION. Sec. 3. This 1975 amendatory 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 July 1, 1975.

Passed the Senate May 20, 1975.

Passed the House May 19, 1975.

Approved by the Governor May 28, 1975.

Filed in Office of Secretary of State May 28, 1975.

CHAPTER 99

[Engrossed Senate Bill No. 2278]

NURSING HOMES

AN ACT Relating to nursing homes; amending section 6, chapter 117, Laws of 1951 as last amended by section 2, chapter 247, Laws of 1971 ex. sess. and RCW 18.51.050; amending section 7, chapter 117, Laws of 1951 as amended by section 5, chapter 160, Laws of 1953 and RCW 18.51.060; adding new sections to chapter 18.51 RCW; repealing section 10, chapter 117, Laws of 1951, section 6, chapter 160, Laws of 1953 and RCW 18.51.090; repealing section 13, chapter 117, Laws of 1951, section 7, chapter 160, Laws of 1953 and RCW 18.51.120; repealing section 14, chapter 117, Laws of 1951, section 8, chapter 160, Laws of 1953 and RCW 18.51.130; and prescribing penalties.

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

Section 1. Section 6, chapter 117, Laws of 1951 as last amended by section 2, chapter 247, Laws of 1971 ex. sess. and RCW 18.51.050 are each amended to read as follows:

Upon receipt of an application for license, the department, or the department and the approved health department jointly, shall issue a license or a provisional license if the applicant and the nursing home facilities meet the requirements established under this chapter. At the time of issuance or renewal of the license or provisional license the licensee shall pay a license fee of fifteen dollars plus one dollar per bed capacity per year, but in no event shall the total exceed one hundred dollars. No fee shall be required of government operated institutions. When the license or provisional license is issued jointly by the department and an approved health department, the license fee shall be paid to the approved health department. All licenses issued under the provisions of this chapter shall expire on a date to be set by the board, but no license issued pursuant to this chapter shall exceed twelve months in duration: PROVIDED, That when the annual license renewal date of a previously licensed nursing home is set by the board on a date less than twelve months prior to the expiration date of a license in effect at the time of reissuance, the license fee shall be prorated on a monthly basis and a

credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license. All applications for renewal of license shall be made not later than thirty days prior to the date of expiration of the license. Each license shall be issued only for the premises and persons named in the application, and no license shall be transferable or assignable except with the written approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises.

~~((If there be a failure to comply with the provisions of this chapter or the standards, rules and regulations promulgated pursuant thereto, the department, or the department and approved health department, may in its discretion issue to an applicant for a license, or for the renewal of a license, a provisional license which will permit the operation of the nursing home for a period to be determined by the department, or the department and approved health department, but not to exceed twelve months:))~~

Sec. 2. Section 7, chapter 117, Laws of 1951 as amended by section 5, chapter 160, Laws of 1953 and RCW 18.51.060 are each amended to read as follows:

The department ~~((or the department and the approved health department jointly, as the case may be,))~~ is authorized to deny, suspend, or revoke a license or provisional license ~~((in the manner prescribed herein,))~~ or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature not to exceed five hundred dollars per violation in any case in which it finds that ~~((there has been a failure or refusal to comply with the requirements of this chapter or the standards, rules and regulations established hereunder. The department, or the department and the approved health department, shall issue an order to the applicant or licensee giving notice of any rejection, revocation or suspension, which order shall become final thirty days after the date of mailing, provided the applicant or licensee does not within ten days from the date of mailing of the department's, or the department and the approved health department's order of rejection, revocation, or suspension of license, make written application to the department for a hearing. The department shall then fix a time for such hearing and shall give the applicant or licensee a notice of the time fixed for such hearing. The procedure governing hearings authorized by this section shall be in accordance with rules promulgated by the board after consultation with the advisory nursing home council. The department shall render its decision affirming, modifying or setting aside the order of the department, or the department and the approved health department, which decision in the absence of an appeal therefrom as provided by this chapter, shall become final fifteen days after the date of mailing.))~~ the applicant, or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the nursing home, or managing employee:

(1) Failed or refused to comply with the requirements of this chapter or the standards, rules and regulations established hereunder; or

(2) Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled; or

(3) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department; or

(4) Refused to allow representatives or agents of the department to inspect all books, records, and files required to be maintained or any portion of the premises of the nursing home; or

(5) Wilfully prevented, interfered with, or attempted to impede in any way the work of any duly authorized representative of the department and the lawful enforcement of any provision of this chapter; or

(6) Wilfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of this chapter or the standards, rules, and regulations promulgated hereunder; or

(7) Fails to pay any civil monetary penalty assessed by the department pursuant to this chapter within ten days after such assessment becomes final: PROVIDED, That in no event shall the department assess a civil monetary penalty authorized pursuant to this section or post the said premises as provided in section 13 of this 1975 act or include in the report required pursuant to section 14 of this 1975 act during any period in which it has not fully implemented and funded its cost-related reimbursement system for public patients.

NEW SECTION. Sec. 3. There is added to chapter 18.51 RCW a new section to read as follows:

It is the intent of the legislature in enacting this 1975 amendatory act to establish (1) a system for the imposition of prompt and effective sanctions against nursing homes in violation of the laws and regulations of this state relating to patient care; (2) an inspection and reporting system to insure that nursing homes are in compliance with state statutes and regulations pertaining to patient care; and (3) a provisional licensing mechanism to insure that full term licenses are issued only to those nursing homes that meet state standards relating to patient care: PROVIDED, That no sanction shall be imposed by the department until the department has informed the owner and administrator of the nursing home about the rules and regulations required to be followed to avoid penalties and until the department has granted a reasonable amount of time to the owner and administrator of the nursing home to correct the condition which would result in the penalty.

NEW SECTION. Sec. 4. There is added to chapter 18.51 RCW a new section to read as follows:

Any person may request an inspection of any nursing home subject to licensing under this chapter in accordance with the provisions of this chapter by giving notice to the department of an alleged violation of applicable requirements of state law. Any such notice shall be in writing signed by the complainant and shall set forth with reasonable particularity the matters complained of. The substance of the complaint shall be provided to the licensee no earlier than at the commencement of the inspection. Neither the substance of the complaint provided the licensee nor any copy of the complaint or record published, released, or otherwise made available to the licensee shall disclose the name of any individual complainant or other person mentioned in the complaint, except the name or names of any duly authorized officer, employee, or agent of the department conducting the investigation or inspection pursuant to this chapter, unless such complainant specifically requests the release of such name or names.

NEW SECTION. Sec. 5. There is added to chapter 18.51 RCW a new section to read as follows:

Upon receipt of a complaint, the department shall assign an inspector to make a preliminary review of the complaint and shall notify the complainant of the name of such inspector. Unless the department determines that the complaint is wilfully intended to harass a licensee or is without any reasonable basis, it shall make an on-site inspection within a reasonable time after the receipt of the complaint. In either event, the complainant shall be promptly informed of the department's proposed course of action. If the complainant requests the opportunity to do so, the complainant or his representative, or both, may be allowed to accompany the inspector to the site of the alleged violations during his tour of the facility, unless the inspector determines that the privacy of any patient would be violated thereby.

NEW SECTION. Sec. 6. There is added to chapter 18.51 RCW a new section to read as follows:

(1) Any duly authorized officer, employee, or agent of the department may enter and inspect any nursing home, including, but not limited to, interviewing residents and reviewing records, at any time to enforce any provision of this chapter. Inspections conducted pursuant to complaints filed with the department shall be conducted in such a manner as to ensure maximum effectiveness. No advance notice shall be given of any inspection conducted pursuant to this chapter unless previously and specifically authorized by the secretary or required by federal law.

(2) Any public employee giving such advance notice in violation of this section shall be suspended from all duties without pay for a period of not less than five nor more than fifteen days.

(3) In any hearing held pursuant to this chapter it shall be a defense to a violation relating to the standard of care to be afforded public patients to show that the department does not provide sufficient funds to meet the cost of reimbursement standard allegedly violated.

NEW SECTION. Sec. 7. There is added to chapter 18.51 RCW a new section to read as follows:

(1) No licensee shall discriminate or retaliate in any manner against a patient or employee in its nursing home on the basis or for the reason that such patient or employee or any other person has initiated or participated in any proceeding specified in this chapter. A licensee who violates this section is subject to a civil penalty of not more than five hundred dollars.

(2) Any attempt to expel a patient from a nursing home, or any type of discriminatory treatment of a patient by whom, or upon whose behalf, a complaint has been submitted to the department or any proceeding instituted under or related to this chapter within one year of the filing of the complaint or the institution of such action, shall raise a rebuttable presumption that such action was taken by the licensee in retaliation for the filing of the complaint.

NEW SECTION. Sec. 8. There is added to chapter 18.51 RCW a new section to read as follows:

The remedies provided by this chapter are cumulative, and shall not be construed as restricting any remedy, provisional or otherwise, provided by law for the benefit of any party, and no judgment under this chapter shall preclude any party from obtaining additional relief based upon the same facts.

NEW SECTION. Sec. 9. There is added to chapter 18.51 RCW a new section to read as follows:

Any writing received, owned, used, or retained by the department in connection with the provisions of this chapter is a public record and, as such, is open to public inspection. However, the names of any persons contained in such records, except the names of duly authorized officers, employees, or agents of the department conducting an investigation or inspection in response to a complaint filed pursuant to this chapter, shall not be open to public inspection and copies of such records provided for public inspection shall have such names deleted.

NEW SECTION. Sec. 10. There is added to chapter 18.51 RCW a new section to read as follows:

The department shall, in addition to any inspections conducted pursuant to complaints filed pursuant to section 4 of this 1975 act, conduct at least one general inspection each year of all nursing homes in the state without providing advance notice of such inspection. At least one such inspection in any three year period shall take place between the hours of 7 p.m. and 5 a.m. or on weekends.

NEW SECTION. Sec. 11. There is added to chapter 18.51 RCW a new section to read as follows:

The board may prescribe by regulations that any licensee or applicant desiring to make specific types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

NEW SECTION. Sec. 12. There is added to chapter 18.51 RCW a new section to read as follows:

On or before February 1st of each year, the department shall notify all public agencies which refer patients to nursing homes of all of the nursing homes in the area found upon inspection within the previous twelve-month period to be without violations. Public agencies shall give priority to such nursing homes in referring publicly assisted patients.

NEW SECTION. Sec. 13. There is added to chapter 18.51 RCW a new section to read as follows:

Each citation for a violation specified in subsections (1) through (7) of section 2 of this 1975 act which is issued pursuant to this section and which has become final, or a copy or copies thereof, shall be prominently posted, as prescribed in regulations issued by the director, until the violation is corrected to the satisfaction of the department up to a maximum of one hundred twenty days. The citation or copy shall be posted in a place or places in plain view of the patients in the nursing home, persons visiting those patients, and persons who inquire about placement in the facility.

NEW SECTION. Sec. 14. There is added to chapter 18.51 RCW a new section to read as follows:

The department shall annually publish a report listing all licensees by name and address, indicating (1) the number of citations and the nature of each citation issued to each licensee during the previous twelve-month period and the status of any action taken pursuant to each citation, including penalties assessed, and (2) the nature and status of action taken with respect to each uncorrected violation for which a citation is outstanding.

The report shall be available to the public, at cost, at all offices of the department.

NEW SECTION. Sec. 15. There is added to chapter 18.51 RCW a new section to read as follows:

(1) If a nursing home has not been previously licensed pursuant to this chapter, the department may only provisionally license such facility as provided in this section. A provisional license to operate a nursing home shall terminate six months from the date of issuance. Within thirty days of the termination of a provisional license, the department shall give such facility a full and complete inspection, and, if the facility meets requirements for licensure, a regular license shall be issued. If the nursing home does not meet the requirements for licensure but has made substantial progress towards meeting such requirements, as determined by the department, the initial provisional license shall be renewed for six months. If the department determines that there has not been substantial progress towards meeting licensure requirements at the time of the first full inspection provided by this section, or, if the state department determines upon its inspection made within thirty days of the termination of a renewed provisional license that there is lack of compliance with such requirements, no further license shall be issued.

(2) A nursing home seeking renewal of a license may, in the discretion of the department, be granted a provisional license under this section instead of a regular license, where there has been a failure to comply with the provisions of this chapter or the standards, rules and regulations promulgated pursuant thereto.

NEW SECTION. Sec. 16. There is added to chapter 18.51 RCW a new section to read as follows:

All orders of the department denying, suspending, or revoking the license or provisional license, and/or assessing a monetary penalty shall become final twenty days after the same has been served upon the applicant or licensee unless a hearing is requested. All hearings hereunder and judicial review of such determinations shall be in accordance with the administrative procedure act, chapter 34.04 RCW.

NEW SECTION. Sec. 17. The following acts or parts of acts are each hereby repealed:

(1) Section 10, chapter 117, Laws of 1951, section 6, chapter 160, Laws of 1953 and RCW 18.51.090;

(2) Section 13, chapter 117, Laws of 1951, section 7, chapter 160, Laws of 1953 and RCW 18.51.120; and

(3) Section 14, chapter 117, Laws of 1951, section 8, chapter 160, Laws of 1953 and RCW 18.51.130.

Passed the Senate May 20, 1975.

Passed the House May 19, 1975.

Approved by the Governor May 28, 1975.

Filed in Office of Secretary of State May 28, 1975.

CHAPTER 100

[Senate Bill No. 2328]

DISTRIBUTION OF FUEL TAX REVENUES TO
CITIES, TOWNS, AND COUNTIES

AN ACT Relating to the distribution of motor vehicle fuel tax and use fuel tax revenues to cities and counties; amending section 46.68.110, chapter 12, Laws of 1961 as amended by section 7, chapter 7, Laws of 1961 ex. sess. and RCW 46.68.110; and amending section 46.68.120, chapter 12, Laws of 1961 as last amended by section 47, chapter 195, Laws of 1973 1st ex. sess. and RCW 46.68.120.

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

Section 1. Section 46.68.110, chapter 12, Laws of 1961 as amended by section 7, chapter 7, Laws of 1961 ex. sess. and RCW 46.68.110 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of RCW 46.68.150 shall be subject to deduction and distribution as follows:

(1) (~~Three-fourths of~~) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the state highway commission for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the highway commission has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the state census board.

Sec. 2. Section 46.68.120, chapter 12, Laws of 1961 as last amended by section 47, chapter 195, Laws of 1973 1st ex. sess. and RCW 46.68.120 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) (~~Three-fourths of~~) One and one-half percent of such sums shall be deducted monthly as such sums accrue and set aside for the use of the state highway commission and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof including the supervision and administration of federal-aid programs for which the highway commission has responsibility: PROVIDED, That any moneys so retained and

not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) The balance remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, upon the basis of the following formula:

(a) Ten percent of such sum shall be divided equally among the several counties.

(b) Thirty percent shall be paid to each county in direct proportion that the sum of the total number of private automobiles and trucks licensed by registered owners residing in unincorporated areas and seven percent of the number of private automobiles and trucks licensed by registered owners residing in incorporated areas within each county bears to the total of such sums for all counties. The number of registered vehicles so used shall be as certified by the director of the department of motor vehicles for the year next preceding the date of calculation of the allocation amounts. The director of the department shall first supply such information not later than the fifteenth day of February, 1956, and on the fifteenth of February each two years thereafter.

(c) Thirty percent shall be paid to each county in direct proportion that the product of the county's trunk highway mileage and its prorated estimated annual cost per trunk mile as provided in subsection (e) is to the sum of such products for all counties. County trunk highways are defined as county roads regularly used by school buses and/or rural free delivery mail carriers of the United States post office department, but not foot carriers. Determination of the number of miles of county roads used in each county by school buses shall be based solely upon information supplied by the superintendent of public instruction who shall on October 1, 1955 and on October 1st of each odd-numbered year thereafter furnish the state highway commission with a map of each county upon which is indicated the county roads used by school buses at the close of the preceding school year, together with a detailed statement showing the total number of miles of county highway over which school buses operated in each county during such year. Determination of the number of miles of county roads used in each county by rural mail carriers on routes serviced by vehicles during the year shall be based solely upon information supplied by the United States postal department as of January 1st of the even-numbered years.

(d) Thirty percent of such sum shall be paid to each of the several counties in the direct proportion that the product of the trunk highway mileage of the county and its "money need factor" as defined in subsection (f) is to the total of such products for all counties.

(e) Every four years, beginning with the 1958 allocation, the highway commission and the legislative transportation committee shall reexamine or cause to be reexamined all the factors on which the estimated annual costs per trunk mile for the several counties have been based and shall make such adjustments as may be necessary. The following formula shall be used: One twenty-fifth of the estimated total county road replacement cost, plus the total annual maintenance cost, divided by the total miles of county road in such county, and multiplied by the result

obtained from dividing the total miles of county road in said county by the total trunk road mileage in said county. For the purpose of allocating funds from the motor vehicle fund, a county road shall be defined as one established as such by resolution or order of establishment of the board of county commissioners. The first allocation of funds shall be based on the following prorated estimated annual costs per trunk mile for the several counties as follows:

Adams	\$1,227.00
Asotin	1,629.00
Benton	1,644.00
Chelan	2,224.00
Clallam	2,059.00
Clark	1,710.00
Columbia	1,391.00
Cowlitz	1,696.00
Douglas	1,603.00
Ferry	1,333.00
Franklin	1,612.00
Garfield	1,223.00
Grant	1,714.00
Grays Harbor	2,430.00
Island	1,153.00
Jefferson	2,453.00
King	2,843.00
Kitsap	1,938.00
Kittitas	1,565.00
Klickitat	1,376.00
Lewis	1,758.00
Lincoln	1,038.00
Mason	1,748.00
Okanogan	1,260.00
Pacific	2,607.00
Pend Oreille	1,753.00
Pierce	2,276.00
San Juan	1,295.00
Skagit	1,966.00
Skamania	2,023.00
Snohomish	2,269.00
Spokane	1,482.00
Stevens	1,068.00
Thurston	1,870.00
Wahkiakum	2,123.00
Walla Walla	1,729.00
Whatcom	1,738.00
Whitman	1,454.00
Yakima	1,584.00

PROVIDED, HOWEVER, That the prorated estimated annual costs per trunk mile in this subsection shall be adjusted every four years, beginning with the 1958 allocation by the highway commission on the basis of changes in the trunk and total county road mileage based on information supplied by the superintendent of public instruction, the United States postal department and the annual reports of the county road departments.

(f) The "money need factor" for each of the several counties shall be the difference between the prorated estimated annual costs as listed above and the sum of the following three amounts divided by the county trunk highway mileage:

(1) The equivalent of a two dollar and twenty-five cents per thousand dollars of assessed value tax levy on the valuation, as equalized by the state department of revenue for state purposes, of all taxable property in the county road districts;

(2) One-fourth the sum of all funds received by the county from the federal forest reserve fund during the two calendar years next preceding the date of the adjustment of the allocation amounts as certified by the state treasurer; and

(3) One-half the sum of motor vehicle license fees and motor vehicle fuel tax refunded to the county during the two calendar years next preceding the date of the adjustment of the allocation amounts as provided in RCW 46.68.080. These shall be as supplied to the highway commission by the state treasurer for that purpose. The department of revenue and the state treasurer shall supply the information herein requested on or before January 1, 1956 and on said date each two years thereafter.

The following formula shall be used for the purpose of obtaining the "money need factor" of the several counties: The prorated estimated annual cost per trunk mile multiplied by the trunk miles will equal the total need of the individual county. The total need minus the sum of the three resources set forth in subsection (f) shall equal the net need. The net need of the individual county divided by the total net needs for all counties shall equal the "money need factor" for that county.

(g) The state highway commission shall adjust the allocations of the several counties on March 1st of every even-numbered year based solely upon the sources of information hereinbefore required: PROVIDED, That the total allocation factor composed of the sum of the four factors defined in subsections (a), (b), (c) and (d) shall be held to a level not more than five percent above or five percent below the total allocation factor in use during the previous two year period.

(h) The highway commission and the legislative transportation committee shall relog or cause to be relogged the total road mileages upon which the prorated estimated annual costs per trunk mile are based and shall recalculate such costs on the basis of such relogging and shall report their findings and recommendations to the legislature at its next regular session.

(i) The highway commission and the legislative transportation committee shall study and report their findings and recommendations to the legislature concerning the following problems as they affect the allocation of "motor vehicle fund" funds to counties:

(1) Comparative costs per trunk mile based on federal aid contracts versus those herein advocated.

(2) Average costs per trunk mile.

(3) The advisability of using either "trunk mileage" or "county road" mileage exclusively as the criterion instead of both as in this plan adopted.

(4) Reassessment of bridge costs based on current information and relogging of bridges.

(5) The items in the list of resources used in determining the "need factor".

(6) The development of a uniform accounting system for counties with regard to road and bridge construction and maintenance costs.

(7) A redefinition of rural and urban vehicles which better reflects the use of said vehicles on county roads.

Passed the Senate April 15, 1975.

Passed the House May 19, 1975.

Approved by the Governor May 28, 1975.

Filed in Office of Secretary of State May 28, 1975.

CHAPTER 101

[Reengrossed Senate Bill No. 2385]

REHABILITATION OF THE YACOLT BURN

AN ACT Relating to the rehabilitation of the Yacolt burn; and amending section 5, chapter 74, Laws of 1953 as amended by section 2, chapter 171, Laws of 1955 and RCW 76.14.050.

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

Section 1. Section 5, chapter 74, Laws of 1953 as amended by section 2, chapter 171, Laws of 1955 and RCW 76.14.050 are each amended to read as follows:

The supervisor is authorized to cooperate with owners of land located in ~~((this))~~ the area described in RCW 76.14.020 in establishing firebreaks in their most logical position regardless of land ownership. The board may by gift, purchase, condemnation or otherwise acquire easements for road rights of way and land or interests therein located in the high hazard forest area described in RCW 76.14.020 for any purpose deemed necessary for access for forest protection, reforestation, development and utilization, and for access to state-owned lands within the area described in RCW 76.14.020 for all other purposes, and the supervisor shall have authority to regulate the use thereof. ~~((These roads shall not be used for any other purpose and))~~ When the landowner is using the land for agricultural grazing purposes the state shall maintain gates or adequate cattle guards at each place the road enters upon the private landowner's fenced lands.

NEW SECTION. Sec. 2. There is added to chapter 76.14 RCW a new section to read as follows:

Nothing in the provisions of RCW 76.14.050 as now or hereafter amended shall be construed to otherwise alter the terms of any existing agreements heretofore entered into by the state and private parties under the authority of RCW 76.14.050 as now or hereafter amended.

Passed the Senate May 20, 1975.

Passed the House May 16, 1975.

Approved by the Governor May 28, 1975.

Filed in Office of Secretary of State May 28, 1975.

CHAPTER 102

[Engrossed Senate Bill No. 2393]

GAME AND GAME FISH—SEASONS—BAG LIMITS

AN ACT Relating to game and game fish; amending section 77.12.150, chapter 36, Laws of 1955 and RCW 77.12.150; and amending section 77.12.160, chapter 36, Laws of 1955 and RCW 77.12.160.

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

Section 1. Section 77.12.150, chapter 36, Laws of 1955 and RCW 77.12.150 are each amended to read as follows:

The director, with the approval ~~((in writing))~~ of the commission, may entirely close, or shorten ~~((the open))~~ any season ~~((fixed by any rule or regulation of the commission))~~ for game animals, fur-bearing animals, game birds, or game fish within the respective game areas, and after a season has been closed or shortened, ~~((he may))~~ reopen it ~~((for all or any portion of the time fixed by rule or regulation of the commission))~~, and ~~((he may))~~ also fix daily, weekly, or season bag limits on game animals, fur-bearing animals, game birds, or game fish within any game area.

Whenever the director finds that game animals have increased in numbers in any locality of the state to such an extent that they are damaging public or private property, or over-grazing their range, the commission may establish a special hunting season, designate the area and the number and sex of the animals that may be killed by a licensed hunter therein, promulgate necessary rules and regulations, and determine by lot the number of hunters that may hunt within such area and the conditions and requirements incident thereto. The drawing shall take place at the city hall of the town nearest the area to be opened. Notice of the establishing of such special hunting season and of the drawing shall be given in the manner provided for the publishing of orders opening or closing seasons.

The exercise of power herein granted to close or reopen regular or special seasons, or fix bag limits, shall be by a written order signed by the director ~~((and filed in the office of the commission, and in the office of the auditor of any county affected by the order))~~ promulgated in accordance with chapter 34.04 RCW.

Sec. 2. Section 77.12.160, chapter 36, Laws of 1955 and RCW 77.12.160 are each amended to read as follows:

The director shall publish the order closing, shortening, or reopening any season, or fixing any bag limit, in a newspaper of general circulation in each county affected ~~((, not less than three days prior to the effective date of such order))~~.

Passed the Senate April 8, 1975.

Passed the House May 19, 1975.

Approved by the Governor May 28, 1975.

Filed in Office of Secretary of State May 28, 1975.

CHAPTER 103

[Engrossed Senate Bill No. 2453]

CRIMINAL JUSTICE TRAINING COMMISSION—
POWERS, FACILITIES ACQUISITION

AN ACT Relating to criminal justice training; and amending section 8, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.080.

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

Section 1. Section 8, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.080 are each amended to read as follows:

The commission shall have all of the following powers:

- (1) To meet at such times and places as it may deem proper;
- (2) To adopt any rules and regulations as it may deem necessary;
- (3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;
- (4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;
- (5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;
- (6) To select and employ an executive director, and to empower him to perform such duties and responsibilities as it may deem necessary;
- (7) To assume legal, fiscal, and program responsibility for all training conducted by the commission;
- (8) To establish, by rule and regulation, standards for the training of criminal justice personnel where such standards are not prescribed by statute;
- (9) To establish and operate, or to contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel and to lease for a period not to exceed three years a training facility or facilities necessary to the conducting of such programs: PROVIDED, That the commission shall not have the power to invest any moneys received by it from any source for the purchase ~~((or lease))~~ of a training facility without prior approval of the legislature;
- (10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel;
- (11) To review and approve or reject standards for instructors of training programs for criminal justice personnel, and to employ personnel on a temporary basis as instructors without any loss of employee benefits to those instructors;
- (12) To direct the development of alternative, innovate, and interdisciplinary training techniques;
- (13) To review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards recommended by the training standards and education boards;
- (14) To allocate financial resources among training and education programs conducted by the commission;

(15) To allocate training facility space among training and education programs conducted by the commission;

(16) To issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;

(17) To provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission.

All rules and regulations adopted by the commission shall be adopted and administered pursuant to the Administrative Procedure Act, chapter 34.04 RCW, and the Open Public Meetings Act, chapter 42.30 RCW.

Passed the Senate April 4, 1975.

Passed the House May 21, 1975.

Approved by the Governor May 28, 1975.

Filed in Office of Secretary of State May 28, 1975.

CHAPTER 104

[Engrossed Senate Bill No. 2466]

PUBLIC WORKS—LIENS—RETAINED PERCENTAGES

AN ACT Relating to public works; amending section 1, chapter 166, Laws of 1921 as last amended by section 1, chapter 38, Laws of 1970 ex. sess. and RCW 60.28.010; and amending section 2, chapter 166, Laws of 1921 as last amended by section 2, chapter 38, Laws of 1970 ex. sess. and RCW 60.28.020.

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

Section 1. Section 1, chapter 166, Laws of 1921 as last amended by section 1, chapter 38, Laws of 1970 ex. sess. and RCW 60.28.010 are each amended to read as follows:

(1) Contracts for public improvements or work, other than for professional services, by the state, or any county, city, town, district, board, or other public body, herein referred to as "public body", shall provide, and there shall be reserved by the public body from the moneys earned by the contractor on estimates during the progress of the improvement or work, a sum equal to ten percent of the first one hundred thousand dollars and five percent for all amounts over one hundred thousand dollars of such estimates, said sum to be retained by the state, county, city, town, district, board, or other public body, as a trust fund for the protection and payment of any person or persons, mechanic, subcontractor or materialman who shall perform any labor upon such contract or the doing of said work, and all persons who shall supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work, and the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from such contractor. Every person performing labor or furnishing supplies toward the completion of said improvement or work shall have a lien upon said moneys so reserved: PROVIDED, That such notice of the lien of such claimant shall be given in the manner and within the time provided in RCW 39.08.030 through 39.08.060 as now existing and in accordance with any amendments that may hereafter be made thereto: PROVIDED FURTHER, That the board, council, commission,

trustees, officer or body acting for the state, county or municipality or other public body, at any time after fifty percent of the original contract work has been completed, if it finds that satisfactory progress is being made, may make any of the partial payments subsequently made in full; but in no event shall the amount to be retained be reduced to less than five percent of the amount of the (~~entire contract~~) moneys earned by the contractor.

(2) The moneys reserved under the provisions of subsection (1) of this section, at the option of the contractor, shall be:

(a) Retained in a fund by the public body until thirty days following the final acceptance of said improvement or work as completed; or

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association, not subject to withdrawal until after the final acceptance of said improvement or work as completed, or until agreed to by both parties: PROVIDED, That interest on such account shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body until thirty days following the final acceptance of said improvement or work as completed.

When the moneys reserved are to be placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. Such check shall be converted into bonds and securities chosen by the contractor and approved by the public body and such bonds and securities shall be held in escrow. Interest on such bonds and securities shall be paid to the contractor as the said interest accrues.

(3) If the public body administering a contract, other than a contract governed by the provisions of RCW 60.28.070, as amended, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in such case any amounts retained and accumulated under this section shall be held for a period of thirty days following such acceptance. In the event that the work shall have been terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter 60.28 RCW shall be deemed exclusive and shall supersede all provisions and regulations in conflict herewith.

Sec. 2. Section 2, chapter 166, Laws of 1921 as last amended by section 2, chapter 38, Laws of 1970 ex. sess. and RCW 60.28.020 are each amended to read as follows:

After the expiration of the thirty day period, and after receipt of the department of revenue's certificate, and the public body is satisfied that the taxes certified as due or to become due by the department of revenue are discharged, and the claims of materialmen and laborers who have filed their claims, together with

a sum sufficient to defray the cost of foreclosing the liens of such claims, and to pay attorneys' fees, have been paid, the public body shall pay to the contractor the fund retained by it or release to the contractor the securities and bonds held in escrow.

If such taxes have not been discharged or the claims, expenses, and fees have not been paid, the public body shall (~~(1) deduct such taxes and such claims, expenses and fees from the fund retained by it and pay the remainder, if any, to the contractor; or (2) order the securities and bonds held in escrow to be reconverted to money and returned to the public body who shall deduct such taxes and such claims, expenses, and fees from such sum and pay the remainder, if any, to the contractor~~) either retain in its fund, or in an interest bearing account, or retain in escrow, at the option of the contractor, an amount equal to such unpaid taxes and unpaid claims together with a sum sufficient to defray the costs and attorney fees incurred in foreclosing the lien of such claims, and shall pay, or release from escrow, the remainder to the contractor.

Passed the Senate May 20, 1975.

Passed the House May 19, 1975.

Approved by the Governor May 28, 1975.

Filed in Office of Secretary of State May 28, 1975.

CHAPTER 105

[Engrossed Substitute Senate Bill No. 2517]

UNIVERSITY OF WASHINGTON—REGIONALIZED MEDICAL EDUCATION—TUITION AND FEES

AN ACT Relating to higher education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

The board of regents of the University of Washington may exempt from payment of the nonresident portion of the legally-established student tuition and fees, any student admitted to the university's school of medicine pursuant to any contracts with the states of Alaska, Montana, or Idaho, or agencies thereof, providing for a program of regionalized medical education conducted by said school of medicine, which contracts provide that the proportional cost of such program and in excess of resident student tuition and fees will be reimbursed to the university by or on behalf of said states or agencies thereof.

Passed the Senate April 22, 1975.

Passed the House May 19, 1975.

Approved by the Governor May 28, 1975.

Filed in Office of Secretary of State May 28, 1975.

CHAPTER 106

[Senate Bill No. 2608]

AIR POLLUTION—ACTIVATED AUTHORITIES—
BUDGETS—SPECIAL STUDIES, ETC.

AN ACT Relating to air pollution; amending section 16, chapter 238, Laws of 1967 as amended by section 8, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.092; and adding a new section to chapter 70.94 RCW to be codified as RCW 70.94.097.

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

Section 1. Section 16, chapter 238, Laws of 1967 as amended by section 8, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.092 are each amended to read as follows:

Notwithstanding the provisions of RCW 1.16.030, the budget year of each activated authority shall be the fiscal year beginning July 1st and ending on the following June 30th. The current budget year shall be terminated June 30, 1975, and a budget for the fiscal year beginning July 1, 1975, shall be adopted pursuant to this section as now or hereafter amended. On or before the ~~((first Tuesday))~~ fourth Monday in ~~((September))~~ June of each year, each activated authority shall adopt a budget for the following ~~((calendar))~~ fiscal year. The budget shall contain an estimate of all revenues to be collected during the following budget year, including any surplus funds remaining unexpended from the preceding year. The remaining funds required to meet budget expenditures, if any, shall be designated as "supplemental income" and shall be obtained from the component cities, towns, and counties in the manner provided in this chapter. The affirmative vote of three-fourths of all members of the board shall be required to authorize emergency expenditures.

NEW SECTION. Sec. 2. There is added to chapter 70.94 RCW a new section to be codified as RCW 70.94.097 to read as follows:

In addition to paying its share of the supplemental income of the activated authority, each component city, town, or county shall have the power to contract with such authority and expend funds for the conduct of special studies, investigations, plans, research, advice, or consultation relating to air pollution and its causes, effects, prevention, abatement, and control as such may affect any area within the boundaries of the component city, town, or county, and which could not be performed by the authority with funds otherwise available to it. Any component city, town or county which contracts for the conduct of such special air pollution studies, investigations, plans, research, advice or consultation with any entity other than the activated authority shall require that such an entity consult with the activated authority.

Passed the Senate May 20, 1975.

Passed the House May 16, 1975.

Approved by the Governor May 28, 1975.

Filed in Office of Secretary of State May 28, 1975.

CHAPTER 107

[Engrossed Substitute Senate Bill No. 2616]
STATE LANDS—EXCHANGES—LOCAL
NOTICE AND HEARING

AN ACT Relating to the exchange of state lands for other lands; adding a new section to chapter 43.51 RCW; adding a new section to chapter 76.12 RCW; and adding a new section to Title 79 RCW.

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

NEW SECTION. Section 1. There is added to chapter 43.51 RCW a new section to read as follows:

At least ten days but not more than twenty-five days before the director of parks and recreation presents a proposed exchange to the parks and recreation commission involving an exchange of state land pursuant to this chapter, the director shall hold a public hearing on the proposal in the county where the state lands or the greatest proportion thereof is located. Ten days but not more than twenty-five days prior to such hearing, the director shall publish a paid public notice of reasonable size in display advertising form, setting forth the date, time, and place of the hearing, at least once in one or more daily newspapers of general circulation in the county and at least once in one or more weekly newspapers circulated in the area where the state-owned land is located. A news release pertaining to the hearing shall be disseminated among printed and electronic media in the area where the state land is located. The public notice and news release also shall identify lands involved in the proposed exchange and describe the purposes of the exchange and proposed use of the lands involved. A summary of the testimony presented at the hearings shall be prepared for the commission's consideration when reviewing the director's exchange proposal. If there is a failure to substantially comply with the procedures set forth in this section, then the exchange agreement shall be subject to being declared invalid by a court. Any such suit must be brought within one year from the date of the exchange agreement.

NEW SECTION. Sec. 2. There is added to Title 79 RCW a new section to read as follows:

At least ten days but not more than twenty-five days before the department of natural resources presents a proposed exchange to the board of natural resources involving an exchange of any lands under the administrative control of the department of natural resources, the department shall hold a public hearing on the proposal in the county where the state land or the greatest proportion thereof is located. Ten days but not more than twenty-five days prior to such hearing, the department shall publish a paid public notice of reasonable size in display advertising form, setting forth the date, time, and place of the hearing, at least once in one or more daily newspapers of general circulation in the county and at least once in one or more weekly newspapers circulated in the area where the state-owned land is located. A news release pertaining to the hearing shall be disseminated among printed and electronic media in the area where the state land is located. The public notice and news release also shall identify lands involved in the proposed exchange and describe the purposes of the exchange and proposed use

of the lands involved. A summary of the testimony presented at the hearings shall be prepared for the board's consideration when reviewing the department's exchange proposal. If there is a failure to substantially comply with the procedures set forth in this section, then the exchange agreement shall be subject to being declared invalid by a court. Any such suit must be brought within one year from the date of the exchange agreement.

Passed the Senate May 19, 1975.

Passed the House May 16, 1975.

Approved by the Governor May 28, 1975.

Filed in Office of Secretary of State May 28, 1975.

CHAPTER 108

[Engrossed Senate Bill No. 2619]

FAMILY MEDICINE EDUCATION AND RESIDENCY PROGRAMS

AN ACT Relating to family medicine; adding a new chapter to Title 70 RCW.

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

NEW SECTION. Section 1. There is added to Title 70 RCW a new section to read as follows:

(1) "School of medicine" means the University of Washington school of medicine located in Seattle, Washington;

(2) "Residency programs" mean community based family practice residency educational programs either in existence or established under this chapter;

(3) "Affiliated" means established or developed in cooperation with the school of medicine;

(4) "Family practice unit" means the community facility or classroom used for training of ambulatory health skills within a residency training program; and

(5) "Advisory board" means the family practice education advisory board created by this chapter.

NEW SECTION. Sec. 2. There is added to Title 70 RCW a new section to read as follows:

There is established a state-wide medical education system for the purpose of training resident physicians in family practice. The dean of the school of medicine shall be responsible for implementing the development and expansion of residency programs in cooperation with the medical profession, hospitals, and clinics located throughout the state. The chairman of the department of family medicine in the school of medicine, with the consent of the advisory board, shall determine where affiliated residency programs shall exist; giving consideration to communities in the state where the population, hospital facilities, number of physicians, and interest in medical education indicate the potential success of the residency program. The medical education system shall provide financial support for residents in training for those programs which are affiliated with the school of medicine and shall establish positions for appropriate faculty to staff these programs. The number of programs shall be determined by the board and be in keeping with the needs of the state.

NEW SECTION. Sec. 3. There is added to Title 70 RCW a new section to read as follows:

There is created a family practice education advisory board which shall consist of eight members with the dean of the school of medicine serving as chairman. Other members of the board will be:

- (1) Chairman, department of family medicine, school of medicine;
- (2) Two public members to be appointed by the governor;
- (3) A member appointed by the Washington state medical association;
- (4) A member appointed by the Washington state academy of family physicians;
- (5) A hospital administrator representing those Washington hospitals with family practice residency programs, appointed by the governor; and
- (6) A director representing the directors of community based family practice residency programs, appointed by the governor.

NEW SECTION. Sec. 4. There is added to Title 70 RCW a new section to read as follows:

The dean and chairman of the department of family medicine at the University of Washington school of medicine shall be permanent members of the advisory board. Other members will be initially appointed as follows: Terms of the two public members shall be two years; the member from the medical association and the hospital administrator, three years; and the remaining two members, four years. Thereafter, terms for the nonpermanent members shall be four years; members may serve two consecutive terms; and new appointments shall be filled in the same manner as for original appointments. Vacancies shall be filled for an unexpired term in the manner of the original appointment.

NEW SECTION. Sec. 5. There is added to Title 70 RCW a new section to read as follows:

The advisory board shall advise the dean and the chairman of the department of family medicine in the implementation of the educational programs provided for in this chapter; including, but not limited to, the selection of the areas within the state where affiliate residency programs shall exist, the allocation of funds appropriated under this chapter, and the procedures for review and evaluation of the residency programs. On or before January 15 of each year the advisory board shall provide the governor and the legislature with the report on the status of the state-wide family practice residency program.

NEW SECTION. Sec. 6. There is added to Title 70 RCW a new section to read as follows:

(1) The moneys appropriated for these state-wide family medicine residency programs shall be in addition to all the income of the University of Washington and its school of medicine and shall not be used to supplant funds for other programs under the administration of the school of medicine.

(2) The allocation of state funds for the residency programs shall not exceed fifty percent of the total cost of the program.

(3) No more than twenty-five percent of the appropriation for each fiscal year for the affiliated programs shall be authorized for expenditures made in support of

the faculty and staff of the school of medicine who are associated with the affiliated residency programs and are located at the school of medicine.

(4) No funds for the purposes of this act shall be used to subsidize the cost of care incurred by patients.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 70 RCW.

Passed the Senate April 9, 1975.

Passed the House May 20, 1975.

Approved by the Governor May 28, 1975.

Filed in Office of Secretary of State May 28, 1975.

CHAPTER 109

[Senate Bill No. 2636]

WASHINGTON STATE UNIVERSITY TREE FRUIT RESEARCH CENTER—OFFICE—LABORATORY FACILITIES—BONDS

AN ACT Relating to state government and the planning, construction, furnishing and equipping of an office-laboratory building and facilities at Washington State University Tree Fruit Research Center and providing for the financing thereof by the issuance of bonds; creating a new section; making an appropriation; amending section 1, chapter 109, Laws of 1974 ex. sess. and RCW 28B.30.600; amending section 3, chapter 109, Laws of 1974 ex. sess. and RCW 28B.30.604; amending section 4, chapter 109, Laws of 1974 ex. sess. and RCW 28B.30.606; amending section 6, chapter 109, Laws of 1974 ex. sess. and RCW 28B.30.610; amending section 8, chapter 109, Laws of 1974 ex. sess. and RCW 28B.30.614; and amending section 11, chapter 109, Laws of 1974 ex. sess. and RCW 28B.30.619.

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

Section 1. Section 1, chapter 109, Laws of 1974 ex. sess. and RCW 28B.30.600 are each amended to read as follows:

For the purpose of funding and providing the planning, construction, furnishing and equipping, together with all improvements thereon, of an office-laboratory facility at Washington State University Tree Fruit Research Center, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one million ~~((eight))~~ nine hundred fifty thousand dollars, or so much thereof as may be required, to finance the project defined in RCW 28B.30.600 through 28B.30.619 and all costs incidental thereto. Such bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

Sec. 2. Section 3, chapter 109, Laws of 1974 ex. sess. and RCW 28B.30.604 are each amended to read as follows:

At the time the state finance committee determines to issue such bonds or a portion thereof, it may, pending the issuance of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". ~~((Such portion of the proceeds of the sale of such bonds that may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued.))~~ The proceeds from the sale of bonds and notes authorized by RCW 28B.30.600 through 28B.30.619 shall be deposited in the office-laboratory construction account hereby created in the general fund

of the state treasury and shall be used exclusively for the purposes specified in RCW 28B.30.600 through 28B.30.619 and for the payment of expenses incurred in the issuance and sale of bonds: PROVIDED, That such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes as have been issued, shall be deposited in the bond redemption fund created in RCW 28B.30.610.

Sec. 3. Section 4, chapter 109, Laws of 1974 ex. sess. and RCW 28B.30.606 are each amended to read as follows:

The principal proceeds from the sale of the bonds or notes deposited in the office-laboratory construction account of the general fund shall be administered by Washington State University. Whenever there is a surplus of funds available in the office-laboratory construction account of the general fund to meet current expenditures payable therefrom, the state finance committee may invest such portion of said funds as the university deems appropriate in securities issued by the United States or agencies of the United States government as defined by RCW 43.84.080 (1) and (4). All income received from such investments shall be deposited to the credit of the bond retirement fund created in RCW 28B.30.610.

Sec. 4. Section 6, chapter 109, Laws of 1974 ex. sess. and RCW 28B.30.610 are each amended to read as follows:

The office-laboratory facilities bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds and notes authorized by RCW 28B.30.600 through 28B.30.619. The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements which may exceed cash available in the bond redemption fund from rental revenues, and on July 1st of each year the state treasurer shall deposit such amount in the office-laboratory facilities bond redemption fund from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues.

Sec. 5. Section 8, chapter 109, Laws of 1974 ex. sess. and RCW 28B.30.614 are each amended to read as follows:

None of the bonds authorized in RCW 28B.30.600 through 28B.30.619 shall be sold unless a long-term lease agreement shall be entered into between Washington State University and the general services administration of the federal government providing for the joint occupancy of this facility by the United States Department of Agriculture and Washington State University. The lease payments by the federal government or any other funds which may be legally pledged for such purpose, shall provide for the amortization of the principal of and interest on the bonds authorized by RCW 28B.30.600 through 28B.30.619 as certified by the state finance committee, in addition to custodial, maintenance and utility services costs. All annual lease payments received by the university for payment of the principal and interest on the bonds shall be forthwith remitted by the university (~~annually and in advance of the beginning of each fiscal year~~) and deposited in the state treasury to the credit of the office-laboratory facilities bond redemption fund.

Sec. 6. Section 11, chapter 109, Laws of 1974 ex. sess. and RCW 28B.30.619 are each amended to read as follows:

There is hereby appropriated to Washington State University from the office-laboratory construction account of the general fund, out of the sale of the bonds or notes authorized by RCW 28B.30.600 through 28B.30.619, the sum of one million (~~eight~~) nine hundred fifty thousand dollars, or such lesser amount as may be required, to finance the planning, construction, furnishing and equipping, together with all improvements thereon, of the facility authorized by RCW 28B.30.600 through 28B.30.619.

NEW SECTION. Sec. 7. If any provision of this 1975 amendatory 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 4, 1975.
Passed the House May 19, 1975.
Approved by the Governor May 28, 1975.
Filed in Office of Secretary of State May 28, 1975.

CHAPTER 110

[Engrossed Substitute Senate Bill No. 2692]
BUILDINGS—ACCESSIBILITY TO
DISABLED AND ELDERLY PERSONS

AN ACT Relating to the establishment of standards for making buildings and facilities accessible to and usable by physically disabled and elderly persons; amending section 3, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.030; amending section 4, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.040; adding new sections to chapter 35, Laws of 1967 and to chapter 70.92 RCW; repealing section 1, chapter 35, Laws of 1967 and RCW 70.92.010; repealing section 2, chapter 35, Laws of 1967 and RCW 70.92.020; repealing section 3, chapter 35, Laws of 1967 and RCW 70.92.030; repealing section 4, chapter 35, Laws of 1967 and RCW 70.92.040; repealing section 5, chapter 35, Laws of 1967 and RCW 70.92.050; repealing section 6, chapter 35, Laws of 1967 and RCW 70.92.060; repealing section 1, chapter 219, Laws of 1971 ex. sess. and RCW 70.92A.010; repealing section 2, chapter 219, Laws of 1971 ex. sess. and RCW 70.92A.020; repealing section 3, chapter 219, Laws of 1971 ex. sess. and RCW 70.92A.030; repealing section 4, chapter 219, Laws of 1971 ex. sess. and RCW 70.92A.040; repealing section 5, chapter 219, Laws of 1971 ex. sess. and RCW 70.92A.050; repealing section 11, chapter 96, Laws of 1974 ex. sess. and RCW 70.92A.060; and prescribing an effective date.

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

NEW SECTION. Section 1. It is the intent of the legislature that, notwithstanding any law to the contrary, plans and specifications for the erection of buildings through the use of public or private funds shall make special provisions for elderly or physically disabled persons.

NEW SECTION. Sec. 2. The standards and specifications adopted under this chapter shall, as provided in this section, apply to buildings, structures, or portions thereof used primarily for group A through group H occupancies, as defined in the Washington state building code. All such buildings, structures, or portions thereof, which are constructed, substantially remodeled, or substantially rehabilitated after July 1, 1976, shall conform to the standards and specifications adopted

under this chapter: PROVIDED, That the following buildings, structures, or portions thereof shall be exempt from this chapter:

(1) Buildings, structures, or portions thereof for which construction contracts have been awarded prior to July 1, 1976;

(2) Any building, structure, or portion thereof in respect to which the administrative authority deems, after considering all circumstances applying thereto, that full compliance is impracticable: PROVIDED, That, such a determination shall be made no later than at the time of issuance of the building permit for the construction, remodeling, or rehabilitation: PROVIDED FURTHER, That the board of appeals provided for in section 204 of the Uniform Building Code shall have jurisdiction to hear and decide appeals from any decision by the administrative authority regarding a waiver or failure to grant a waiver from compliance with the standards adopted pursuant to sections 1 through 7 of this amendatory act. The provisions of the Uniform Building Code regarding the appeals process shall govern the appeals herein;

(3) Any building or structure used solely for dwelling purposes and which contains not more than two dwelling units;

(4) Any building or structure not used primarily for group A through group H occupancies as set forth in the Washington state building code; or

(5) Apartment houses with ten or fewer units.

NEW SECTION. Sec. 3. All buildings built in accordance with the standards and specifications provided for in this chapter, and containing facilities that are in compliance therewith, shall display the following symbol which is known as the international symbol of access.



Such symbol shall be white on a blue background and shall indicate the location of facilities designed for the physically disabled or elderly. When a building contains an entrance other than the main entrance which is ramped or level for use by physically disabled or elderly persons, a sign with the symbol showing its location shall be posted at or near the main entrance which shall be visible from the adjacent public sidewalk or way.

NEW SECTION. Sec. 4. As used in this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Administrative authority" means the building department of each county, city, or town of this state;

(2) "Substantially remodeled or substantially rehabilitated" means any alteration or restoration of a building or structure within any twelve-month period, the cost of which exceeds sixty percent of the currently appraised value of the particular building or structure;

(3) "Council" means the state building code advisory council.

NEW SECTION. Sec. 5. The state building code advisory council shall adopt minimum standards by rule and regulation for the provision of facilities in buildings and structures to accommodate the elderly, as well as physically disabled persons, which shall include but not be limited to standards for:

(1) Ramps;
(2) Doors and doorways;
(3) Stairs;
(4) Floors;
(5) Entrances;
(6) Toilet rooms and paraphernalia therein;
(7) Water fountains;
(8) Public telephones;
(9) Elevators;
(10) Switches and levers for the control of light, ventilation, windows, mirrors, etc.;

(11) Plaques identifying such facilities;
(12) Turnstiles and revolving doors;
(13) Kitchen facilities, where appropriate;
(14) Grading of approaches to entrances;
(15) Parking facilities;
(16) Seating facilities, where appropriate, in buildings where people normally assemble.

NEW SECTION. Sec. 6. The council in adopting these minimum standards shall consider minimum standards adopted by both law and rule and regulation in other states: PROVIDED, That no standards adopted by the council pursuant to sections 1 through 7 of this amendatory act shall take effect until July 1, 1976. The council shall adopt such standards by majority vote pursuant to the provisions of chapter 34.04 RCW.

NEW SECTION. Sec. 7. The administrative authority of any jurisdiction may grant a waiver from compliance with any standard adopted hereunder for a particular building or structure if it determines that compliance with the particular standard is impractical: PROVIDED, That such a determination shall be made no later than at the time of issuance of the building permit for the construction, remodeling, or rehabilitation: PROVIDED FURTHER, That the board of appeals provided for in section 204 of the Uniform Building Code shall have jurisdiction to hear and decide appeals from any decision by the administrative authority regarding a waiver or failure to grant a waiver from compliance with the standards adopted pursuant to sections 1 through 7 of this amendatory act. The provisions of the Uniform Building Code regarding the appeals process shall govern the appeals herein.

Sec. 8. Section 3, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.030 are each amended to read as follows:

On and after January 1, 1975, there shall be in effect in all cities, towns and counties of the state a state building code which shall consist of the following codes which are hereby adopted by reference:

(1) Uniform Building Code and Related Standards, 1973 edition, published by the International Conference of Building Officials;

(2) Uniform Mechanical Code, 1973 edition, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials;

(3) The Uniform Fire Code with appendices thereto, 1973 edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association;

(4) The Uniform Plumbing Code, 1973 edition, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That chapter 11 of such code is not adopted: PROVIDED, That notwithstanding any wording in this code, nothing in this code shall apply to the installation of any gas piping, water heaters, or vents for water heaters; and

(5) ~~((The American National Standard Specifications for Making Buildings and Facilities Accessible To, and Usable By, The Physically Handicapped, published by American National Standards Institute, Inc., Document ANSI A117.1-1961 (reaffirmed 1971). This paragraph shall supplement chapter 35, Laws of 1967 and chapter 70.92 RCW with respect to public buildings))~~ The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided for in sections 1 through 7 of this amendatory act.

In case of conflict among the codes enumerated in subsections (1), (2), (3) and (4) of this section, the first named code shall govern over those following.

Sec. 9. Section 4, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.040 are each amended to read as follows:

On and after January 1, 1975, the governing body of each city, town or county is authorized to amend the state building code as it applies within its jurisdiction in all such respects as shall be not less than the minimum performance standards and objectives enumerated in RCW 19.27.020, including, the authority to adopt

any subsequent revisions to the codes in RCW 19.27.030 (1), (2), (3), and (4) (~~and (5)~~)).

Nothing in this section shall authorize any modifications of the requirements of (~~chapter 35, Laws of 1967, or chapter 70.92 RCW~~) sections 1 through 7 of this amendatory act.

NEW SECTION. Sec. 10. The following acts or parts of acts are each hereby repealed:

- (1) Section 1, chapter 35, Laws of 1967 and RCW 70.92.010;
- (2) Section 2, chapter 35, Laws of 1967 and RCW 70.92.020;
- (3) Section 3, chapter 35, Laws of 1967 and RCW 70.92.030;
- (4) Section 4, chapter 35, Laws of 1967 and RCW 70.92.040;
- (5) Section 5, chapter 35, Laws of 1967 and RCW 70.92.050;
- (6) Section 6, chapter 35, Laws of 1967 and RCW 70.92.060;
- (7) Section 1, chapter 219, Laws of 1971 ex. sess. and RCW 70.92A.010;
- (8) Section 2, chapter 219, Laws of 1971 ex. sess. and RCW 70.92A.020;
- (9) Section 3, chapter 219, Laws of 1971 ex. sess. and RCW 70.92A.030;
- (10) Section 4, chapter 219, Laws of 1971 ex. sess. and RCW 70.92A.040;
- (11) Section 5, chapter 219, Laws of 1971 ex. sess. and RCW 70.92A.050; and
- (12) Section 11, chapter 96, Laws of 1974 ex. sess. and RCW 70.92A.060.

NEW SECTION. Sec. 11. Sections 1 through 7 of this amendatory act are each added to chapter 35, Laws of 1967 and to chapter 70.92 RCW.

NEW SECTION. Sec. 12. Sections 8, 9, and 10 of this amendatory act shall take effect on July 1, 1976.

Passed the Senate May 20, 1975.

Passed the House May 16, 1975.

Approved by the Governor May 28, 1975.

Filed in Office of Secretary of State May 28, 1975.

CHAPTER 111

[Senate Bill No. 2741]

BUILDING AND LOAN, SAVINGS AND LOAN ASS'NS—CONVERSION TO MUTUAL SAVINGS BANK

AN ACT Relating to savings and loan associations and mutual savings banks; and amending section 1, chapter 154, Laws of 1917 as amended by section 1, chapter 177, Laws of 1927 and RCW 33.44.020.

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

Section 1. Section 1, chapter 154, Laws of 1917 as amended by section 1, chapter 177, Laws of 1927 and RCW 33.44.020 are each amended to read as follows:

Any going building and loan or savings and loan association or society organized under the laws of this state, or under the laws of the United States, may, if its contingent fund regularly accumulated, exclusive of any reserve fund stock, amounts to not less than five thousand dollars and if it has obtained the approval, required by law or regulation, of any federal agencies, including the federal home

loan bank board and the federal savings and loan insurance corporation, be converted into a mutual savings bank in the following manner:

(1) The board of directors of such association shall pass a resolution declaring their intention to convert the association into a mutual savings bank and shall apply to the supervisor of banking for leave to submit to the shareholders of the association the question whether the same shall be converted into a mutual savings bank. A duplicate of the application to the supervisor of banking shall be filed with the supervisor of savings and loan associations, except that no such filing shall be required in the case of an association organized under the laws of the United States.

(2) Thereupon the supervisor of banking shall make the same investigation and determine the same questions as he would be required by law to make and determine in case of the submission to him of a certificate of incorporation of a proposed new mutual savings bank, and he shall also determine after conference with the supervisor of savings and loan associations whether by the proposed conversion the business needs and conveniences of the shareholders of such association would be served with facility and safety, except that no such conference shall be pertinent to such investigation or determination in the case of an association organized under the laws of the United States. After the supervisor of banking shall have satisfied himself by such investigation whether it is expedient and desirable to permit the proposed conversion, he shall, within sixty days after the filing of said application, endorse thereon over his official signature the word "granted" or the word "refused", with the date of such endorsement and shall immediately notify the secretary of such association of his decision: PROVIDED, That if the application is granted the supervisor of banking shall require the applicants to enter into such an agreement or undertaking with him as trustee for the depositors with the savings bank to make such contributions in cash to the expense fund of the savings bank as in his judgment will be necessary then and from time to time thereafter to pay the operating expenses of the bank if its earnings should not be sufficient to pay the same in addition to the payment of such dividends as may be declared and credited to depositors from its earnings.

In case of refusal, said board of directors, or a majority thereof, may, within thirty days after receiving the notice of such refusal appeal to a board of appeal composed of the governor, the attorney general and the supervisor of banking, in the same manner and under the same procedure as that prescribed by law for an appeal to such board from the supervisor of banking's refusal to permit the original organization of a mutual savings bank.

(3) If such application be granted by the supervisor of banking or by the board of appeal, as the case may be, the board of directors of such association shall, within sixty days thereafter, submit the question of the proposed conversion to the shareholders of the association at a special meeting called for that purpose. Notice of such meeting shall be given in the manner prescribed by the bylaws of the association. Such notice shall state the time, place and purpose of the meeting, and that the only question to be voted upon will be, "shall the (naming the association) be converted into a mutual savings bank under the laws of the state of Washington?" The vote on said question shall be by ballot. Any shareholder may vote by proxy or may transmit his ballot by mail if the bylaws provide a method

for so doing. If two-thirds or more in number of the shareholders voting on the question vote affirmatively, then the board of directors shall have power, and it shall be their duty, to proceed to convert such association into a mutual savings bank; otherwise, the proposed conversion shall be abandoned and shall not be again submitted to the shareholders within three years from the date of said meeting.

(4) If authority for the proposed conversion has been voted by the shareholders as hereinabove required, the directors shall, within thirty days thereafter, subscribe and acknowledge and file with the supervisor of banking in quadruplicate a certificate of reincorporation, stating:

(a) The name by which the converted corporation is to be known, which name shall include the words "mutual savings bank."

(b) The place where the bank is to be located and its business transacted, naming the city or town and county, which city or town shall be the same as that where the principal place of business of the corporation has theretofore been located.

(c) The name, occupation, residence and post office address of each signer of the certificate.

(d) The amount of the assets of the corporation, the amount of its liabilities and the amount of its contingent fund as of the first day of the then calendar month.

(e) A declaration that each signer will accept the responsibilities and faithfully discharge the duties of a trustee of the savings bank, and is free from all the disqualifications specified in the laws applicable to mutual savings banks.

(5) Upon the filing of said certificate in quadruplicate the supervisor of banking shall, within thirty days thereafter, if satisfied that all the provisions of this chapter have been complied with, issue in quadruplicate an authorization certificate stating that the corporation has complied with all the requirements of law, and that it has authority to transact at the place designated in its certificate of incorporation the business of a mutual savings bank. One of the supervisor's quadruplicate certificates of authorization shall be attached to each of the quadruplicate certificates of reincorporation, and one set of these shall be filed and retained by the supervisor of banking, one set shall be filed in the office of the county auditor of the county in which such bank is located, one set shall be filed in the office of the secretary of state, and one set shall be transmitted to the bank for its files. Upon the receipt from the corporation of the same fees as are required for filing and recording other incorporation certificates or articles the county auditor and secretary of state shall file said certificates in their respective offices and the secretary of state shall record the same; whereupon the conversion of such association shall be deemed complete, and the signers of said reincorporation certificate and their successors shall thereupon become and be a corporation having the powers and being subject to the duties and obligations prescribed by the laws of this state applicable to mutual savings banks, and the time of existence of such

corporation shall continue for the period of fifty years from the date of the filing of such certificate, unless sooner terminated pursuant to law.

Passed the Senate April 16, 1975.

Passed the House May 21, 1975.

Approved by the Governor May 28, 1975.

Filed in Office of Secretary of State May 28, 1975.

CHAPTER 112

[Engrossed Substitute Senate Bill No. 2855]

COMMUNITY COLLEGE FACULTY TENURE

AN ACT Relating to community college faculty tenure; and amending section 33, chapter 283, Laws of 1969 ex. sess. as last amended by section 1, chapter 33, Laws of 1974 ex. sess. and RCW 28B.50.851.

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

Section 1. Section 33, chapter 283, Laws of 1969 ex. sess. as last amended by section 1, chapter 33, Laws of 1974 ex. sess. and RCW 28B.50.851 are each amended to read as follows:

As used in RCW 28B.50.850 through 28B.50.869:

(1) "Tenure" shall mean a faculty appointment for an indefinite period of time which may be revoked only for adequate cause and by due process;

(2) (a) "Faculty appointment", except as otherwise provided in subsection (2)(b) below, shall mean full time employment as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments; "faculty appointment" shall also mean department heads, division heads and administrators to the extent that such department heads, division heads or administrators have had or do have status as a teacher, counselor, or librarian;

(b) "Faculty appointment" shall not mean special faculty appointment as a teacher, counselor, librarian, or other position as enumerated in subsection (2)(a) of this section, when such employment results from special funds provided to a community college district from federal moneys or other special funds which other funds are designated as "special funds" by the state board for community college education: PROVIDED, That such "special funds" so designated by the state board for purposes of this act shall apply only to teachers, counselors and librarians hired from grants and service agreements and teachers, counselors and librarians hired in non-formula positions. A special faculty appointment resulting from such special financing may be terminated upon a reduction or elimination of funding or a reduction or elimination of program: PROVIDED FURTHER, That a "faculty appointee" holding a faculty appointment pursuant to subsections (1) or (2)(a) who has been subsequently transferred to a position financed from "special funds" pursuant to subsection (2)(b) and who thereafter loses his position upon reduction or elimination of such "special funding" shall be entitled to be returned to his previous status as a faculty appointee pursuant to subsection (1) or (2)(a) depending upon his status prior to the "special funding" transfer. Notwithstanding the fact that tenure shall not be granted to anyone holding a special faculty appointment, the termination of any such faculty appointment prior to the

expiration of the term of such faculty member's individual contract for any cause which is not related to elimination or reduction of financing or the elimination or reduction of program shall be considered a termination for cause subject to the provisions of this chapter;

(3) "Probationary faculty appointment" shall mean a faculty appointment for a designated period of time which may be terminated without cause upon expiration of the probationer's terms of employment;

(4) "Probationer" shall mean an individual holding a probationary faculty appointment;

(5) "Administrative appointment" shall mean employment in a specific administrative position as determined by the appointing authority;

(6) "Appointing authority" shall mean the board of trustees of a community college district;

(7) "Review committee" shall mean a committee composed of the probationer's faculty peers, a student representative, and the administrative staff of the community college: PROVIDED, That the majority of the committee shall consist of the probationer's faculty peers.

Passed the Senate April 21, 1975.

Passed the House May 19, 1975.

Approved by the Governor May 28, 1975.

Filed in Office of Secretary of State May 28, 1975.

CHAPTER 113

[Senate Bill No. 2960]

EMERGENCY SERVICES

AN ACT Relating to emergency services; amending section 3, chapter 178, Laws of 1951 as last amended by section 4, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.010; amending section 2, chapter 178, Laws of 1951 as last amended by section 5, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.020; and amending section 4, chapter 178, Laws of 1951 as last amended by section 58, chapter 154, Laws of 1973 1st ex. sess. and RCW 38.52.030.

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

Section 1. Section 3, chapter 178, Laws of 1951 as last amended by section 4, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.010 are each amended to read as follows:

As used in this chapter:

(1) "Emergency services" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage, and to aid victims suffering from damage, resulting from disasters caused by enemy attack, sabotage, or other hostile action, or by fire, flood, storm, earthquake, or other natural causes, and to provide support for search and rescue operations for persons and property in distress. These functions include, without limitation, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant

protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation and for carrying out of the foregoing functions.

(2) "Local organization for emergency services" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency services functions.

(3) "Mobile support unit" means an organization for emergency services created in accordance with the provisions of this chapter by state or local authority to be dispatched by the governor to supplement local organizations for emergency services in stricken areas.

(4) "Political subdivision" means any county, city or town.

(5) "Emergency services worker" means any person who is registered with a state or local emergency services organization and holds an identification card issued by the state or local emergency services director for the purpose of engaging in authorized emergency services or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency services.

(6) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency services.

(7) "Disaster" as used in this chapter shall mean events, arising out of either enemy attack, sabotage, or other hostile action, or natural causes, which reach such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

Sec. 2. Section 2, chapter 178, Laws of 1951 as last amended by section 5, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.020 are each amended to read as follows:

(1) Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, or from fire, flood, storm, earthquake, or other natural causes, and in order to insure that preparations of this state will be adequate to deal with such disasters, to insure the administration of state and federal programs providing disaster relief to individuals, and further to insure adequate support for search and rescue operations, and generally to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary:

(a) To create a state department of emergency services, and to authorize the creation of local organizations for emergency services in the political subdivisions of the state;

(b) To confer upon the governor and upon the executive heads of the political subdivisions of the state the emergency powers provided herein;

(c) To provide for the rendering of mutual aid among the political subdivisions of the state and with other states and to cooperate with the federal government with respect to the carrying out of emergency services functions; and

(d) To provide a means of compensating emergency services workers who may suffer any injury as herein defined as a result of participation in emergency services.

(2) It is further declared to be the purpose of this chapter and the policy of the state that all emergency services functions of this state and its political subdivisions be coordinated to the maximum extent with the comparable functions of the federal government including its various departments and agencies of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

Sec. 3. Section 4, chapter 178, Laws of 1951 as last amended by section 58, chapter 154, Laws of 1973 1st ex. sess. and RCW 38.52.030 are each amended to read as follows:

(1) There is hereby created within the executive branch of the state government a department of emergency services and a director of emergency services (hereinafter called the director) who shall be the head thereof. The director shall be appointed by the governor with the advice and consent of the senate; the director shall not hold any other state office; the director shall hold office during the pleasure of the governor, and shall be compensated at the rate established by the governor's advisory committee on salaries and wages.

(2) The director may employ such technical, clerical, stenographic, and other personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency services, as may be necessary to carry out the purposes of this chapter.

(3) The director and other personnel of the department shall be provided with appropriate office space, furniture, equipment, supplies, stationery, and printing in the same manner as provided for personnel of other state agencies.

(4) The director, subject to the direction and control of the governor, shall be the executive head of the department and shall be responsible to the governor for carrying out the program for emergency services of this state. The director shall coordinate the activities of all organizations for emergency services within the state, and shall maintain liaison with and cooperate with emergency services agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(5) The director shall appoint a communications coordinating committee consisting of six persons with the director as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at the time of appointment. This committee shall be given full and complete authority over all plans for the direction and control of any communications facilities or functions to be operated or controlled under the provisions of this chapter by the department of emergency services, except supplemental emergency communications facilities under the direction of any local organization for emergency services.

(6) The director shall appoint a state coordinator of search and rescue operations, who shall coordinate those state resources, services and facilities (other than

those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and who shall on request maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

(7) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a disaster caused by enemy attack, sabotage, or other hostile action, or by fire, flood, storms, earthquake, or other natural causes. Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

Passed the Senate April 22, 1975.

Passed the House May 19, 1975.

Approved by the Governor May 28, 1975.

Filed in Office of Secretary of State May 28, 1975.

CHAPTER 114

[House Bill No. 15]

HEALING ARTS—SPECIAL IMMUNITIES

AN ACT Relating to special immunities; amending section 1, chapter 157, Laws of 1969 ex. sess. and RCW 4.24.240; amending section 1, chapter 144, Laws of 1971 ex. sess. and RCW 4.24.250; and amending section 2, chapter 144, Laws of 1971 ex. sess. and RCW 4.24.260.

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

Section 1. Section 1, chapter 157, Laws of 1969 ex. sess. and RCW 4.24.240 are each amended to read as follows:

Physicians licensed under chapters 18.71 or 18.57 RCW (~~and~~), dentists licensed under chapter 18.32 RCW, and pharmacists licensed under chapter 18.64 RCW who are members of review committees for medical (~~or~~), dental, or pharmaceutical societies, and licensed hospitals, or committees whose duties require evaluation of credentials and qualifications of physicians (~~and~~), dentists, or pharmacists shall be immune from civil action for damages arising out of the performance of their duties on such committees, where such actions are being brought by or on behalf of the person who is being evaluated.

Sec. 2. Section 1, chapter 144, Laws of 1971 ex. sess. and RCW 4.24.250 are each amended to read as follows:

Physicians licensed under chapter 18.71 RCW or chapter 18.57 RCW, ~~(and)~~ dentists licensed under chapter 18.32 RCW, and pharmacists licensed under chapter 18.64 RCW who, in good faith, file charges or present evidence against another member of their profession based on the claimed incompetency or gross misconduct of such person before a regularly constituted review committee or board of a medical ~~((or))~~, dental, or pharmaceutical society or hospital whose duty it is to evaluate the competency and qualifications of members of the profession, including limiting the extent of practice of such person in a hospital or similar institution, shall be immune from civil action for damages arising out of such activities. The written records of such committees or boards shall not be subject to subpoena or discovery proceedings in any civil action, except actions arising out of the recommendations of such committees.

Sec. 3. Section 2, chapter 144, Laws of 1971 ex. sess. and RCW 4.24.260 are each amended to read as follows:

Physicians licensed under chapter 18.71 RCW dentists licensed under chapter 18.32 RCW and pharmacists licensed under chapter 18.64 RCW who, in good faith, file charges or present evidence against another member of their profession based on the claimed incompetency or gross misconduct of such person before the medical disciplinary board established under chapter 18.72 RCW, in a proceeding under chapter 18.32 RCW or to the board of pharmacy under RCW 18.64.160 shall be immune from civil action for damages arising out of such activities.

Passed the House May 21, 1975.

Passed the Senate May 15, 1975.

Approved by the Governor May 29, 1975.

Filed in Office of Secretary of State May 29, 1975.

CHAPTER 115

[House Bill No. 42]

INTERLOCAL COOPERATION ACT—"PUBLIC AGENCY" DEFINED

AN ACT Relating to the interlocal cooperation act; and amending section 3, chapter 239, Laws of 1967 as last amended by section 1, chapter 34, Laws of 1973 and RCW 39.34.020.

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

Section 1. Section 3, chapter 239, Laws of 1967 as last amended by section 1, chapter 34, Laws of 1973 and RCW 39.34.020 are each amended to read as follows:

For the purposes of this chapter, the term "public agency" shall mean any city, town, county, public utility district, irrigation district, port district, fire protection district, school district, air pollution control authority, rural county library districts, intercounty rural library districts, public hospital districts, regional planning agency created by any combination of county and city governments, health department or district, weed control district, county transit authority, Indian tribe recognized as such by the federal government, or metropolitan municipal corporation of this state; any agency of the state government or of the United States; and any political subdivision of another state.

The term "state" shall mean a state of the United States.

Passed the House May 21, 1975.

Passed the Senate May 15, 1975.

Approved by the Governor May 29, 1975.

Filed in Office of Secretary of State May 29, 1975.

CHAPTER 116

[House Bill No. 189]

WATER COMMISSIONERS' TRAVEL EXPENSES

AN ACT Relating to water commissioner travel expenses; and amending section 7, chapter 114, Laws of 1929 as last amended by section 8, chapter 148, Laws of 1969 ex. sess. and RCW 57.12.010.

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

Section 1. Section 7, chapter 114, Laws of 1929 as last amended by section 8, chapter 148, Laws of 1969 ex. sess. and RCW 57.12.010 are each amended to read as follows:

The officers of a district shall be a board of water commissioners consisting of three members. The board shall annually elect one of its members as president and another as secretary.

The secretary may be paid a reasonable sum for the clerical services performed by him. The board shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book kept for that purpose which shall be a public record.

A district shall provide by resolution for the payment of compensation to each of its commissioners at a rate not exceeding twenty-five dollars for each day or major part thereof devoted to the business of the district: **PROVIDED**, That the per diem for each commissioner shall not exceed twelve hundred dollars per year. No commissioner shall be employed full time by the district. Each commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business, including his subsistence and lodging while away from his place of residence and mileage for use of personal automobile (~~at the rate of ten cents per mile~~) at the mileage rate authorized in RCW 43.03.060 as now existing or hereafter amended.

The date for holding elections and taking office as herein provided shall be subject to the provisions of any consolidated election laws that may be made applicable thereto although previously enacted.

Passed the House May 21, 1975.

Passed the Senate May 15, 1975.

Approved by the Governor May 29, 1975.

Filed in Office of Secretary of State May 29, 1975.

CHAPTER 117

[Substitute House Bill No. 239]

EMPLOYEES—LABOR DISPUTES—INSURANCE
AND HEALTH CARE CONTRACT PREMIUMS

AN ACT Relating to employee benefits; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.24 RCW; adding a new section to chapter 48.44 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 48.21 RCW a new section to read as follows:

Any employee whose compensation includes group disability or blanket disability insurance providing health care services, the premiums for which are paid in full or in part by an employer including the state of Washington, its political subdivisions, or municipal corporations, or paid by payroll deduction, may pay the premiums as they become due directly to the policyholder whenever the employee's compensation is suspended or terminated directly or indirectly as the result of a strike, lockout, or other labor dispute, for a period not exceeding six months and at the rate and coverages as the policy provides. During that period of time the policy may not be altered or changed. Nothing in this section shall be deemed to impair the right of the insurer to make normal decreases or increases of the premium rate upon expiration and renewal of the policy, in accordance with the provisions of the policy. Thereafter, if such insurance coverage is no longer available, then the employee shall be given the opportunity to purchase an individual policy at a rate consistent with rates filed by the insurer with the commissioner. When the employee's compensation is so suspended or terminated, the employee shall be notified immediately by the policyholder in writing, by mail addressed to the address last on record with the policyholder, that the employee may pay the premiums to the policyholder as they become due as provided in this section.

Payment of the premiums must be made when due or the insurance coverage may be terminated by the insurer.

The provisions of any insurance policy contrary to provisions of this section are void and unenforceable after the effective date of this 1975 act.

NEW SECTION. Sec. 2. There is added to chapter 48.24 RCW a new section to read as follows:

Any employee whose compensation includes group life insurance, the premiums for which are paid in full or in part by an employer including the state of Washington, its political subdivisions, or municipal corporations, or paid by payroll deduction, may pay the premiums as they become due directly to the policyholder whenever the employee's compensation is suspended or terminated directly or indirectly as the result of a strike, lockout, or other labor dispute, for a period not exceeding six months and at the rate and coverages as the policy provides. During that period of time the policy may not be altered or changed. Nothing in this section shall be deemed to impair the right of the insurer to make normal decreases or increases of the premium rate upon expiration and renewal of the policy, in accordance with the provisions of the policy. Thereafter, if such insurance

coverage is no longer available, then the employee shall be given the opportunity to purchase an individual policy at a rate consistent with rates filed by the insurer with the commissioner. When the employee's compensation is so suspended or terminated, the employee shall be notified immediately by the policyholder in writing, by mail addressed to the address last on record with the policyholder, that the employee may pay the premiums to the policyholder as they become due as provided in this section.

Payment of the premiums must be made when due or the insurance coverage may be terminated by the insurer.

The provisions of any insurance policy contrary to provisions of this section are void and unenforceable after the effective date of this 1975 act.

NEW SECTION. Sec. 3. There is added to chapter 48.44 RCW a new section to read as follows:

Any employee whose compensation includes a health care services contract providing health care services expenses, the premiums for which are paid in full or in part by an employer including the state of Washington, its political subdivisions, or municipal corporations, or paid by payroll deduction, may pay the premiums as they become due directly to the health care service contractor whenever the employee's compensation is suspended or terminated directly or indirectly as the result of a strike, lockout, or other labor dispute, for a period not exceeding six months and at the rate and coverages as the health care services contract provides. During that period of time such contract may not be altered or changed. Nothing in this section shall be deemed to impair the right of the insurer to make normal decreases or increases of the premium rate upon expiration and renewal of the policy, in accordance with the provisions of the policy. Thereafter, if such health care services coverage is no longer available, then the employee shall be given the opportunity to purchase an individual health care services contract at a rate consistent with rates filed by the health care service contractor with the commissioner. When the employee's compensation is so suspended or terminated, the employee shall be notified immediately by the contract holder in writing, by mail addressed to the address last of record with the contract holder, that the employee may pay the premiums to the health care service contractor as they become due as provided in this section.

Payment of the premiums must be made when due or the coverage may be terminated by the health care service contractor.

The provisions of any health care services contract contrary to provisions of this section are void and unenforceable after the effective date of this 1975 act.

NEW SECTION. Sec. 4. If any provision of this 1975 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. 5. This 1975 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 21, 1975.

Passed the Senate May 15, 1975.

Approved by the Governor May 29, 1975.

Filed in Office of Secretary of State May 29, 1975.

CHAPTER 118

[House Bill No. 305]

MOTOR VEHICLES, TRAILERS, AND CAMPERS—FEES AND TAXES—STAGGERED REGISTRATION

AN ACT Relating to staggered vehicle license registration; amending section 46.16.060, chapter 12, Laws of 1961 as last amended by section 3, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.060; amending section 46.16.065, chapter 12, Laws of 1961 as amended by section 10, chapter 7, Laws of 1961 ex. sess. and RCW 46.16.065; amending section 46.16.130, chapter 12, Laws of 1961 and RCW 46.16.130; amending section 46.16.135, chapter 12, Laws of 1961 as amended by section 7, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.135; amending section 46.16.137, chapter 12, Laws of 1961 as last amended by section 1, chapter 172, Laws of 1974 ex. sess. and RCW 46.16.137; amending section 46.16.210, chapter 12, Laws of 1961 as amended by section 1, chapter 75, Laws of 1969 ex. sess. and RCW 46.16.210; amending section 46.16.220, chapter 12, Laws of 1961 as amended by section 9, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.220; amending section 46.16.320, chapter 12, Laws of 1961 as last amended by section 1, chapter 206, Laws of 1969 ex. sess. and RCW 46.16.320; amending section 7, chapter 231, Laws of 1971 ex. sess. as amended by section 1, chapter 41, Laws of 1975 and RCW 46.16.505; amending section 82.44.040, chapter 15, Laws of 1961 and RCW 82.44.040; amending section 52, chapter 299, Laws of 1971 ex. sess. and RCW 82.44.045; amending section 82.44.060, chapter 15, Laws of 1961 as amended by section 4, chapter 199, Laws of 1963 and RCW 82.44.060; amending section 55, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.400; amending section 56, chapter 299, Laws of 1971 ex. sess. as amended by section 2, chapter 144, Laws of 1972 ex. sess. and RCW 82.50.410; amending section 61, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.460; adding new sections to chapter 12, Laws of 1961 and to chapter 46.16 RCW; and providing an effective date.

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

NEW SECTION. Section 1. There is added to chapter 12, Laws of 1961 and to chapter 46.16 RCW a new section to read as follows:

(1) The term "registration year" for the purposes of chapters 46.16, 82.44, and 82.50 RCW shall mean the effective period of a vehicle license issued by the department. Such year shall commence at 12:01 a.m. on the date of the calendar year designated by the department and shall end at 12:01 a.m. on the same date of the next succeeding calendar year.

(2) Each registration year may be divided into twelve registration months. Each registration month shall commence on the day numerically corresponding to the day of the calendar month on which the registration year begins, and shall terminate on the numerically corresponding day of the next succeeding calendar month.

(3) Each registration year may be divided into four registration quarters, each consisting of three registration months. The first quarter shall commence with registration month one.

(4) Where the term "last day of the month" is utilized in chapters 46.16, 82.44, and 82.50 RCW in lieu of a specified day of any calendar month it shall mean the

last day of such calendar month or months irrespective of the numerical designation of that day.

(5) In the event the final day of a registration year, quarter, or month falls on a Saturday, Sunday, or legal holiday, such period shall extend through the end of the next business day.

NEW SECTION. Sec. 2. There is added to chapter 12, Laws of 1961 and to chapter 46.16 RCW a new sections to read is follows:

Notwithstanding any provision of law to the contrary, the director of the department of motor vehicles may extend or diminish vehicle license registration periods for the purpose of staggering renewal periods. Such extension or diminishment of a vehicle license registration period shall be by rule and regulation of the department of motor vehicles adopted in accordance with the provisions of chapter 34.04 RCW. Such rules may provide for the omission of any classes or classifications of vehicle from the staggered renewal system and may provide for the gradual introduction of classes or classifications of vehicles into such a system. Such rules and regulations shall provide for the collection of proportionately increased or decreased vehicle license registration fees, including tonnage fees, if applicable, and of excise or property taxes required to be paid at the time of registration.

It is the intent of the legislature that there shall be neither a significant net gain nor loss of revenue to the state general fund or the motor vehicle fund as the result of implementing a staggered vehicle registration system when compared with the revenue generated by the current registration system.

Sec. 3. Section 46.16.060, chapter 12, Laws of 1961 as last amended by section 3, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.060 are each amended to read as follows:

Except as otherwise specifically provided by law for the licensing of vehicles, there shall be paid and collected annually for each (~~calendar~~) registration year or fractional part thereof and upon each vehicle a license fee or, if the vehicle was previously licensed in this state and has not been registered in another jurisdiction in the intervening period, a renewal license fee. Such license fee shall be in the sum of thirteen dollars and forty cents, and such renewal fee shall be in the sum of nine dollars and forty cents: PROVIDED, HOWEVER, That the fee for licensing each house moving dolly which is used exclusively for moving buildings or homes on the highway under special permit as provided for in chapter 46.44 RCW, shall be twenty-five dollars and no other fee shall be charged for the load carried thereon.

Sec. 4. Section 46.16.065, chapter 12, Laws of 1961 as amended by section 10, chapter 7, Laws of 1961 ex. sess. and RCW 46.16.065 are each amended to read as follows:

In lieu of the fees provided in RCW 46.16.060, private passenger car one or two-wheel trailers of two thousand pounds gross weight or less, may be licensed upon the payment of a license fee in the sum of four dollars and fifty cents or, if the vehicle was previously licensed in this state and has not been registered in another jurisdiction in the intervening period, a renewal license fee in the sum of three dollars and twenty-five cents, but only if such trailers are to be operated

upon the public highway by the owners thereof. It is the intention of the legislature that this reduced license shall be issued only as to trailers operated for personal use of the owners and not trailers held for rental to the public.

Sec. 5. Section 46.16.130, chapter 12, Laws of 1961 and RCW 46.16.130 are each amended to read as follows:

Whenever an application is made for a license on a motor truck, trailer, tractor, semitrailer, for hire vehicle, bus or auto stage subsequent to ~~((March thirty-first of any calendar))~~ the end of the first registration quarter of any registration year, the license fees based on gross weight or seating capacity of such vehicles shall be computed as follows:

Upon ~~((motor))~~ vehicles above described licensed in this state ~~((after March thirty-first of any year, but before July first))~~ during the second registration quarter, the license fees imposed by this section for such year shall be reduced by one-fourth thereof; upon vehicles licensed in this state ((after June thirtieth of any year, but before October first)) during the third registration quarter, the license fees shall be reduced by one-half thereof; and upon vehicles licensed in this state ((after September thirtieth of any year)) during the fourth registration quarter, the license fees shall be reduced by three-fourths thereof: PROVIDED, That such reductions shall not apply to special permits nor to vehicles licensed during the immediately preceding registration year.

Sec. 6. Section 46.16.135, chapter 12, Laws of 1961 as amended by section 7, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.135 are each amended to read as follows:

Tonnage for motor trucks, trailers, tractors, pole trailers, or semitrailers having a declared gross weight in excess of twenty thousand pounds may be purchased for ~~((quarterly periods ending on March 31st, June 30th, September 30th, and December 31st))~~ any registration quarter at one-fourth of the usual annual tonnage fee: PROVIDED, That the fee for the registration quarter in which the vehicle is licensed shall be reduced by one-twelfth of the usual tonnage fee for each full ((calendar)) registration month of the registration quarter that shall have elapsed at the time the vehicle is licensed. An additional fee of one dollar shall be charged by the director each time tonnage is purchased. The director is authorized to establish rules and regulations relative to the issuance and display of certificates or insignia.

No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator renews the quarterly tonnage ~~((within ten days after))~~ permit prior to the expiration of the existing tonnage permit. Any person who operates any such vehicle upon the public highways after the expiration of ~~((said ten days))~~ the existing tonnage permit, shall be guilty of a misdemeanor, and in addition shall be required to purchase a tonnage permit for the vehicle involved at the fee covering an entire registration year's operation thereof, less the fees for any registration quarter or registration quarters of the registration year already paid. If, within five days thereafter, no license for a full registration year has been purchased as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met.

Sec. 7. Section 46.16.137, chapter 12, Laws of 1961 as last amended by section 1, chapter 172, Laws of 1974 ex. sess. and RCW 46.16.137 are each amended to read as follows:

During the months of October, November, December, January, February, and March the gross weight license for a three-axle truck, a three-axle truck tractor and a two-axle pole trailer used in combination, and a three-axle truck and two-axle trailer used in combination, when such vehicles or combinations of vehicles are licensed to the maximum gross weight provided by law and are used exclusively in the transportation of logs may be purchased for a monthly period. The fee for such a monthly license shall be one-twelfth the annual maximum gross weight fee provided for in RCW 46.16.070 and 46.16.111 or in RCW 46.16.070 and 46.16.115. For each fee so paid, other than at the time of the payment of the basic license fee, an additional fee of one dollar and fifty cents shall be charged by the director. The monthly license shall be effective ~~((from the first day of the month in which it is purchased, through the last day of that calendar))~~ for one entire registration month. The director or his authorized agent shall issue a permit ~~((stating the month for which the vehicle is licensed))~~ indicating that monthly tonnage fees have been paid, which permit shall be carried in the vehicle throughout the registration month for which it is issued. The director is authorized to establish rules and regulations relative to the issuance of such permits. No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator thereof ~~((within five days after))~~ prior to the expiration of any such monthly period applies for, and pays the required fee for, a license for an additional monthly period, a three-month period, or for the remainder of the registration year. Any person who operates any such vehicle upon the public highways after the expiration of ~~((said five days))~~ the existing tonnage permit, shall be guilty of a misdemeanor, and in addition shall be required to purchase a gross weight license for the vehicle involved at the fee covering an entire registration year's license for operation thereof, less the fees for any period or periods of the registration year already paid. If, within five days thereafter, no license for a full registration year has been purchased as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met.

Sec. 8. Section 46.16.210, chapter 12, Laws of 1961 as amended by section 1, chapter 75, Laws of 1969 ex. sess. and RCW 46.16.210 are each amended to read as follows:

(1) Upon receipt of the application and proper fee for original vehicle license, the director shall make a recheck of the application, and in the event that there is any error in the application it may be returned to the county auditor or other agent to effectively secure the correction of such error, who shall return the same corrected to the director.

(2) Application for the renewal of a vehicle license shall be made to the director or his agents, including county auditors, by the registered owner on a form prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington unless the applicant submits a preprinted application mailed from

Olympia, and the payment of such license fees and excise tax as may be required by law. Such application shall be handled in the same manner and the fees transmitted to the state treasurer in the same manner as in the case of an original application. Any such application which upon validation becomes a renewal certificate need not have entered upon it the name of the lien holder, if any, of the vehicle concerned.

(3) Persons expecting to be out of the state during the normal forty-five day renewal period (~~(from January 1st through February 1st may, not earlier than December 1st, but prior to January 1st,)~~) of a vehicle license may secure renewal of ~~((a))~~ such vehicle license for a period of thirty days prior thereto and have license plates or tabs preissued by making application to the director or his agents upon forms prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington and be accompanied by such license fees, including a special handling fee of ~~((one dollar, fifty cents))~~ two dollars; one dollar to be retained by the issuing agency, and ((fifty cents)) one dollar to be deposited in the highway safety fund, and excise tax as may be required by law.

Sec. 9. Section 46.16.220, chapter 12, Laws of 1961 as amended by section 9, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.220 are each amended to read as follows:

Vehicle licenses and vehicle license number plates may be ~~((issued))~~ renewed for the ~~((current))~~ subsequent registration ~~((licensing period))~~ year on and after the ~~((first))~~ forty-fifth day ~~((thereof))~~ prior to the end of the current registration year and must be used and displayed from the date of issue or from the ~~((thirty-fifth))~~ day ~~((after))~~ of the expiration of the preceding ~~((licensing period))~~ registration year, whichever date is later: PROVIDED, That in no case shall a citation be issued for nonregistration prior to the first day of the month following the calendar month in which vehicle licenses and vehicle license number plates are to be renewed.

Sec. 10. Section 46.16.320, chapter 12, Laws of 1961 as last amended by section 1, chapter 206, Laws of 1969 ex. sess. and RCW 46.16.320 are each amended to read as follows:

Every person having a valid official amateur radio operator's license issued for a term of five years by the federal communications commission, is entitled to apply to the director for, and upon satisfactory showing, to receive, in lieu of the regular motor vehicle license plates similar plates bearing the official amateur radio call letters of the applicant assigned by the federal communications commission instead of numbers.

In addition to the annual license fee collected under chapter 46.16 RCW and chapter 82.44 RCW, there shall be collected from each applicant for such special license plates an additional license fee of five dollars upon the issue of a state plate but shall not apply on those years that a yearly tab is issued. Such special fee shall be deposited in the motor vehicle fund. Application for renewal of the amateur radio operator's call license plate must be made ~~((by January 10th of each renewal))~~ no later than twenty days prior to the end of each registration year, and all such applications shall be accompanied by a notarized statement of facts included on the amateur's valid FCC license.

Sec. 11. Section 7, chapter 231, Laws of 1971 ex. sess. as amended by section 1, chapter 41, Laws of 1975 and RCW 46.16.505 are each amended to read as follows:

It shall be unlawful for a person to operate any vehicle equipped with a camper over and along a public highway of this state without first having obtained and having in full force and effect a current and proper camper license and displaying a camper license number plate therefor as required by law: PROVIDED, HOWEVER, That if a camper is part of the inventory of a manufacturer or dealer and is unoccupied at all times, and a dated demonstration permit, valid for no more than seventy-two hours is carried in the motor vehicle at all times it is operated by any such individual, such camper may be demonstrated if carried upon an appropriately licensed vehicle.

Application for an original camper license shall be made on a form furnished for the purpose by the director. Such application shall be made by the owner of the camper or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true and to the best of his knowledge. The application must show:

- (1) Name and address of the owner of the camper;
- (2) Trade name of the camper, model, year, and the serial number thereof;
- (3) Such other information as the director requires.

There shall be paid and collected annually for each ~~((calendar))~~ registration year or fractional part thereof and upon each camper a license fee or, if the camper was previously licensed in this state and has not been registered in another jurisdiction in the intervening period, a renewal license fee. Such license fee shall be in the sum of four dollars and ninety cents, and such renewal license fee shall be in the sum of three dollars and fifty cents.

Except as otherwise provided for in this section, the provisions of chapter 46.16 RCW shall apply to campers in the same manner as they apply to vehicles.

Sec. 12. Section 82.44.040, chapter 15, Laws of 1961 and RCW 82.44.040 are each amended to read as follows:

(1) ~~The ((commission and association of county assessors of the state))~~ department of revenue, in consultation with the department of motor vehicles shall prepare ~~((and, on or before December 1st of each year, furnish to the county auditor of each county in the state))~~ at least once each year a schedule for use in the collection of the excise tax imposed by this chapter. Such schedule shall be based upon such information as may be available to them pertaining to the fair market value of motor vehicles. Such vehicles shall be classified ~~((therein))~~ into a convenient number of classes on the basis of price, make, type, year of manufacture, or any other reasonable basis, and to the value of vehicles within the classes as thus determined shall be applied the rate of tax prescribed in RCW 82.44.020. In determining fair market value, the ~~((commission and county assessors))~~ department of revenue may use any guidebook, report, or compendium of recognized standing in the automotive industry. The schedule shall show, so far as possible, the amount of excise tax for vehicles within each class and shall sufficiently describe the various motor vehicles included within each classification to enable the ~~((county auditor))~~ department of motor vehicles and its agents to ascertain readily the amount of tax applicable to any particular motor vehicle.

Sec. 13. Section 52, chapter 299, Laws of 1971 ex. sess. and RCW 82.44.045 are each amended to read as follows:

The department of revenue and (~~(association of county assessors)~~) the department of motor vehicles shall include campers on the schedule prepared by them as required under RCW 82.44.040, and any unlisted campers shall be appraised in the same manner as motor vehicles as provided in RCW 82.44.050.

Sec. 14. Section 82.44.060, chapter 15, Laws of 1961 as amended by section 4, chapter 199, Laws of 1963 and RCW 82.44.060 are each amended to read as follows:

The excise tax hereby imposed shall be due and payable to the (~~(county auditor)~~) department of motor vehicles or its agents at the time of registration of a motor vehicle. Whenever an application is made to the (~~(auditor)~~) department of motor vehicles or its agents for a license for a motor vehicle (~~(he)~~) there shall (~~(collect)~~) be collected, in addition to the amount of the license fee or renewal license fee, the amount of the excise tax imposed by this chapter prorated to comply with the effective date of the annual schedule prepared pursuant to RCW 82.44.040, and no dealer's license or license plates, and no license or license plates for a motor vehicle shall be issued unless such tax is paid in full. The excise tax hereby imposed shall be collected for each (~~(calendar)~~) registration year: PROVIDED, That the (~~(calendar year shall be divided into twelve parts corresponding to the months of the calendar year and the)~~) excise tax upon a motor vehicle licensed for the first time in this state after the last day of any registration month shall only be levied for the remaining months of the (~~(calendar)~~) registration year including the month in which the motor vehicle is being licensed: PROVIDED FURTHER, That the tax shall in no case be less than two dollars.

A motor vehicle shall be deemed licensed for the first time in this state when such vehicle was not previously licensed by this state for the registration year immediately preceding the registration year in which the application for license is made and the vehicle has not been registered in another jurisdiction in the intervening period.

No additional tax shall be imposed under this chapter upon any vehicle upon the transfer of ownership thereof if the tax imposed with respect to such vehicle has already been paid for the registration year or fraction of a registration year in which transfer of ownership occurs.

Sec. 15. Section 55, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.400 are each amended to read as follows:

An annual excise tax is imposed on the owner of any travel trailer or camper for the privilege of using such travel trailer or camper in this state. The tax shall be collected for each (~~(calendar)~~) registration year by the department of motor vehicles or the county auditor of the county in which the travel trailer or camper is located at the time payment is made and shall be due on and after (~~(January 1st)~~) the first day of the registration year or on the date the travel trailer or camper is first purchased or brought into this state, and paid on or before (~~(January 31st)~~) the first day of each (~~(calendar)~~) registration year or thirty days after the travel trailer or camper is first purchased or brought into this state, whichever is later. No additional tax shall be imposed under this chapter upon any travel trailer or camper upon the transfer of ownership thereof, if the tax imposed by this

chapter with respect to such travel trailer or camper has already been paid for the ~~((calendar))~~ registration year or fractional part thereof in which such transfer occurs.

Sec. 16. Section 56, chapter 299, Laws of 1971 ex. sess. as amended by section 2, chapter 144, Laws of 1972 ex. sess. and RCW 82.50.410 are each amended to read as follows:

The rate and measure of tax imposed by this chapter for each ~~((calendar))~~ registration year shall be one percent of the fair market value of the travel trailer or camper, as determined in the manner provided in this chapter: PROVIDED, That the ~~((calendar year shall be divided into twelve parts corresponding to the months of the calendar year and the))~~ excise tax upon a travel trailer or camper used for the first time in this state after the last day of any registration month shall only be levied for the remaining months of the ~~((calendar))~~ registration year including the month in which the travel trailer or camper is first used: PROVIDED FURTHER, That the minimum amount of tax payable shall be two dollars.

A travel trailer or camper shall be deemed used for the first time in this state when such vehicle was not previously licensed by this state for the registration year or any part thereof immediately preceding the registration year in which application for license is made.

Sec. 17. Section 61, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.460 are each amended to read as follows:

~~((On or before the fifteenth day of February of each calendar year))~~ Prior to the end of any registration year of a vehicle, the director shall cause to be mailed to the owners of travel trailers or campers, of record, notice of the amount of tax payable during the ~~((calendar))~~ succeeding registration year. Said notice shall contain a legal description of the travel trailer or camper, prominent notice of penalties, due dates, and such other information as may be required by the director. If payment is not made ~~((within thirty days of the issuance of said notice))~~ prior to the beginning of the registration year, the director may forward a notification of delinquency to the county sheriff of the county wherein the travel trailer or camper is located, requesting distraint of said travel trailer or camper.

NEW SECTION. Sec. 18. If any provision of this 1975 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this 1975 amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby.

NEW SECTION. Sec. 19. This 1975 amendatory act shall take effect on January 1, 1977: PROVIDED, That the director of the department of motor vehicles may, prior to such effective date, undertake and perform duties and conduct activities necessary for the timely implementation of this 1975 amendatory act on such date.

Passed the House May 21, 1975.

Passed the Senate May 15, 1975.

Approved by the Governor May 29, 1975.

Filed in Office of Secretary of State May 29, 1975.

CHAPTER 119

[House Bill No. 388]

JUSTICE COURTS—CIVIL PROCEDURE—
SUMMONS FOR JURORS

AN ACT Relating to service of papers; amending section 73, page 236, Laws of 1854 as last amended by section 4, page 119, Laws of 1888 and RCW 12.12.060.

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

Section 1. Section 73, page 236, Laws of 1854 as last amended by section 4, page 119, Laws of 1888 and RCW 12.12.060 are each amended to read as follows:
~~((The justice shall thereupon issue a summons for the jury, in which the following form shall be observed in substance:~~

~~THE STATE OF WASHINGTON,~~ _____ }
County of _____ } ss.

~~The state of Washington to the Sheriff or any Constable of said county:~~

~~You are hereby commanded to summon _____ to appear before me, at my office in _____ precinct, said county, on the _____ day of _____, A.D. 19.. at _____ o'clock in the _____ noon, to serve as jurors in a case pending before me, then and there to be tried. And this they shall in nowise omit. And have you then and there this writ, with your doings thereon.~~

~~Given under my hand this, the _____ day of _____, A.D. _____.~~

~~A _____ B _____
Justice of the Peace.~~

~~Which summons shall be personally served upon the persons named, and the same shall be returned, with the names of the persons summoned, at the time appointed for the trial of the cause.)) The justice shall thereupon issue or cause to be issued a summons for the jury, which summons shall be served personally or by certified mail upon the persons named.~~

Passed the House May 21, 1975.
Passed the Senate May 15, 1975.
Approved by the Governor May 29, 1975.
Filed in Office of Secretary of State May 29, 1975.

CHAPTER 120

[House Bill No. 422]

PROPERTY TAXES—DESTROYED PROPERTY ADJUSTMENT

AN ACT Relating to revenue and taxation; amending section 36.21.080, chapter 4, Laws of 1963 as amended by section 7, chapter 196, Laws of 1974 ex. sess. and RCW 36.21.080; amending section 3, chapter 196, Laws of 1974 ex. sess. and RCW 84.70.010; amending section 4, chapter 196, Laws of 1974 ex. sess. and RCW 84.70.020; and amending section 5, chapter 196, Laws of 1974 ex. sess. and RCW 84.70.030.

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

Section 1. Section 36.21.080, chapter 4, Laws of 1963 as amended by section 7, chapter 196, Laws of 1974 ex. sess. and RCW 36.21.080 are each amended to read as follows:

(1) The county assessor is authorized to place any property under the provisions of RCW 36.21.040 through 36.21.080 on the assessment rolls for the purposes of tax levy up to May 31st of each year. The assessed valuation of property under the provisions of RCW 36.21.040 through 36.21.080 shall be considered as of the April 30th immediately preceding the date that the property is placed on the assessment rolls.

(2) If, ~~((prior to May))~~ on or before December 31 in any calendar year, any real or personal property placed upon the assessment ~~((and tax rolls as of January 1))~~ roll of that year is destroyed in whole or in part ~~((by fire or by act of God))~~, the true cash value of such property shall be reduced for that year by an amount determined as follows:

(a) First take the true cash value of such taxable property and deduct therefrom the true cash value of the remaining property.

(b) Then divide any amount remaining by twelve and multiply the quotient by the number of months or major fraction thereof remaining after the date of the destruction of the property.

Sec. 2. Section 3, chapter 196, Laws of 1974 ex. sess. and RCW 84.70.010 are each amended to read as follows:

(1) If, ~~((prior to May))~~ on or before December 31 in any calendar year, any real or personal property placed upon the assessment ~~((and tax rolls as of January 1))~~ roll of that year is destroyed in whole or in part ~~((by fire or by act of God))~~, the true cash value of such property shall be reduced for that year by an amount determined as follows:

(a) First take the true cash value of such taxable property and deduct therefrom the true cash value of the remaining property.

(b) Then divide any amount remaining by twelve and multiply the quotient by the number of months or major fraction thereof remaining in the calendar year after the date of the destruction of the property.

(2) The amount of taxes to be abated ~~((or refunded))~~ under RCW 84.70.010 as now or hereafter amended shall be determined by multiplying the amount of net loss determined under subsection (1) of this section by the rate percent of levy applicable to the property in the tax year to which the reduction of assessed value is applicable.

Sec. 3. Section 4, chapter 196, Laws of 1974 ex. sess. and RCW 84.70.020 are each amended to read as follows:

Within seventy-five days after the date of destruction, or seventy-five days after May 6, 1974, whichever is later, the taxpayer, using a form prepared by the department of revenue and provided by the assessor, shall notify the county assessor of his intention to claim the relief provided by ~~((sections 2 through 5 of this 1974 amendatory act))~~ RCW 84.70.010 through 84.70.040 as now or hereafter amended. The taxpayer shall also file a copy with the legislative body of the county, which shall serve as a petition for abatement of the tax ~~((, if unpaid, or for refund of the tax, if paid, or part thereof, but without provision for interest))~~: PROVIDED, That ~~((any refund under this section shall be construed to be the~~

~~return of an overpayment made by the taxpayer.))~~ the form shall contain such information as the department may prescribe. After receipt of the taxpayer's claim, and within thirty days after ~~((the ninetieth day provided in section 2 of this 1974 amendatory act))~~ receipt, the county assessor shall provide the legislative body of the county with his determination of the facts necessary to calculate the amount of relief, if any, to which he believes the taxpayer is entitled. A copy of the assessor's determination shall be sent to the taxpayer.

Sec. 4. Section 5, chapter 196, Laws of 1974 ex. sess. and RCW 84.70.030 are each amended to read as follows:

If the taxpayer disagrees with the determination made by the county assessor, he shall advise the county legislative body of his own determination, and request a hearing. Thereafter, the county legislative body shall make a determination of the amount of relief, if any, to which the taxpayer is entitled. The determination of the county legislative body shall be final and not appealable. The legislative body may order the tax against the property ~~((, if unpaid,))~~ to be abated in whole or in part, ~~((and if paid by the taxpayer, to be refunded in whole or in part by payment from the general fund of the county,))~~ in accordance with the legislative body's determination. If an abatement is ordered the assessor and ~~((tax collector))~~ treasurer shall make the necessary adjustments to the assessment ~~((and tax rolls,))~~ roll and the necessary entries required by the order in the records of their respective offices. ~~((If any refund is made, the county's general fund shall be reimbursed from the several taxing districts affected from the next taxes due for distribution to such districts.))~~

Passed the House May 21, 1975.

Passed the Senate May 15, 1975.

Approved by the Governor May 29, 1975.

Filed in Office of Secretary of State May 29, 1975.

CHAPTER 121

[House Bill No. 468]

ARMORIES—RENTAL REVENUES, DISPOSITION

AN ACT Relating to armories and rifle ranges; amending section 93, chapter 130, Laws of 1943 as last amended by section 56, chapter 154, Laws of 1973 1st ex. sess. and RCW 38.20.010; and prescribing an effective date.

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

Section 1. Section 93, chapter 130, Laws of 1943 as last amended by section 56, chapter 154, Laws of 1973 1st ex. sess. and RCW 38.20.010 are each amended to read as follows:

State owned armories may be used for strictly military purposes: PROVIDED, That one room may be set aside for the exclusive use of bona fide veteran organizations subject to the direction of the officer in charge thereof, together with necessary furniture, heat, light and janitor service, and the members of such veteran organizations and their auxiliaries shall have access to said room and the use thereof at all times: PROVIDED, FURTHER, That any bona fide veterans' organization may be permitted the use of any state armory for athletic and social

events at such times as any such armory shall not be required for the use of units of the organized militia, without the payment of rent, but the adjutant general may require such veterans' organization to pay the cost of heating, lighting or other miscellaneous expenses incidental to such use: PROVIDED, ALSO, The adjutant general may, during an emergency, permit transient lodging of service personnel in armories: PROVIDED FURTHER, That any civilian rifle club affiliated with the National Rifle Association of America shall be permitted to use the rifle range in such armories at least one night each week under regulations prescribed by the adjutant general: PROVIDED, ALSO, That state owned armories shall be available, at the discretion of the adjutant general, for use for casual civic purposes, amateur and professional sports and theatricals upon payment of fixed rental charges and compliance with regulations of the state military department: PROVIDED, HOWEVER, That children attending primary and high schools shall have a preferential right to use said armories. The adjutant general shall cause to be prepared a schedule of rental charges for each state owned armory which may not be waived except for activities of units of the organized militia, and no state owned armory shall be rented for a term longer than that which intervenes between regularly authorized formations of units of the organized militia using such armory. The revenue derived from armory rentals shall ~~((constitute a special fund from which the state military department shall pay, or cause to be paid, expenses incidental to such use or maintenance and operation of armories))~~ be paid into the state general fund. On and after July 1, 1977, the special fund known as the armory fund is abolished and all moneys remaining in such fund are hereby transferred to the state general fund.

NEW SECTION. Sec. 2. The effective date of this act shall be July 1, 1977.

Passed the House March 14, 1975.

Passed the Senate May 20, 1975.

Approved by the Governor May 29, 1975.

Filed in Office of Secretary of State May 29, 1975.

CHAPTER 122

[House Bill No. 475]

HIGHER EDUCATION PERSONNEL BOARD—RULES AND REGULATIONS—COMPENSATION PLANS—WAGE SURVEYS

AN ACT Relating to state institutions of higher education; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 2, chapter 75, Laws of 1973 1st ex. sess. and RCW 28B.16.100; amending section 11, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.110; and creating a new section.

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

Section 1. Section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 2, chapter 75, Laws of 1973 1st ex. sess. and RCW 28B.16.100 are each amended to read as follows:

(1) The higher education personnel board shall adopt and promulgate rules and regulations, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis for, and

procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including promotions, with the number of names equal to two more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examination for all positions in the competitive and noncompetitive service; appointments; probationary periods of six months and rejections therein; transfers, sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment, both according to seniority; determination of appropriate bargaining units within any institution or related boards: **PROVIDED**, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees; certification and decertification of exclusive bargaining representatives; after certification of an exclusive bargaining representative and upon said representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such condition of employment shall constitute cause for dismissal: **PROVIDED**, That no more often than once in each twelve month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: **PROVIDED FURTHER**, That for purposes of this clause membership in the certified exclusive bargaining representative shall be satisfied by the payment of monthly or other periodic dues and shall not require payment of initiation, reinstatement or any other fees or fines and shall include full and complete membership rights: **AND PROVIDED FURTHER**, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but shall be entitled to all the representation rights of a union member; agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution or the related board may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the institution and the employee organization: **PROVIDED**, That nothing contained herein shall permit or grant to any employee the right to strike or refuse to perform his official duties; adoption and revision of comprehensive classification

plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plan; training programs including in-service, promotional, and supervisory; regular increment increases within the series of steps for each pay grade, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and adoption and revision of salary schedules and compensation plans which reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature and which shall be competitive in the locality in which the institution or related boards are located, such adoption, revision, and implementation (~~shall be~~) subject to approval as to availability of funds by the director of the office of program planning and fiscal management in accordance with the provisions of chapter 43.88 RCW, and after consultation with the chief financial officer of each institution or related board for that institution or board, or in the case of community colleges, by the chief financial officer of the state board for community college education for the various community colleges; and providing for veteran's preference as provided by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken higher education service, as defined by the board, the veteran's service in the military not to exceed five years of such service. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran shall be entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" shall not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

(2) Rules and regulations adopted and promulgated by the higher education personnel board shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the board, of the following:

- (a) Appointment, promotion, and transfer of employees;
- (b) Dismissal, suspension, or demotion of an employee;
- (c) Examinations for all positions in the competitive and noncompetitive service;
- (d) Probationary periods of six months and rejections therein;
- (e) Sick leaves and vacations;
- (f) Hours of work;

- (g) Layoffs when necessary and subsequent reemployment;
- (h) Allocation and reallocation of positions with the classification plans;
- (i) Training programs;
- (j) Maintenance of personnel records.

Sec. 2. Section 11, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.110 are each amended to read as follows:

The salary schedules and compensation plans, adopted and revised as provided in RCW 28B.16.100 as now or hereafter amended, shall reflect not less than prevailing rates in private industries and other governmental units for positions of a similar nature in the locality in which the institution or related board is located. For this purpose periodic wage surveys shall be undertaken by the board with the assistance of the various personnel officers of the institutions of higher education, with one such survey to be conducted each year prior to the convening of each regular session of the state legislature. The results of such wage survey shall be forwarded with recommended salary adjustments, which recommendations shall be advisory only, ((with recommended salary adjustments by the institutions of higher education and related boards, through the state board for community college education acting for the various state community colleges,)) to the governor and ((state budget)) the director of the office of program planning and fiscal management for their use in preparing budgets to be submitted to the succeeding legislature.

NEW SECTION. Sec. 3. If any provision of this amendatory 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 May 21, 1975.

Passed the Senate May 15, 1975.

Approved by the Governor May 29, 1975.

Filed in Office of Secretary of State May 29, 1975.

CHAPTER 123

[House Bill No. 480]

DEPARTMENT OF LABOR AND INDUSTRIES—PUBLICATIONS

AN ACT Relating to the department of labor and industries; and adding new sections to chapter 43.22 RCW.

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

NEW SECTION. Section 1. There is added to chapter 43.22 RCW a new section to read as follows:

There is hereby created within the state treasury a revolving fund to be known as the "department of labor and industries revolving fund", which shall be used by the director of the department of labor and industries to defray the costs of printing, reprinting, or distributing printed matter issued by the department of labor and industries including, but not limited to, the matters listed in section 2 of this act. The department of labor and industries may charge a fee for such publications in an amount which will reimburse the department for the costs of printing, reprinting, and distributing such publications: PROVIDED, That every

person subject to regulation by the department may upon request receive without charge one copy of any publication printed pursuant to section 2 of this act whenever such person is affected by any statute, rule or regulation printed therein. All fees collected shall be deposited in the department of labor and industries revolving fund. In order to maintain an effective expenditure and revenue control the department of labor and industries revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund.

NEW SECTION. Sec. 2. There is added to chapter 43.22 RCW a new section to read as follows:

The department of labor and industries is specifically authorized to print, reprint, and distribute subject matter including but not limited to the following:

- (1) The provisions of Title 51 RCW;
- (2) The provisions of Title 49 RCW;
- (3) The provisions of chapter 7.68 RCW;
- (4) The provisions of chapter 88.16 RCW;
- (5) The provisions of chapter 19.28 RCW;
- (6) The provisions of chapter 43.22 RCW;
- (7) The provisions of chapter 41.56 RCW;
- (8) The provisions of chapter 49.66 RCW;
- (9) The provisions of chapter 70.79 RCW;
- (10) The provisions of chapter 70.74 RCW;
- (11) The provisions of chapter 70.87 RCW;
- (12) The provisions of all other statutes administered by the department or such statutes as have a relationship to the functions and obligations of the department; and
- (13) The rules and regulations of the department of labor and industries, the state apprenticeship council, the state board of pilotage commissioners and the board of boiler rules promulgated pursuant to the statutory provisions cited above.

Passed the House May 21, 1975.

Passed the Senate May 15, 1975.

Approved by the Governor May 29, 1975.

Filed in Office of Secretary of State May 29, 1975.

CHAPTER 124

[Substitute House Bill No. 484]

JUVENILE COURT SERVICES—ADMINISTRATION IN CLASS AA COUNTIES

AN ACT Relating to juvenile courts and juvenile delinquents; and adding a new section to chapter 13.20 RCW.

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

NEW SECTION. Section 1. There is added to chapter 13.20 RCW a new section to read as follows:

In addition, and alternatively, to the authority granted by RCW 13.20.010, the judges of the superior court of any class AA county are hereby authorized, by a majority vote, subject to approval by ordinance of the legislative authority of the county to transfer to the county executive the responsibility for, and administration of all or part of juvenile court services, including detention, intake and probation. The superior court and county executive of such county are further authorized to establish a five-member juvenile court advisory board to advise the county in its administration of such services, facilities and programs. If the advisory board is established, two members of the advisory board shall be appointed by the superior court, two members shall be appointed by the county executive, and one member shall be selected by the vote of the other four members. The county is authorized to contract or otherwise make arrangements with other public or private agencies to provide all or a part of such services, facilities and programs. Subsequent to any transfer to the county of responsibility and administration of such services, facilities and programs pursuant to the foregoing authority, the judges of such superior court, by majority vote subject to the approval by ordinance of the legislative authority of the county, may retransfer the same to the superior court.

Passed the House May 21, 1975.

Passed the Senate May 15, 1975.

Approved by the Governor May 29, 1975.

Filed in Office of Secretary of State May 29, 1975.

CHAPTER 125

[Substitute House Bill No. 527]

OIL TANKER TRANSPORTATION ON PUGET SOUND AND ADJACENT WATERS

AN ACT Relating to water pollution from petroleum spills; and adding new sections to chapter 88.16 RCW.

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

NEW SECTION. Section 1. There is added to chapter 88.16 RCW a new section to read as follows:

Because of the danger of spills, the legislature finds that the transportation of crude oil and refined petroleum products by tankers on Puget Sound and adjacent waters creates a great potential hazard to important natural resources of the state and to jobs and incomes dependent on these resources.

The legislature also recognizes Puget Sound and adjacent waters are a relatively confined salt water environment with irregular shorelines and therefore there is a greater than usual likelihood of long-term damage from any large oil spill.

The legislature further recognizes that certain areas of Puget Sound and adjacent waters have limited space for maneuvering a large oil tanker and that these waters contain many natural navigational obstacles as well as a high density of commercial and pleasure boat traffic.

For these reasons, it is important that large oil tankers be piloted by highly skilled persons who are familiar with local waters and that such tankers have sufficient capability for rapid maneuvering responses.

It is therefore the intent and purpose of sections 2 and 3 of this 1975 act to decrease the likelihood of oil spills on Puget Sound and its shorelines by requiring all oil tankers above a certain size to employ Washington state licensed pilots and, if lacking certain safety and maneuvering capability requirements, to be escorted by a tug or tugs while navigating on certain areas of Puget Sound and adjacent waters.

NEW SECTION. Sec. 2. There is added to chapter 88.16 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 88.16.070, any oil tanker, whether enrolled or registered, of fifty thousand deadweight tons or greater, shall be required to take a Washington state licensed pilot while navigating Puget Sound and adjacent waters and shall be liable for and pay pilotage rates pursuant to RCW 88.16.030 as now or hereafter amended.

NEW SECTION. Sec. 3. There is added to chapter 88.16 RCW a new section to read as follows:

(1) Any oil tanker, whether enrolled or registered, of greater than one hundred and twenty-five thousand deadweight tons shall be prohibited from proceeding beyond a point east of a line extending from Discovery Island light south to New Dungeness light.

(2) An oil tanker, whether enrolled or registered, of forty to one hundred and twenty-five thousand deadweight tons may proceed beyond the points enumerated in subsection (1) if such tanker possesses all of the following standard safety features:

(a) Shaft horsepower in the ratio of one horsepower to each two and one-half deadweight tons; and

(b) Twin screws; and

(c) Double bottoms, underneath all oil and liquid cargo compartments; and

(d) Two radars in working order and operating, one of which must be collision avoidance radar; and

(e) Such other navigational position location systems as may be prescribed from time to time by the board of pilotage commissioners:

PROVIDED, That, if such forty to one hundred and twenty-five thousand deadweight ton tanker is in ballast or is under escort of a tug or tugs with an aggregate shaft horsepower equivalent to five percent of the deadweight tons of that tanker, subsection (2) of this section shall not apply: PROVIDED FURTHER, That additional tug shaft horsepower equivalencies may be required under certain conditions as established by rule and regulation of the Washington utilities and transportation commission pursuant to chapter 34.04 RCW: PROVIDED FURTHER, That a tanker of less than forty thousand deadweight tons is not subject to the provisions of this act.

*NEW SECTION. Sec. 4. There is added to chapter 88.16 RCW a new section to read as follows:

The Washington utilities and transportation commission is authorized to make rules and regulations necessary to implement the provisions of this act.

*Sec. 4. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 5. The House and Senate Transportation and Utilities Committees are authorized and directed to study the feasibility, benefits, and disadvantages of requiring similar pilot and tug assistance for vessels carrying other potentially hazardous materials and to submit their findings and recommendations prior to the 45th session of the Washington legislature in January, 1977. Such study shall also include a report on the feasibility, benefits and disadvantages of requiring vessels under tug escort to observe a speed limit, and such study shall include a discussion of the impact of a speed limit on the maneuverability of the vessel, the effectiveness of the tug escort and other legal and technical considerations material and relevant to the required study. Such study shall also include an evaluation and recommendations as to whether there should be a transfer of all duties and responsibilities of the board of pilotage commissioners to the Washington utilities and transportation commission or other state agency, and alternate methods for establishing fair and equitable rates for tug escort and pilot transfer.

NEW SECTION. Sec. 6. 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. 7. *The provisions of this 1975 act shall expire on June 30, 1978.*

*Sec. 7. was vetoed, see message at end of chapter.

Passed the House May 21, 1975.

Passed the Senate May 9, 1975.

Approved by the Governor May 29, 1975, with the exception of sections 4 and 7 which are vetoed.

Filed in Office of Secretary of State May 29, 1975.

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

"I am returning herewith without my approval as to two sections Substitute House Bill No. 527 entitled:

"AN ACT Relating to water pollution from petroleum spills."

This bill provides, among other things, safety standards for oil tankers and other precautionary measures for prevention of major oil spills in Puget Sound and adjacent waters.

Section 4 of the bill authorizes the Utilities and Transportation Commission to implement the provisions of the act by rules and regulations. I am puzzled over this delegation of major responsibility to the commission, which has had no previous experience or expertise in the area. Nor is there funding provided which might allow the commission to do a creditable job in this new field of responsibility. Elsewhere in the bill a study is authorized on the desirability of transferring the duties and responsibilities of the Board of Pilotage Commissioners to the Utilities and Transportation Commission or any other appropriate state agency. Until there are findings determined in such study which confirm the need to assign the responsibility of implementing and enforcing the provisions of this act to the commission, I am not willing to allow a situation to exist where separate agencies in state government have substantially overlapping duties in this area of increasing importance without clear direction from the Legislature.

Section 7 provides an expiration date for the act of June 30, 1978. Few would disagree that this state must soon decide and act on long range solutions to the problems created by the transportation of oil in massive quantities in Puget Sound waters. By passing this bill, the Legislature has decided that at least in the near future, oil tankers exceeding 125,000 deadweight tons should not be permitted to enter these waters. The study provided in section 5 may well offer some additional alternatives. The expiration date, however, rather than encouraging all parties to develop sound long range solutions, would instead discourage such efforts. This state could, conceivably, find itself in the second half of 1978 faced with unprecedented super-tanker traffic in Puget Sound waters with all the attendant hazards but without any capability to prevent or reduce the risks of oil spills likely to produce catastrophic and permanent damage to the unique environment of the area. The expiration date would also leave the oil industry and others affected in an untenable state of uncertainty over permissible and impermissible activities in the transportation of oil into this area. Neither public nor private interests would be benefited by such uncertainty.

For the foregoing reasons, I have determined to veto sections 4 and 7 of the bill. With the exception of those sections, the remainder of the bill is approved."

CHAPTER 126

[Engrossed Substitute Senate Bill No. 2133]

ACTIONS ARISING FROM ACTS OR OMISSIONS OF STATE PERSONNEL

AN ACT Relating to actions against the state, its officers, employees and agents; amending section 1, chapter 79, Laws of 1921 as amended by section 1, chapter ..., (EHB 106), Laws of 1975 and RCW 4.92.060; amending section 2, chapter 79, Laws of 1921 as amended by section 2, chapter ..., (EHB 106), Laws of 1975 and RCW 4.92.070; amending section 7, chapter 159, Laws of 1963 as amended by section 1, chapter 140, Laws of 1969 and RCW 4.92.130; amending section 8, chapter 159, Laws of 1963 and RCW 4.92.140; amending section 9, chapter 159, Laws of 1963 and RCW 4.92.150; amending section 10, chapter 159, Laws of 1963 as amended by section 2, chapter 140, Laws of 1969 and RCW 4.92.160; amending section 11, chapter 159, Laws of 1963 as amended by section 3, chapter 140, Laws of 1969 and RCW 4.92.170; and declaring an emergency.

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

Section 1. Section 1, chapter 79, Laws of 1921 as amended by section 1, chapter ..., (EHB 106), Laws of 1975 and RCW 4.92.060 are each amended to read as follows:

Whenever an action or proceeding for damages shall be instituted against any state officer, including state elected officials, or employee (~~for the performance of any official act~~), arising from his acts or omissions while performing, or in good faith purporting to perform, his official duties, such officer or employee may request the attorney general to authorize the defense of said action or proceeding at the expense of the state.

Sec. 2. Section 2, chapter 79, Laws of 1921 as amended by section 2, chapter ..., (EHB 106), Laws of 1975 and RCW 4.92.070 are each amended to read as follows:

If the attorney general shall find that said officer or employee's (~~acted in good faith and without negligence~~;) acts or omissions were, or purported to be in good faith, within the scope of his official duties, said request shall be granted, in which event the necessary expenses of the defense of said action or proceeding shall be paid from the appropriations made for the support of the department to which

such officer or employee is attached. In such cases the attorney general shall appear and defend such officer or employee, who shall assist and cooperate in the defense of such suit.

Sec. 3. Section 7, chapter 159, Laws of 1963 as amended by section 1, chapter 140, Laws of 1969 and RCW 4.92.130 are each amended to read as follows:

A tort claims revolving fund in the custody of the treasurer is hereby created to be used solely and exclusively for the payment of claims against the state arising out of tortious conduct and against its officers and employees for whom the defense of the claim was authorized under section 2 of this 1975 amendatory act. No money shall be paid from the tort claims revolving fund unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted and unless:

(1) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or

(2) The claim has been approved for payment in accordance with RCW 4.92-.140 as herein or hereafter amended.

Sec. 4. Section 8, chapter 159, Laws of 1963 and RCW 4.92.140 are each amended to read as follows:

The head or governing body of any agency or department of state government, with the approval of the attorney general, may consider, ascertain, adjust, determine, compromise and settle any claim arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. for which the state of Washington or any of its officers or employees would be liable in law for money damages of ((five)) twenty-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 or its affected officer or employee. A request for administrative settlement shall not preclude a claimant from filing a court action pending administrative determination, limit the amount recoverable in such a suit or constitute an admission against interest of either the claimant or the state.

Sec. 5. Section 9, chapter 159, Laws of 1963 and RCW 4.92.150 are each amended to read as follows:

After commencement of an action in ((superior court)) a court of competent jurisdiction upon a claim against the state, or any of its officers or employees arising out of tortious conduct or pursuant to 42 U.S.C. Sec. 1981 et seq., the attorney general, with the approval of the court, following such testimony as the court may require, may compromise and settle the same and stipulate for judgment against the state, the affected officer or employee.

Sec. 6. Section 10, chapter 159, Laws of 1963 as amended by section 2, chapter 140, Laws of 1969 and RCW 4.92.160 are each amended to read as follows:

Payment of claims and judgments arising out of tortious conduct or pursuant to 42 U.S.C. Sec. 1981 et seq. shall not be made by any agency or department of state government with the exception of the budget director, and he shall authorize and direct the payment of moneys only from the tort claims revolving fund whenever:

(1) The head or governing body of any agency or department of state certifies to him that a claim has been settled under authority of RCW 4.92.140 as herein or hereafter amended; or

(2) The clerk of court has made and forwarded a certified copy of a final judgment in a court of competent jurisdiction and the attorney general certifies that the judgment is final and was entered in an action on a claim arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. Payment of a judgment shall be made to the clerk of the court for the benefit of the judgment creditors. Upon receipt of payment, the clerk shall satisfy the judgment against the state.

Sec. 7. Section 11, chapter 159, Laws of 1963 as amended by section 3, chapter 140, Laws of 1969 and RCW 4.92.170 are each amended to read as follows:

Liability for and payment of claims arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. is declared to be a proper charge as part of the normal cost of operating the various agencies and departments of state government whose operations and activities give rise to the liability and a lawful charge against moneys appropriated or available to such agencies and departments.

Within any agency or department the charge shall be apportioned among such appropriated and other available moneys in the same proportion that the moneys finance the activity causing liability. Whenever the operations and activities of more than one agency or department combine to give rise to a single liability, the budget director shall determine the comparative responsibility of each agency or department for the liability.

State agencies over which the budget director has authority to revise allotments under chapter 43.88 RCW shall make reimbursement to the tort claims revolving fund for any payment made from it for the benefit of such agencies. The budget director is authorized and directed to transfer or order the transfer to the revolving fund, from moneys available or appropriated to such agencies, that sum of money which is a proper charge against them. Such amounts may be expended for the purposes for which the tort claims revolving fund was created by RCW 4.92.130 as herein or hereafter amended without further or additional appropriation: **PROVIDED**, That in any case where reimbursement would seriously disrupt or prevent substantial performance of the operations or activities of the state agency, the budget director may relieve the agency of all or a portion of the obligation to make reimbursement.

The budget director shall report to the legislature, for any biennial period, on the status of the tort claims revolving fund, all payments made therefrom, all reimbursements made thereto, and the identity of agencies and departments of state government whose operations and activities give rise to liability, including those agencies and departments over which he does not have authority to revise allotments under chapter 43.88 RCW.

The budget director may authorize agencies, in accordance with chapter 41.05 RCW to the extent that it is applicable, to purchase insurance to protect and hold personally harmless any officer or employee of the state, or any classes of such officers or employees or for other persons performing services for the state,

whether by contract or otherwise, from any action, claim, or proceeding for damages arising out of the performance of duties for, employment with, or the performance of services on behalf of the state and to hold him harmless from any expenses connected with the defense, settlement or monetary judgment from such actions.

The budget director shall adopt rules and regulations governing the procedures to be followed in making payment from the tort claims revolving fund, in reimbursing the revolving fund and in relieving an agency of its obligation to reimburse.

NEW SECTION. Sec. 8. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing institutions, and shall take effect immediately.

Passed the Senate May 23, 1975.

Passed the House May 22, 1975.

Approved by the Governor May 31, 1975.

Filed in Office of Secretary of State May 31, 1975.

CHAPTER 127

[Engrossed Senate Bill No. 2169]

SCHOOL DISTRICT LIBRARY AND MEDIA SERVICES—
LEARNING RESOURCES CENTERS

AN ACT Relating to education; providing for the adoption and implementation of standards for integrating school library and media services; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapters 28A.03 and 28A.04 RCW.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW a new section to read as follows:

By January 1, 1976 the state board of education shall adopt rules or regulations establishing minimum standards for integrating school district library and media services into learning resources centers in order to improve instruction, encourage programs of learning resources services, and to furnish a basis for continuing evaluation for such programs.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

After the adoption of the standards pursuant to section 1 of this act, the superintendent of public instruction shall survey, utilizing personnel within his department and not outside consultants, all school districts in the state to determine which districts maintain adequate learning resources services under such standards and the cost necessary to maintain such standards and, with respect to those districts not maintaining such minimum standard services, the cost necessary to

increase the quality of such services to satisfy the minimum standards. The superintendent of public instruction shall report the results of the survey to the 1977 legislature.

Passed the Senate May 22, 1975.

Passed the House May 21, 1975.

Approved by the Governor May 31, 1975.

Filed in Office of Secretary of State May 31, 1975.

CHAPTER 128

[Engrossed Senate Bill No. 2395]

COURT REPORTERS' SALARIES

AN ACT Relating to court reporters' salaries; and amending section 1, chapter 210, Laws of 1951 as last amended by section 1, chapter 18, Laws of 1972 ex. sess. and RCW 2.32.210.

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

Section 1. Section 1, chapter 210, Laws of 1951 as last amended by section 1, chapter 18, Laws of 1972 ex. sess. and RCW 2.32.210 are each amended to read as follows:

Each official reporter shall be paid ~~((compensation as follows:~~

~~(1) In judicial districts comprised of class AA counties, such salary as shall be fixed by the judges of said counties and approved by the board of county commissioners of said class AA counties;~~

~~(2) In judicial districts having a total population of forty thousand or more, excluding Class AA counties, fourteen thousand dollars per annum;~~

~~(3) In judicial districts having a total population of twenty-five thousand and under forty thousand, eight thousand four hundred dollars per annum;))~~

such compensation as shall be fixed, after recommendation by the judges of the judicial district involved, by the legislative authority of the county comprising said judicial district, or by the legislative authorities acting jointly where the judicial district is comprised of more than one county: PROVIDED, That in judicial districts having a total population of forty thousand or more, the salary of an official court reporter shall not be less than sixteen thousand five hundred dollars per annum: PROVIDED FURTHER, That in judicial districts having a total population of twenty-five thousand and under forty thousand, such salary shall not be less than eleven thousand one hundred dollars per annum.

Said compensation shall be paid out of the current expense fund of the county or counties where court is held.

In judicial districts comprising more than one county the ((judge or judges)) council or commissioners thereof shall, on the first day of January of each year, or as soon thereafter as may be convenient, apportion the amount of the salary to be paid to the reporter by each county according and in proportion to the number of criminal and civil actions entered and commenced in superior court of the constituent counties in the preceding year. In addition to the salary above provided, in judicial districts comprising more than one county, the reporter shall receive his actual and necessary expenses of transportation and living expenses when he goes on official business to a county of his judicial district other than the county in

which he resides, from the time he leaves his place of residence until he returns thereto, said expense to be paid by the county to which he travels. If one trip includes two or more counties, the expense may be apportioned between the counties visited in proportion to the amount of time spent in each county on the trip. If an official reporter uses his own automobile for the purpose of such transportation, he shall be paid therefor at the same rate per mile as county officials are paid for use of their private automobiles. The sworn statement of the official reporter, when certified to as correct by the judge presiding, shall be a sufficient voucher upon which the county auditor shall draw his warrant upon the treasurer of the county in favor of the official reporter.

The salaries of official court reporters shall be paid upon sworn statements, when certified as correct by the judge presiding, as state and county officers are paid.

Passed the Senate May 22, 1975.

Passed the House May 19, 1975.

Approved by the Governor May 31, 1975.

Filed in Office of Secretary of State May 31, 1975.

CHAPTER 129

[Engrossed Senate Bill No. 2416]

DEEDS OF TRUST

AN ACT Relating to deeds of trust; amending section 1, chapter 74, Laws of 1965 and RCW 61.24.010; amending section 2, chapter 74, Laws of 1965 and RCW 61.24.020; amending section 3, chapter 74, Laws of 1965 and RCW 61.24.030; amending section 4, chapter 74, Laws of 1965 as amended by section 1, chapter 30, Laws of 1967 and RCW 61.24.040; amending section 9, chapter 74, Laws of 1965 as amended by section 4, chapter 30, Laws of 1967 and RCW 61.24.090; and amending section 13, chapter 74, Laws of 1965 and RCW 61.24.130.

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

Section 1. Section 1, chapter 74, Laws of 1965 and RCW 61.24.010 are each amended to read as follows:

(1) The terms "record" and "recorded" as used in this chapter, shall include the appropriate registration proceedings, in the instance of registered land.

(2) The trustee of a deed of trust under this chapter shall be:

(a) Any corporation or association authorized to engage in a trust business in this state; or

(b) Any title insurance company authorized to insure title to real property under the laws of this state, or its agents; or

(c) Any attorney who is an active member of the Washington state bar association at the time he is named trustee.

(d) Any agency of the United States government.

(3) In the event of the death, incapacity or disability, or resignation of the trustee, the beneficiary may nominate in writing a successor trustee. Upon recording in the mortgage records of the county or counties in which the trust deed is recorded, of the appointment of a successor trustee, the successor trustee shall be vested with all powers of the original trustee.

Sec. 2. Section 2, chapter 74, Laws of 1965 and RCW 61.24.020 are each amended to read as follows:

A deed conveying real property to a trustee in trust to secure the performance of an obligation of the grantor or another to the beneficiary may be foreclosed as in this chapter provided. The county auditor shall record such deed as a mortgage and shall index the name of the grantor as mortgagor and the names of the trustee and beneficiary as mortgagee. No person, corporation or association may be both trustee and beneficiary under the same deed of trust ~~((nor may the trustee be an employee, agent or subsidiary of a beneficiary of the same deed of trust))~~; PROVIDED, That any agency of the United States government may be both trustee and beneficiary under the same deed of trust.

Sec. 3. Section 3, chapter 74, Laws of 1965 and RCW 61.24.030 are each amended to read as follows:

It shall be requisite, to foreclosure under this chapter:

(1) That the deed of trust contains a power of sale;
 (2) That the deed of trust provides in its terms that the real property conveyed is not used principally for agricultural or farming purposes;

(3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed of trust makes operative the power to sell;

(4) That no action is pending on an obligation secured by the deed of trust;
 ((and))

(5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated; and

(6) That at least thirty days before notice of sale shall be recorded, transmitted or served, written notice of default shall be transmitted by the beneficiary or trustee to the grantor or any successor in interest at his last known address by both first class and certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on said premises, a copy of said notice, or personally served on the grantor or his successor in interest. This notice shall contain the following information:

(a) A description of the property which is then subject to the deed of trust;

(b) The book and the page of the book of records wherein the deed of trust is recorded;

(c) That the beneficiary has declared the grantor or any successor in interest to be in default, and a concise statement of the default alleged;

(d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;

(e) An itemized account of all other specific charges, costs or fees that the grantor is or may be obliged to pay to reinstate the deed of trust before the recording of the notice of sale;

(f) The total of subparagraphs (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to reinstate the note and deed of trust before the recording of the notice of sale;

(g) That failure to cure said alleged default within thirty days of the date of mailing of the notice, or if personally served, within thirty days of the date of personal service thereof, may lead to recordation, transmittal and publication of a

notice of sale, and that the property described in subparagraph (a) of this subsection may be sold at public auction at a date no less than one hundred twenty days in the future;

(h) That the effect of the recordation, transmittal and publication of a notice of sale will be to (i) increase the costs and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) That the effect of the sale of the grantor's property by the trustee will be to deprive the grantor or his successor in interest and all those who hold by, through or under him of all their interest in the property described in subsection (a);

(j) That the grantor or any successor in interest has recourse to the courts to contest the alleged default on any proper ground.

Sec. 4. Section 4, chapter 74, Laws of 1965 as amended by section 1, chapter 30, Laws of 1967 and RCW 61.24.040 are each amended to read as follows:

A deed of trust may be foreclosed in the following manner:

~~(1) ((At least one hundred and twenty days before sale, notice thereof shall be recorded by the trustee in the office of the auditor in each county in which the deed of trust is recorded. At least one hundred twenty days prior to sale copies of the notice shall be transmitted by first class and by certified mail, return receipt requested, to each person who has an interest in or lien or claim of lien against the property or some part thereof, provided such interest, lien or claim is of record at the time the notice is recorded, and provided the address of such person is stated in the recorded instrument evidencing his interest, lien or claim or is otherwise known to the trustee. If a court action to foreclose a lien or other encumbrance on all or any part of the property is pending and a lis pendens in connection therewith is on file on the date the notice is recorded in the office of the auditor pursuant to subdivision (1) of this section, a copy of the notice shall also be transmitted by first class and by certified mail, return receipt requested, to the plaintiff or his attorney of record. The copy of the notice shall be transmitted to the address to which such person shall have in writing requested the trustee to transmit the notice and if there has been no such request, to the address appearing in the recorded instrument evidencing his interest, lien or claim, and if there be neither such request nor record address, to the address otherwise known to the trustee. In addition, at least one hundred twenty days prior to sale, a copy of the notice shall be posted in a conspicuous place on said premises; or in lieu of posting, a copy of the notice may be served upon any occupant of said real property in the manner in which a summons is served, said service to be at least one hundred twenty days prior to sale:))~~ At least ninety days before the sale, the trustee shall:

(a) Record a notice in the form hereinafter specified in section 4(1)(f) of this 1975 amendatory act in the office of the auditor in each county in which the deed of trust is recorded;

(b) Cause a copy of the notice as hereinafter provided in section 4(1)(f) of this 1975 amendatory act, to be transmitted by both first class and certified mail, return receipt requested, to each person who has an interest in or lien or claim of lien against the property or some part thereof, provided such interest, lien or claim is of record at the time the notice is recorded and further provided the address of

such person is stated in the recorded instrument recording his interest, lien or claim, or is otherwise known to the trustee;

(c) Cause a copy of the notice as hereinafter provided in section 4(1)(f) of this 1975 amendatory act to be transmitted by both first class and certified mail, return receipt requested, to the plaintiff or his attorney of record, in any court action to foreclose a lien or other encumbrance on all or any part of the property, provided a court action is pending and a lis pendens in connection therewith is on file on the date the notice is recorded in the office of the auditor;

(d) Cause a copy of the notice as hereinafter provided in section 4(1)(f) of this 1975 amendatory act to be transmitted by both first class and certified mail, return receipt requested, to any person who shall have requested such notice in writing to the trustee at the address specified by the requesting person;

(e) Cause a copy of the notice as hereinafter provided in section 4(1)(f) of this 1975 amendatory act to be posted in a conspicuous place on said premises, or in lieu of posting, cause a copy of said notice to be served upon any occupant of said real property;

(f) The notice shall be in the following form:

NOTICE OF TRUSTEE'S SALE

I.

NOTICE IS HEREBY GIVEN that the undersigned trustee will on the day of, 19. ., at the hour of o'clock . . M. at
[street address and location if inside a building] in the City of, State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County of, State of Washington, to-wit:

which is subject to that certain deed of trust dated, 19. ., recorded, 19. ., in volume of Mortgages, at Page, under Auditor's File No., mortgage records of County, Washington, from, as Grantor, to, as Trustee, to secure an obligation in favor of, as Beneficiary, the beneficial interest in which was assigned by, under an Assignment dated, 19. ., and recorded under Auditor's File No.

II.

No action is now pending to seek satisfaction of the obligation in any Court by reason of the Grantor's default on the obligation secured by said deed of trust.

III.

The default for which this foreclosure is made is as follows:

[If default is for other than payment of money, set forth the particulars]

Failure to pay when due the following amounts which are now in arrears:

IV.

The sum owing on the obligation secured by the deed of trust is: Principal \$, together with interest as in the note provided from the day of, 19.., and such other costs and fees as are provided by statute.

V.

The above-described real property will be sold to satisfy the expense of sale and the obligation secured by said Deed of Trust as provided by statute. Said sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on the day of, 19... The defaults referred to in paragraph III must be cured by the day of, 19.., (10 days before the sale) to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time before the day of, 19.., (10 days before the sale) the default as set forth in paragraph III is cured and the Trustee's fees and costs are paid. The sale may be terminated by the grantor anytime after the day of, 19.., (10 days before the sale) and before the sale by the grantor or his successor in interest paying the principal and interest plus costs and fees.

VI.

A written notice of default was transmitted by the Beneficiary or trustee to the grantor or his successor in interest at the following address:

.....
.....
.....

by both first class and certified mail on the day of, 19.., proof of which is in the possession of the trustee; or the grantor or his successor in interest was personally served on the day of, 19.., with said written notice of default by the beneficiary or his trustee, and the trustee has in his possession proof of such service.

VII.

The Trustee whose name and address is set forth below will provide in writing to anyone requesting it, a statement of all costs and fees due at any time prior to the sale.

VIII.

The effect of the sale will be to deprive the grantor and all those who hold by, through or under him of all their interest in the above-described property.

IX.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130. Failure to bring such a lawsuit may result in a waiver of any proper grounds for invalidating the trustee's sale.

.....
 } Trustee
 }
 } Address
 }
 } Phone
 STATE OF WASHINGTON }
 COUNTY OF } ss.

On this day personally appeared before me, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this day of, 19...

.....
 NOTARY PUBLIC in and for the State of
 Washington, residing at

[SEAL]

(2) In addition to providing the grantor or his successor in interest the notice as provided in section 4(1)(f) of this 1975 amendatory act, the trustee shall include with the notice provided in section 4(1)(f) of this 1975 amendatory act a statement to the grantor or his successor in interest in substantially the following form:

NOTICE OF FORECLOSURE

Pursuant to the Revised Code of Washington,
 Chapter 61.24, et seq.

The attached Notice of Sale is a consequence of your default in your obligation to, the beneficiary of your Deed of Trust and holder of your Note. Unless you cure the default, your property will be sold at auction on the day of, 19...

To cure your default, you must bring your payments current and pay accrued late charges and other costs and attorneys fees as set forth below by the day of, 19... (10 days before sale date). To date, these arrears and costs are as follows:

	<u>Currently due to reinstate</u>	<u>Amount that will be due to reinstate in</u>	
		<u>40 days</u>	<u>80 days</u>
	<u>.....</u> <u>[date]</u>	<u>.....</u> <u>[date]</u>	<u>.....</u> <u>[date]</u>
<u>Delinquent payments from the 1st day of, 19.., in the amount of:</u>	<u>\$.....</u>	<u>\$.....</u>	<u>\$.....</u>
<u>Late charge for every delinquent dollar owed in the amount of:</u>	<u>\$.....</u>	<u>\$.....</u>	<u>\$.....</u>
<u>Attorneys fees in the amount of:</u>	<u>\$.....</u>	<u>\$.....</u>	<u>\$.....</u>
<u>Trustee's expenses in the amount of:</u>		<u>Estimated</u>	<u>Estimated</u>
<u>[Itemization]</u>		<u>Costs</u>	<u>Costs</u>
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You may reinstate your Note and Deed of Trust at any time up to the day of, 19.., (10 days before the sale date) by paying the amount as set forth above. Of course, each month that passes brings another monthly payment due, and such monthly payment and any late charge must be added to your reinstating payment. AFTER THE DAY OF, 19.., (THE 80TH DAY), YOU MAY NOT REINSTATE YOUR DEED OF TRUST BY PAYING THE BACK PAYMENTS AND COSTS AND FEES AS OUTLINED ABOVE. In such a case, you will only be able to stop the sale by paying the total principal balance (\$.....) plus accrued interest, costs and advances, if any, made pursuant to the terms of the documents.

You may contest this default by initiating court action in the Superior Court of County. In such action, you may raise any legitimate defenses you

have to this default. You may also contest this sale in court by initiating court action. A copy of your Note and Deed of Trust are enclosed. You may wish to consult a lawyer. Legal action on your part may prevent or restrain the sale, but only if you persuade the court of the merits of your defense.

If you do not reinstate your Note and Deed of Trust by paying the amount demanded here, or if you do not succeed in restraining the sale by court action, your property will be sold to satisfy your obligations. The effect of such sale will be to deprive you and all those who hold by, through or under you of all interest in the property;

(3) In addition the trustee shall cause a copy of the notice as provided in section 4(1)(f) of this 1975 amendatory act to be published in a legal newspaper in each county in which the property or any part thereof is situated, once weekly during the four weeks preceding the time of sale;

(~~(2)~~) (4) ((The notice aforesaid shall indicate the names of the grantor, trustee and beneficiary of the deed of trust, the description of the property which is then subject to the deed of trust, the book and page of the book of record wherein the deed of trust is recorded, the default for which the foreclosure is made and the date by which the default must be cured in order to cause a discontinuance of the sale, the amount or amounts in arrears if a default is for failure to make payment, the sum owing on the obligation secured by the deed of trust, and the time and place of sale:)) On the date and at the time designated in the notice of sale, the trustee shall sell the property at public auction to the highest bidder. The trustee may sell the property in gross or in parcels as the trustee shall deem most advantageous;

(~~(3)~~) (5) ((A copy of the notice aforesaid shall be published in a legal newspaper in each county in which the property or any part thereof is situated, once weekly during the four weeks preceding the time of sale:)) The place of sale shall be at any designated public place within the county where the property is located and if the property is in more than one county, the sale may be in either of the counties where the property is located. The sale shall be on the day and during the hours set by statute for the conduct of sales of real estate at execution;

(~~(4)~~) (6) ((The trustee shall sell the property in gross or in parcels as it shall determine, at the place and during the hours directed by statute for the conduct of sales of real estate at execution, at auction to the highest bidder:)) The trustee may for any cause he deems advantageous continue the sale for a period or periods not exceeding a total of thirty days by a public proclamation at the time and place fixed in the notice of sale. No other notice of the postponed sale need be given;

(~~(5)~~) (7) The purchaser shall forthwith pay the price bid and on payment the trustee shall execute to the purchaser its deed; the deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this chapter and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value ((-));

(~~(6)~~) (8) The sale as authorized under this chapter shall not take place less than ((six months)) one hundred ninety days from the date of default in the obligation secured.

Sec. 5. Section 9, chapter 74, Laws of 1965 as amended by section 4, chapter 30, Laws of 1967 and RCW 61.24.090 are each amended to read as follows:

(1) At any time prior to the ((time)) tenth day before the date set by the trustee for the sale in the recorded notice of sale, or in the event the trustee continues the sale pursuant to section 4(6) of this 1975 amendatory act, at any time prior to the tenth day before the actual sale, the grantor or his successor in interest, any beneficiary under a subordinate deed of trust or any person having a subordinate lien or encumbrance of record on the trust property or any part thereof, shall be entitled to cause a discontinuance of the sale proceedings by curing the default or defaults set forth in the notice, which in the case of a default by failure to pay, shall be by paying to the trustee ((a sum sufficient to cure all defaults other than such portion of principal as would not then be due had no default occurred, plus the costs of the trustee incurred and the trustee's fee accrued, which accrued fee shall not exceed fifty dollars.)):

(a) The entire amount then due under the terms of the deed of trust and the obligation secured thereby, other than such portion of the principal as would not then be due had no default occurred, and

(b) The expenses actually incurred by the trustee enforcing the terms of the note and deed of trust, including a reasonable trustee's fee, which is not to exceed twenty-five dollars at the time the notice of trustee's sale is given and is not to exceed fifty dollars forty days after the date of notice of trustee's sale is given and is not to exceed seventy-five dollars eighty days after the date of notice of trustee's sale is given, together with the trustee's reasonable attorney's fees, together with costs of recording the notice of discontinuance of notice of trustee's sale. In the event the property secured by the deed of trust is a single-family dwelling the total of the trustee's fees and the attorney's fees shall not exceed two hundred fifty dollars without court approval.

(2) Upon receipt of such payment the proceedings shall be discontinued, the deed of trust shall be reinstated and the obligation shall remain as though no acceleration had taken place.

(3) In the case of a default which is occasioned by other than failure to make payments, the person or persons causing the said default shall pay the expenses incurred by the trustee and the trustee's fees as set forth in subsection (1)(b) of this section.

(4) Any person having a subordinate lien of record on the trust property and who has cured the default or defaults pursuant to this section shall thereafter have included in his lien all payments made to cure any defaults, including interest thereon at ((six)) eight percent per annum, payments made for trustees' costs and fees incurred as authorized herein, and his reasonable attorney's fees and costs incurred resulting from any judicial action commenced to enforce his rights to advances under this section.

(5) If the default is cured and the obligation and the deed of trust reinstated in the manner hereinabove provided, the trustee shall properly execute, acknowledge and cause to be recorded a notice of discontinuance of trustee's sale under such deed of trust. A notice of discontinuance of trustee's sale when so executed and acknowledged is entitled to be recorded and shall be sufficient if it sets forth a record of the deed of trust and the book and page upon which the deed of trust is

recorded and a reference to the notice of sale and the book and page on which the name is recorded, and a notice that such sale is discontinued.

Sec. 6. Section 13, chapter 74, Laws of 1965 and RCW 61.24.130 are each amended to read as follows:

Nothing contained in this chapter shall prejudice the right of the grantor or his successor in interest to restrain, on any proper ground, a threatened sale by the trustee under a deed of trust. In the event that the property secured by the deed of trust is a single-family dwelling occupied by the grantor or his successor in interest, and the court finds that there is proper ground to restrain a threatened sale by the trustee under a deed of trust, the court shall require the grantor or his successor in interest to enter into a bond in the amount of two hundred fifty dollars with surety to the satisfaction of the clerk of the superior court to the adverse party affected thereby, conditioned to pay all damages and costs which may accrue by reason of the injunction or restraining order. In addition, the court shall require as a condition of continuing the restraining order that the grantor or his successors in interest shall pay to the clerk of the court every thirty days the monthly payment of principal and interest that would be due on the obligation secured by the deed of trust if the deed of trust was not being foreclosed.

Passed the Senate May 22, 1975.

Passed the House May 19, 1975.

Approved by the Governor May 31, 1975.

Filed in Office of Secretary of State May 31, 1975.

CHAPTER 130

[Substitute Senate Bill No. 2966]

FIRE PROTECTION DISTRICTS—LOCAL IMPROVEMENT DISTRICTS

AN ACT Relating to fire protection districts; amending section 39, chapter 34, Laws of 1939 as last amended by section 1, chapter 16, Laws of 1972 ex. sess. and RCW 52.16.070; amending section 40, chapter 34, Laws of 1939 as amended by section 1, chapter 161, Laws of 1961 and RCW 52.20.010; amending section 41, chapter 34, Laws of 1939 as amended by section 2, chapter 161, Laws of 1961 and RCW 52.20.020; amending section 3, chapter 161, Laws of 1961 and RCW 52.20.025; creating new sections; repealing section 17, chapter 34, Laws of 1939, section 60, chapter 70, Laws of 1941 and RCW 52.08.070; repealing section 44, chapter 34, Laws of 1939 and RCW 52.20.050; and declaring an emergency.

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

Section 1. Section 39, chapter 34, Laws of 1939 as last amended by section 1, chapter 16, Laws of 1972 ex. sess. and RCW 52.16.070 are each amended to read as follows:

Except as authorized by virtue of the issuance and sale of district coupon warrants and general obligation bonds, and the creation of local improvements districts and the issuance of local improvement bonds and warrants of the fire protection district, the board of fire commissioners shall have no authority to incur expenses or other financial obligations payable in any year in excess of the aggregate amount of taxes levied for that year, revenues derived from contracts, leases and fire protection services rendered to any other municipal corporation, person, firm or corporation, or state agency, grants, bequests, gifts or donations

whether received from governmental or non governmental sources, and the cash balances on hand in the expense and reserve funds of the district on the first day of that year. In the event that there are any unpaid warrants drawn on any district fund or funds for expenses and obligations incurred outstanding at the end of any calendar year, the same may be paid from taxes collected in the subsequent year or years, revenues, grants, bequests, gifts or donations.

Sec. 2. Section 40, chapter 34, Laws of 1939 as amended by section 1, chapter 161, Laws of 1961 and RCW 52.20.010 are each amended to read as follows:

In any instance where for fire protection purposes the acquisition, maintenance and operation of real property, buildings, fire fighting equipment, apparatus and instrumentalities necessary therefor are of special benefit to part or all of the lands in the fire ~~((prevention))~~ protection district, the board of fire commissioners shall have authority to include such lands in a local improvement district, ~~((and to contract for operating such facilities,))~~ and to levy special assessments under a mode of annual installments extending over a period not exceeding twenty years on all property specially benefited by any local improvement, on the basis of the special benefits to pay in whole or in part the damages or costs of any improvements ordered in such ~~((fire protection))~~ local improvement district. ~~((The duties devolving upon the city treasurer under said laws are imposed upon the county treasurer for the purposes of this chapter.))~~ Such local improvement districts may be initiated either by resolution of the board of fire commissioners or by petition signed by the owners of a majority of the acreage of lands to be included within the local improvement district.

If the petition procedure is followed, said petition shall set forth generally the necessity for the creation of a local improvement district, outline the plan of fire protection to be accomplished, and the means by which the cost of the same shall be financed. Upon receipt of said petition, the board of fire commissioners of said district shall at its next regular meeting examine the same. The assessed owners of said lands as shown on the general tax roll in the county treasurer's office, last equalized, shall be prima facie evidence of the ownership of the lands to be included in said local improvement district. If said petition is found sufficient, said district board shall proceed to consider the same and to determine whether such local improvement appears feasible and of special benefit to the lands concerned.

In case the board of fire commissioners shall desire to initiate the formation of a local improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed district, describing the boundaries thereof, stating the estimated cost and expenses of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, and fixing a date, time and place for a public hearing on the formation of the proposed district.

Sec. 3. Section 41, chapter 34, Laws of 1939 as amended by section 2, chapter 161, Laws of 1961 and RCW 52.20.020 are each amended to read as follows:

If said petition is found insufficient or if said district board shall determine that such a local improvement district is unfeasible or of no special benefit to the lands concerned, it shall dismiss said petition. If said district board shall approve said petition or adopts a resolution of intention to order an improvement, it shall

fix a day, hour and place for hearing the same and shall (1) mail notice of said hearing at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of each lot, tract(~~(;)~~) or parcel of land (~~((or other property))~~) within the proposed local improvement district as shown on the tax rolls of the county treasurer at the address shown thereon, and (2) publish notice of said hearing in a newspaper of general circulation in the county, to be selected by said board, for three consecutive weekly issues thereof published prior to the day of said hearing. The cost of said publication shall be advanced or paid in advance by the petitioners or, in the case of initiation by the board of fire commissioners, such costs shall be paid by the (~~(board)~~) fire protection district. Such notices shall describe the boundaries of the proposed local improvement district (~~(, shall state that the lands within the said boundaries are proposed to be included within a local improvement district, shall mention)~~) and the plan of fire protection proposed (~~(and)~~) or may refer to the resolution of intention describing the nature and territorial extent of the proposed improvement. Such notices shall state the means by which the cost of the same shall be financed, shall state the day, hour and place of hearing on said petition and shall be signed by the secretary of the fire protection district. In addition, the notice given each owner or reputed owner by mail shall state the estimated cost and expense of such improvement to be borne by the particular lot, tract or parcel.

Sec. 4. Section 3, chapter 161, Laws of 1961 and RCW 52.20.025 are each amended to read as follows:

The hearing for which notice is (~~(given)~~) prescribed in RCW 52.20.020, as now or hereafter amended, and all subsequent proceedings in connection with the local improvement, including but not limited to the levying, collection and enforcement of local improvement assessments, and the authorization, issuance, and payment of local improvement bonds and warrants shall be in accordance with the provisions of law applicable to ((sewer district local improvement district improvements)) cities and towns set forth in chapters ((56.20)) 35.43, 35.44, 35.45, 35.49, 35.50, and 35.53 RCW as now or hereafter amended, and ((references therein to the board of sewer commissioners and secretary of the board of sewer commissioners shall be deemed references to the board of fire district commissioners and secretary of the board of fire district commissioners, respectively)) fire protection districts shall have and may exercise the powers set forth in such chapters: PROVIDED, That no local improvement guaranty fund shall be created: AND PROVIDED, FURTHER, That for the purposes of RCW 52.16.070, 52.20.010, 52.20.020, and 52.20.025, as now or hereafter amended, with respect to the powers granted and the duties imposed in chapters 35.43, 35.44, 35.45, 35.49, 35.50, and 35.53 RCW:

(1) The words "city or town" shall be deemed to mean fire protection district.

(2) The secretary of a fire protection district shall perform the duties of the "clerk" or "city or town clerk".

(3) The board of fire commissioners of a fire protection district shall perform the duties of the "council" or "city or town council" or "legislative authority of a city or town".

(4) The board of fire commissioners of a fire protection district shall perform the duties of the "mayor".

(5) The word "ordinance" shall be deemed to mean a resolution of the board of fire commissioners of a fire protection district.

(6) The treasurer of the county in which a fire protection district is situated shall perform the duties of the "treasurer" or "city or town treasurer".

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

(1) Section 17, chapter 34, Laws of 1939, section 60, chapter 70, Laws of 1941 and RCW 52.08.070; and

(2) Section 44, chapter 34, Laws of 1939 and RCW 52.20.050.

NEW SECTION. Sec. 6. If any section, clause, or other provision of this 1975 amendatory act, or its application to any person or circumstance, is held invalid, the remainder of such 1975 amendatory act, or the application of such section, clause, or provision to other persons or circumstances, shall not be affected. The rule of strict construction shall have no application to this 1975 amendatory act, but the same shall be liberally construed, in order to carry out the purposes and objects for which this 1975 amendatory act is intended. When this 1975 amendatory act comes in conflict with any provision, limitation, or restriction in any other law, this 1975 amendatory act shall govern and control.

NEW SECTION. Sec. 7. This 1975 amendatory 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 Senate May 9, 1975.

Passed the House May 22, 1975.

Approved by the Governor May 31, 1975.

Filed in Office of Secretary of State May 31, 1975.

CHAPTER 131

[Substitute Senate Bill No. 2123]

MUNICIPAL CORPORATIONS—WARRANTS NOT PRESENTED, CANCELLATION

AN ACT Relating to warrants of municipal corporations; adding a new section to chapter 39.56 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 39.56 RCW a new section to read as follows:

Registered or interest bearing warrants of any municipal corporation not presented within one year of the date of their call, or other warrants not presented within one year of their issue, shall be canceled by passage of a resolution of the governing body of the municipal corporation, and upon notice of the passage of such resolution the auditor of the municipal corporation and the treasurer of the municipal corporation shall transfer all records of such warrants so as to leave the funds as if such warrants had never been drawn.

**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.*

*Sec. 2. was vetoed, see message at end of chapter.

Passed the Senate April 8, 1975.

Passed the House May 22, 1975.

Approved by the Governor May 31, 1975, with the exception of section 2 which is vetoed.

Filed in Office of Secretary of State May 31, 1975.

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

"I am returning herewith without my approval as to one section Substitute Senate Bill No. 2123 entitled:

"AN ACT Relating to warrants of municipal corporations."

Section 2 of the bill declares an emergency and provides for the act to take effect immediately. The bill does not measure up to the standard of urgency contained in Article II, section 1(b) of our Constitution. As I have already done on several recent occasions, I am compelled to veto the emergency clause in this bill because it is unwarranted.

With the exception of section 2, the remainder of Substitute Senate Bill No. 2123 is approved."

CHAPTER 132

[Substitute Senate Bill No. 2519]

COUNCIL ON HIGHER EDUCATION RENAMED COUNCIL FOR POST-SECONDARY EDUCATION—COMPOSITION, POWERS—COMMISSION ON HIGHER EDUCATION, STATUTES REPEALED

AN ACT Relating to the council on post-secondary education; amending section 1, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.010; amending section 2, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.020; amending section 3, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.030; amending section 4, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.040; amending section 6, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.060; amending section 9, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.080; amending section 10, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.090; amending section 11, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.100; amending section 14, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.900; amending section 8, chapter 222, Laws of 1969 ex. sess. and RCW 28B.10.802; amending section 1, chapter 23, Laws of 1972 ex. sess. and RCW 28B.10.840; creating new sections; repealing sections 1, 3, 4, 5, 6, 7, 8, 9, and 12, chapter 263, Laws of 1969 ex. sess. and RCW 28B.81.010, 28B.81.030, 28B.81.040, 28B.81.050, 28B.81.060, 28B.81.070, 28B.81.080, 28B.81.090 and 28B.81.900; repealing section 2, chapter 263, Laws of 1969 ex. sess., section 10, chapter 102, Laws of 1970 ex. sess. and RCW 28B.81.020; and declaring an emergency and making an effective date.

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

PART I—SUBSTANTIVE CHANGES RESPECTING COUNCIL, ITS POWERS AND DUTIES

Section 1. Section 1, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.010 are each amended to read as follows:

There is hereby created the council (~~(on higher)~~) for post-secondary education in the state of Washington.

Sec. 2. Section 2, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.020 are each amended to read as follows:

The purpose of the council is as follows: The ~~((higher))~~ four year educational institutions, under the autonomous governance of their governing boards, and operating within guidelines set by statute for particular institutions of higher education, have responded to the many kinds of educational needs of the people of a dynamic and growing state. They have evolved a wide array of educational services of benefit to students enrolled in degree and certificate courses, to adults returning to educational institutions for various kinds of continuing education needed to update skills and understandings in a changing world, and to government agencies, business, labor professions, and associations. The state has been well served by the delegation to the institutions of a large measure of autonomy which has enabled them to cooperate in achieving educational and operating effectiveness. Opportunity for such institutional initiative and institutional voluntary cooperation should be preserved and encouraged to the largest possible extent.

With the increase in the number of post-secondary institutions and in the scope, variety, and extent of ~~((higher))~~ education demanded of the institutions by the people of a dynamic state and the evident need to maintain articulation and coordination among the parts of a more complex system of ~~((higher))~~ post-secondary education, it is desirable to establish a council to facilitate planning for ~~((higher))~~ post-secondary education.

To assure maximum effectiveness of the agency, its deliberations should be participated in by representatives of the governor, the ~~((legislature))~~ public, and the institutions, ~~((of higher))~~ agencies, and systems of public and private post-secondary education.

Sec. 3. Section 3, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.030 are each amended to read as follows:

The council may perform any of the following functions:

(1) Engage in overall planning for ~~((higher))~~ post-secondary education in the state, which shall include the collection and analysis of necessary data from public, and where appropriate private institutions of ~~((higher))~~ post-secondary education. The purpose shall be to:

(a) Assess and define the educational needs of the state to be served by ~~((higher))~~ post-secondary education;

(b) Recommend and coordinate studies to ascertain how defined educational needs are being met;

(c) Study and make recommendations concerning adult education, continuing education ~~((and))~~, public service and post-secondary educational programs;

(d) Identify priorities among the defined needs and specify the resources necessary to meet them;

(e) Differentiate roles of the community college system and the individual public institutions and identify the most effective division of responsibility among them in meeting defined needs. To facilitate this, review and recommend the creation of all new degrees and recommend which institutions shall award them; and evaluate proposals for the elimination of existing degrees. Identify changing conditions which may require the revision of these roles and division of responsibility of the institutions.

(2) In the execution of the above planning responsibilities, develop criteria for the need for new baccalaureate institutions; and recommend the establishment,

location and role of any new public baccalaureate granting institutions, and review the plans for the community college system in terms of their articulation with planning for ~~((higher))~~ post-secondary education in the state.

(3) Study levels of fees and charges to students and, when necessary, make recommendations to the institutions, legislature, and governor.

(4) Study and make recommendations concerning admission and transfer policies.

(5) Review individual institutional operating budget requests to determine the conformity or lack thereof to the state's ~~((higher))~~ post-secondary education plan: PROVIDED, That its review of community colleges be limited to the plan prepared by the state board for community college education.

(6) Review the individual institutional capital budget requests to determine their conformity or lack thereof to the state's ~~((higher))~~ post-secondary education plan: PROVIDED, That its review of community colleges be limited to the plan prepared by the state board for community college education.

(7) Study and make recommendations for the development of improved practices of administrative management in order to facilitate the most efficient operation of the public institutions and the avoidance of unnecessary duplication among the institutions.

(8) At the request of the governor, legislature, state board for community college education, or baccalaureate granting institutions of higher education, and in conjunction with such legislative ~~((interim))~~ standing committees on higher education as may be in existence, study and make recommendations regarding legislation affecting ~~((higher))~~ post-secondary education.

Sec. 4. Section 4, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.040 are each amended to read as follows:

The council shall consist of members who are truly representative of the public, including the minority community, and shall be selected as follows:

Nine citizen members to be appointed by the governor and confirmed by the senate as representatives of the public at large, one of whom shall be a full time undergraduate student at the time of his or her appointment at a post-secondary educational institution; ~~((two members of the house of representatives, one from each party, appointed by the speaker of the house; two members of the senate, one from each party, appointed by the president of the senate))~~ the superintendent of public instruction; ~~((two members))~~ one member of the ~~((governor's staff))~~ executive branch of government appointed by the governor; ~~((the presidents of each))~~ one president of the public universities and four-year colleges of the state who is the chairman of the council of presidents; the executive director of the state board for community college education; ~~((two presidents))~~ the executive director of the coordinating council for occupational education or its successor agency; one president of the state's private universities or four-year colleges and one ~~((community college president))~~ representative of post-secondary proprietary education, each appointed by the governor.

It shall be the duty of the director of the state board for community college education to represent not only the state board for community college education, but also all the community colleges in the state and their respective governing boards and he is further directed and charged to act as a liaison between the

council and the state board for community college education and boards of trustees of the community college districts in the state.

It shall be the duty of the superintendent of public instruction to represent the common school system presenting such information to the council as may be of assistance in the development of overall educational plans and articulation between the common school and post-secondary systems of education.

It shall be the duty of the executive director of the coordinating council for occupational education or its successor agency to represent vocational and technical education, presenting to the council such information regarding the state plan for vocational education and other data as may be of assistance in the development of overall educational plans.

Sec. 5. Section 6, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.060 are each amended to read as follows:

Citizen members of the council shall serve for terms of six years, said terms expiring on June 30th of the sixth year of their term: PROVIDED, That ~~((of the citizen members first appointed by the governor, three shall be appointed for a term of two years, three shall be appointed for a term of four years and three shall be appointed for a term of six years))~~ the term of the student citizen member shall not exceed three years and shall be coextensive with his or her tenure as a student except for summer sessions.

~~((The four legislators appointed by the president of the senate and the speaker of the house shall serve for a two year term: PROVIDED, That no legislative member of the council shall continue to serve when he is no longer a member of the legislative branch from which he shall have been appointed:))~~

The ~~((members))~~ member of the council appointed by the governor from ~~((his staff))~~ the executive branch of government shall serve at the governor's pleasure.

The term of the superintendent of public instruction, the executive director of the coordinating council for occupational education, and the executive director of the state board for community college education ~~((as well as the presidents of the public universities and colleges of the state))~~ shall be coextensive with their tenure in those respective offices.

The president-representatives appointed by the governor shall serve for a ~~((two))~~ four year term, or until such earlier date as each shall cease to be the president of the institution or representative of a post-secondary group from which he was appointed.

Sec. 6. Section 9, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.080 are each amended to read as follows:

By a majority vote of the citizen members, the council shall select a chairman who shall be a citizen member; and, the council shall adopt such bylaws as it sees fit.

The council shall appoint an executive coordinator of services who shall serve at the pleasure of the council. The executive coordinator of services shall be the executive officer of the council and, under the council's supervision, shall administer the provisions of this chapter. In addition, he shall be in charge of the office of the council.

The council may employ and appoint such other assistants and employees as may be required. In addition, the council may appoint deputy coordinators who

shall be assistant directors for the purpose of chapter 41.06 RCW, the state civil service act, and any individual filling such a position shall serve at the pleasure of the council.

In fulfilling the duties under this chapter, the council shall make extensive use of those state agencies with responsibility for implementing and supporting ~~((higher))~~ post-secondary education plans and policies, e.g., appropriate legislative groups, the ~~((higher))~~ post-secondary education institutions, the ~~((central-budget agency))~~ office of program planning and fiscal management, and the state board for community college education. Outside consulting and service agencies may also be employed. The council may compensate these groups and consultants in appropriate ways.

All council funds shall be expended subject to the approval of the chairman. All matter related to payment of compensation and other expenses of the council shall be subject to the state budget and accounting act.

**Sec. 7. Section 10, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.090 are each amended to read as follows:*

The council shall meet at least four times each year and at such other times as determined by the chairman who shall give reasonable notice to members of every meeting prior thereto. A majority of the citizen members shall constitute a quorum to conduct the affairs of the council: PROVIDED, That no action shall be taken by less than five affirmative votes therefor.

**Sec. 7. was vetoed, see message at end of chapter.*

Sec. 8. Section 11, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.100 are each amended to read as follows:

The council shall from time to time make reports both to the governor and the ~~((joint committee on higher education))~~ legislature.

NEW SECTION. Sec. 9. The council is designated as the state commission as provided for in section 1202 of the education amendments of 1972 (public law 92-318), as now or hereafter amended; and shall perform such functions as is necessary to comply with federal directives pertaining to the provisions of such law: PROVIDED, That notwithstanding the provisions of RCW 28B.80.050, all members of the council shall have full voting powers in taking actions related to federal post-secondary educational planning functions as provided for in this section and sections 12 through 15 of this 1975 amendatory act.

Sec. 10. Section 14, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.900 are each amended to read as follows:

Nothing in this chapter shall be deemed to derogate or detract from the powers and duties conferred by law upon the separate governing boards of the state's institutions of higher learning, the state board for community college education, the superintendent of public instruction, or the powers and duties of any other administrative agency.

PART 2—CODE CHANGES RESULTING FROM ACT'S SUBSTANTIVE CHANGES

NEW SECTION. Sec. 11. The following acts or parts thereof are each hereby repealed:

(1) Sections 1, 3, 4, 5, 6, 7, 8, 9, and 12, chapter 263, Laws of 1969 ex. sess. and RCW 28B.81.010, 28B.81.030, 28B.81.040, 28B.81.050, 28B.81.060, 28B.81.070, 28B.81.080, 28B.81.090 and 28B.81.900; and

(2) Section 2, chapter 263, Laws of 1969 ex. sess., section 10, chapter 102, Laws of 1970 ex. sess. and RCW 28B.81.020.

NEW SECTION. Sec. 12. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.80 RCW a new section to read as follows:

The council shall administer the following programs: Title IV–B and VI of the Higher Education Act of 1965; Title I of the Higher Education Facilities Act of 1963; and any other federal act pertaining to higher education which is not administered by another state agency.

NEW SECTION. Sec. 13. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.80 RCW a new section to read as follows:

The council shall:

(1) Prepare plans and participation as required by Title VI of the Higher Education Act of 1965 and Title I of the Higher Education Facilities Act of 1963. The plan so prepared shall set forth objective standards and methods, consistent with basic criteria prescribed by the United States commissioner of education; for determining the relevant priorities; and the federal share of the development cost of eligible projects for construction of academic facilities and for the purchase of undergraduate instruction equipment submitted by institutions of higher education in this state.

(2) Conduct surveys and studies as may be necessary for the determination of the state participation in Title I of the Higher Education Facilities Act and Title VI of the Higher Education Act of 1965 and to this end may cooperate with other agencies.

(3) Provide for affording to every applicant who has submitted a project to the council an opportunity for a fair hearing before the council as to the priority assigned to such project or as to any other determination of the council adversely affecting such applicant.

(4) Provide for such fiscal control and fund accounting as may be necessary to assure proper disbursement of an accounting for federal funds paid to the council and for the making of such reports in such form and containing such information as may be necessary to enable the commissioner of education to perform his function.

NEW SECTION. Sec. 14. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.80 RCW a new section to read as follows:

The council is authorized to receive and expend federal funds and any private gifts or grants, such federal funds or private funds to be expended in accordance with the conditions contingent in such grant thereof.

NEW SECTION. Sec. 15. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.80 RCW a new section to read as follows:

The council shall administer any state program or state–administered federal program of student financial aid now or hereafter established.

Sec. 16. Section 8, chapter 222, Laws of 1969 ex. sess. and RCW 28B.10.802 are each amended to read as follows:

As used in RCW 28B.10.800 through 28B.10.824:

(1) "Institutions of higher education" shall mean any public or private college, university or community college in the state of Washington which is accredited by the Northwest Association of Secondary and Higher Schools; and an institute of higher education shall also mean any public vocational-technical institute in the state of Washington.

(2) The term "financial aid" shall mean loans and/or grants to needy students enrolled or accepted for enrollment as a full time student at institutions of higher education.

(3) The term "needy student" shall mean a post high school student of an institution of higher learning as defined in subsection (1) above who demonstrates to the commission the financial inability, either through his parents, family and/or personally, to meet the total cost of board, room, books, and tuition and incidental fees for any semester or quarter.

(4) The term "disadvantaged student" shall mean a post high school student who by reason of adverse cultural, educational, environmental, experiential, familial or other circumstances is unable to qualify for enrollment as a full time student in an institution of higher learning, who would otherwise qualify as a needy student, and who is attending an institution of higher learning under an established program designed to qualify him for enrollment as a full time student.

(5) "Commission" shall mean the council for post-secondary education created in RCW 28B.80.010 as now or hereafter amended.

Sec. 17. Section 1, chapter 23, Laws of 1972 ex. sess. and RCW 28B.10.840 are each amended to read as follows:

The term "institution of higher education" whenever used in RCW 28B.10.840 through 28B.10.844, shall be held and construed to mean any public institution of higher education in Washington. The term "educational board" whenever used in RCW 28B.10.840 through 28B.10.844, shall be held and construed to mean the state board for community college education(;) and the council on ((higher)) post-secondary education(~~(, and the commission on higher education))~~.

NEW SECTION. Sec. 18. If any provision of this 1975 amendatory 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. 19. This 1975 amendatory 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 July 1, 1975.

NEW SECTION. Sec. 20. Sub-act titles shall not be deemed any part of this 1975 amendatory act.

Passed the Senate May 22, 1975.

Passed the House May 20, 1975.

Approved by the Governor May 31, 1975, with the exception of section 7 which is vetoed.

Filed in Office of Secretary of State May 31, 1975.

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

"I am returning herewith without my approval as to one section Substitute Senate Bill No. 2519 entitled:

"AN ACT Relating to the council on post-secondary education."

This bill amends current law on the structure and duties of the Council on Higher Education and changes its name to the Council on Post-Secondary Education.

Section 7 contains amendatory language which requires five out of the nine voting members to approve any action taken by the council. The present bylaws of the council require five affirmative votes to approve any substantive action, but not for procedural matters or committee actions where other voting rules and quorum requirements may apply. A statutory mandate requiring five votes for all actions, whether substantive or procedural, is unduly restrictive and serves no useful purpose.

With the exception of section 7, which I have vetoed for the foregoing reasons, the remainder of Substitute Senate Bill No. 2519 is approved."

CHAPTER 133

[Engrossed Senate Bill No. 2332]

WASHINGTON LIFE AND DISABILITY INSURANCE GUARANTY ASSOCIATION

AN ACT Relating to insurance; amending section 6, chapter 259, Laws of 1971 ex. sess. and RCW 48.32A.060; and amending section 9, chapter 259, Laws of 1971 ex. sess. and RCW 48.32A.090.

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

Section 1. Section 9, chapter 259, Laws of 1971 ex. sess and RCW 48.32A.090 are each amended to read as follows:

(1) The association shall issue to each insurer paying an assessment under this chapter certificates of contribution, in appropriate form and terms as prescribed or approved by the commissioner, for the amounts so paid into the respective funds. All outstanding certificates against a particular fund shall be of equal dignity and priority without reference to amounts or dates of issue.

(2) An outstanding certificate of contribution shall be shown by the insurer in its financial statements as an admitted asset for such amount and period of time as the commissioner may approve: PROVIDED, That unless a longer period has been allowed by the commissioner the insurer shall in any event at its option have the right to so show a certificate of contribution as an admitted asset at percentages of original face amount for calendar years as follows:

~~((100% for the calendar year of issuance;
80% for the first calendar year after the year of issuance;
60% for the second calendar year after the year of issuance;
40% for the third calendar year after the year of issuance;
20% for the fourth calendar year after the year of issuance; and
0% for the fifth and subsequent calendar years after the year of issuance.))~~
100% for the calendar year of issuance;
90% for the first calendar year after the year of issuance;
80% for the second calendar year after the year of issuance;
70% for the third calendar year after the year of issuance;
60% for the fourth calendar year after the year of issuance;
50% for the fifth calendar year after the year of issuance;

40% for the sixth calendar year after the year of issuance;
30% for the seventh calendar year after the year of issuance;
20% for the eighth calendar year after the year of issuance;
10% for the ninth calendar year after the year of issuance; and
0% for the tenth and subsequent calendar years after the year of issuance.

(3) The insurer shall offset the amount written off by it in a calendar year under subsection (2) of this section against its premium tax liability to this state accrued with respect to business transacted in such year.

(4) Any sums recovered by the association representing sums which have theretofore been written off by contributing insurers and offset against premium taxes as provided in subsection (3) of this section, shall be paid by the association to the commissioner and by him deposited with the state treasurer for credit to the general fund of the state of Washington.

(5) No distribution to stockholders, if any, of a liquidating insurer shall be made unless and until the total amount of assessments levied by the association with respect to such insurer have been fully recovered by the association.

Sec. 2. Section 6, chapter 259, Laws of 1971 ex. sess. and RCW 48.32A.060 are each amended to read as follows:

(1) The association shall, subject to such terms and conditions as it may impose with the approval of the commissioner, assume, reinsure, or guarantee the performance of the policies and contracts of any domestic life or disability insurer with respect to which an order of liquidation has been entered by any court of general jurisdiction in the state of Washington, and shall have power to receive, own, and administer any assets acquired in connection with such assumption, reinsurance, or guaranty. The association, as to any such policy or contract under which there is no default in payment of premiums subsequent to such assumption, reinsurance, or guaranty, shall make or cause to be made prompt payment of the benefits due under the terms of the policy or contract.

(2) The association shall make or cause to be made payment of the death, endowment, or disability insurance or annuity benefits due under the terms of each policy or contract insuring the life or health of, or providing annuity or other benefits for, a resident of this state which was issued or assumed by a foreign or alien insurer with respect to which an order of liquidation has been entered by a court of competent jurisdiction in the state or country of its domicile.

(3) In determining benefits to be paid with respect to the policies and contracts of a particular liquidating insurer the board may give due consideration to amounts reasonably recoverable or deductible because of the contingent liability, if any, of policyholders of the insurer (if a mutual insurer) or recoverable because of the assessment liability, if any, of the insurer's stockholders (if a stock insurer).

(4) With respect to an insolvent domestic insurer, the board shall have power to petition the court in which the delinquency proceedings are pending for, and the court shall have authority to order and effectuate, such modifications in the terms, benefits, values, and premiums thereafter to be in effect of policies and contracts of the insurer as may reasonably be necessary to effect a bulk reinsurance of such policies and contract in a solvent insurer.

In the event, after the entry of an order of liquidation, an assessment on the members is necessary to increase the assets of the insolvent company to an extent

that a bulk reinsurance of such policies may be effected, the court shall have authority to order such assessment.

(5) In addition to any other rights of the association acquired by assignment or otherwise, the association shall be subrogated to the rights of any person entitled to receive benefits under this chapter against the liquidating insurer, or the receiver, rehabilitator, liquidator, or conservator, as the case may be, under the policy or contract with respect to which a payment is made or guaranteed, or obligation assumed by the association pursuant to this section, and the association may require an assignment to it of such rights by any such persons as a condition precedent to the receipt by such person of payment of any benefits under this chapter.

(6) For the purpose of carrying out its obligations under this chapter, the association shall be deemed to be a creditor of the liquidating insurer to the extent of assets attributable to covered policies and contracts reduced by any amounts to which the association is entitled as a subrogee. All assets of the liquidating insurer attributable to covered policies and contracts shall be used to continue all covered policies and contracts and pay all contractual obligations of the liquidating insurer as required by this chapter. Assets attributable to covered policies and contracts, as used in this subsection, are those in that proportion of the assets which the reserves that should have been established for such policies and contracts bear to the reserves that should have been established for all insurances written by the liquidating insurer.

(7) The association shall have the power to petition the superior court for an order appointing the commissioner as receiver of a domestic insurer upon any of the grounds set forth in RCW 48.31.030.

Passed the Senate April 11, 1975.

Passed the House May 23, 1975.

Approved by the Governor June 2, 1975.

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

CHAPTER 134

[Reengrossed Substitute Senate Bill No. 2526]

CONSERVATION AND PROTECTION OF ARCHAEOLOGICAL RESOURCES

AN ACT Relating to ecology and historic preservation; providing for the conservation and protection of archaeological resource; adding a new chapter to Title 27 RCW; defining crimes; and prescribing penalties.

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

NEW SECTION. Section 1. The legislature hereby declares that the public has an interest in the conservation, preservation, and protection of the state's archaeological resources, and the knowledge to be derived and gained from the scientific study of these resources.

NEW SECTION. Sec. 2. The location, excavation, and study of the state's archaeological resources, the providing of information on archaeological sites for their nomination to the state and national registers of historic places, the maintaining of a complete inventory of archaeological sites and collections, and the

providing of information to state, federal, and private construction agencies regarding the possible impact of construction activities on the state's archaeological resources, are proper public functions; and the Washington archaeological research center is hereby designated as an appropriate agency to carry out these functions. The legislature directs that there shall be full cooperation amongst the office of archaeological and historic preservation, the Washington archaeological research center and other agencies of the state.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout this chapter.

(1) "Archaeology" means systematic, scientific study of man's past through his material remains.

(2) "Historic" means peoples and cultures who are known through written documents in their own or other languages.

(3) "Prehistoric" means peoples and cultures who are unknown through contemporaneous written documents in any language.

(4) "Professional archaeologist" means a person who has extensive formal training and experience in systematic, scientific archaeology as defined in subsection (1) of this section, and who makes his or her living primarily through research in, teaching of, and/or publication on archaeology, and who is so recognized by members of the profession of archaeology through his or her participation in the activities of professional organizations of archaeologists.

(5) "Qualified archaeologist" means a person who has had formal training and/or experience in archaeology over a period of at least three years, and has been certified in writing to be a qualified archaeologist by two professional archaeologists.

(6) "Amateur society" means any organization composed primarily of persons who are not professional archaeologists, whose primary interest is in the archaeological resources of the state, and which has been certified in writing by two professional archaeologists.

NEW SECTION. Sec. 4. All sites, objects, structures, artifacts, implements, and locations of prehistorical or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and habitation sites, including rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material that are located in, on, or under the surface of any lands or waters owned by or under the possession, custody, or control of the state of Washington or any county, city, or political subdivision of the state are hereby declared to be archaeological resources.

NEW SECTION. Sec. 5. Any archaeological site located upon private lands or state trust lands, which is recorded according to the provisions of RCW 43.51.770(1), on the state or federal register of historic sites and places shall be included as an archaeological resource under the provisions of this chapter: PROVIDED, That no such site located upon private or state trust land shall be so

included under the provisions of this chapter without the written consent of the landowner in a recordable form sufficiently describing the site so that it may be located upon the ground. The consent of the landowner shall be recorded by the office of archaeological and historic preservation in the records of the county auditor of the county in which the land is located and a copy of such consent shall be transmitted by the office of archaeological and historic preservation to the Washington archaeological research center.

NEW SECTION. Sec. 6. On the private and public lands of this state it shall be unlawful for any person, firm, or corporation to wilfully alter, dig into, or excavate by use of any mechanical, hydraulic, or other means, or to damage, deface, or destroy any historic or prehistoric archaeological resource or site, American Indian or aboriginal camp site, dwelling site, rock shelter, cave dwelling site, storage site, grave, burial site, or skeletal remains and grave goods, cairn, or tool making site, or to remove from any such land, site, or area, grave, burial site, cave, rock shelter, or cairn, any skeletal remains, artifact or implement of stone, bone, wood, or any other material, including, but not limited to, projectile points, arrowheads, knives, awls, scrapers, beads or ornaments, basketry, matting, mauls, pestles, grinding stones, rock carvings or paintings, or any other artifacts or implements, or portions or fragments thereof without having obtained the written permission of the public or private landowner. Such written permission shall be physically present while any such activity is being conducted. The provisions of this section shall not apply to the removal of artifacts found exposed on the surface of the ground nor to the excavation and removal of artifacts from state owned shorelands below the line of ordinary high water and from state owned tidelands below the line of ordinary high tide.

NEW SECTION. Sec. 7. It is the declared intention of the legislature that field investigations on privately owned lands should be discouraged except in accordance with both the provisions and spirit of this chapter and persons having knowledge of the location of archaeological sites or resources are encouraged to communicate such information to the Washington archaeological research center.

NEW SECTION. Sec. 8. Qualified or professional archaeologists, in performance of their duties, are hereby authorized to enter upon public lands of the state of Washington and its political subdivisions, at such times and in such manner as not to interfere with the normal management thereof, for the purposes of doing archaeological resource location and evaluation studies, including site sampling activities. Scientific excavations are to be carried out only after appropriate agreement has been made between the archaeologist and the agency or political subdivision responsible for such lands. Notice of such agreement shall be filed with the Washington archaeological research center and by them to the office of archaeological and historic preservation. Amateur societies may engage in such activities by submitting and having approved by the responsible agency or political subdivision a written proposal detailing the scope and duration of the activity. Before approval, a proposal from an amateur society shall be submitted to the Washington archaeological research center for review and recommendation.

NEW SECTION. Sec. 9. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. Each day of continued violation of any provision of this chapter shall constitute a distinct and separate offense.

NEW SECTION. Sec. 10. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act shall constitute a new chapter in Title 27 RCW.

Passed the Senate May 7, 1975.

Passed the House May 23, 1975.

Approved by the Governor June 2, 1975.

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

CHAPTER 135

[Substitute Senate Bill No. 2654]

REAL ESTATE EXCISE TAX

PROCEEDS—DISTRIBUTION

AN ACT Relating to the excise tax on real estate sales for school purposes; and amending section 28A.45.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.050.

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

Section 1. Section 28A.45.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.050 are each amended to read as follows:

The county commissioners of any county are authorized by ordinance to levy an excise tax upon sales of real estate not exceeding one percent of the selling price. The rate of the levy shall be determined annually by the commissioners. The proceeds of the tax provided for in this chapter shall be placed in the county school fund and shall be used exclusively for the support of the common schools: PROVIDED, That one percent of the proceeds of the tax provided for herein may be placed in the current expense fund of the county: PROVIDED, That each intermediate school district superintendent shall certify each month the distribution of the real estate excise tax from the county school fund, for each county whose seat of government is within the intermediate school district, to the general fund of each school district in the county: PROVIDED FURTHER, That when a local school district board of directors, by properly executed resolution, instructs that the distribution in whole or part be credited to the building fund and/or bond interest and redemption fund of the local school district, the intermediate school district superintendent shall certify the distribution in accordance with such resolution: AND PROVIDED FURTHER, That such certification of distribution to each school district in the county shall be in proportion (using the most recent data) to the number of weighted students enrolled in each district to the number of weighted students in the county.

Passed the Senate May 12, 1975.

Passed the House May 24, 1975.

Approved by the Governor June 2, 1975.

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

CHAPTER 136

[Engrossed Senate Bill No. 2904]

STATE DAIRY PRODUCTS COMMISSION—
COMPOSITION—DUTIES—ASSESSMENTS

AN ACT Relating to dairy products; amending section 15.44.020, chapter 11, Laws of 1961 as amended by section 2, chapter 44, Laws of 1965 ex. sess. and RCW 15.44.020; amending section 15.44.030, chapter 11, Laws of 1961 as amended by section 4, chapter 44, Laws of 1965 ex. sess. and RCW 15.44.030; amending section 15.44.032, chapter 11, Laws of 1961 as amended by section 5, chapter 44, Laws of 1965 ex. sess. and RCW 15.44.032; amending section 15.44.090, chapter 11, Laws of 1961 and RCW 15.44.090; adding new sections to chapter 15.44 RCW; and repealing section 15.44.025, chapter 11, Laws of 1961, section 3, chapter 44, Laws of 1965 ex. sess. and RCW 15.44.025.

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

Section 1. Section 15.44.020, chapter 11, Laws of 1961 as amended by section 2, chapter 44, Laws of 1965 ex. sess. and RCW 15.44.020 are each amended to read as follows:

There is hereby created a Washington state dairy products commission to be thus known and designated. The commission shall be composed of ((seven)) not more than ten members. There shall be one member from each district who shall be a practical producer((s)) of dairy products to be elected by such producers, one member shall be a dealer, and one member shall be a producer who also acts as a dealer, and such dealer and producer who acts as a dealer shall be appointed by the director of agriculture, and the director of agriculture ((who)) shall be an ex officio member without vote.

Sec. 2. Section 15.44.030, chapter 11, Laws of 1961 as amended by section 4, chapter 44, Laws of 1965 ex. sess. and RCW 15.44.030 are each amended to read as follows:

Each of the ((seven)) producer members of the commission shall:

(1) Be a citizen and resident of this state and the district which he represents; and

(2) Be and for the five years last preceding his election have been actually engaged in producing dairy products within this state. These qualifications must continue during each member's term of office.

The dealer member shall be actively engaged as a dealer in dairy products or employed in a dealer capacity as an officer or employee at management level in a dairy products organization.

Sec. 3. Section 15.44.032, chapter 11, Laws of 1961 as amended by section 5, chapter 44, Laws of 1965 ex. sess. and RCW 15.44.032 are each amended to read as follows:

The regular term of office of each producer member of the commission shall be three years. Commission members shall be first nominated and elected in 1966 in the manner set forth in RCW 15.44.033 and shall take office as soon as they are qualified. However, expiration of the term of the respective commission members first elected in 1966 shall be as follows:

(1) District I and II on July 1, 1967;

(2) District III and IV on July 1, 1968; and

(3) District V, VI and VII on July 1, 1969.

The respective terms shall end on July 1st of each third year thereafter. Any vacancies that occur on the commission shall be filled by appointment by the other members of the commission, and such appointee shall hold office for the remainder of the term for which he is appointed to fill, so that commission memberships shall be on a uniform staggered basis.

The term of office of the first dealer appointed by the director shall expire July 1, 1977, and the term of office of the first producer who also acts as a dealer appointed by the director shall expire on July 1, 1978. The term of office of each dealer and each producer who also acts as a dealer shall be three years or until such time as a successor is duly appointed. Any vacancy for a dealer or a producer who also acts as a dealer shall be forthwith filled by the director. The director, in making any appointments set forth herein, may consider lists of nominees supplied him by dealers or producers also acting as dealers.

Sec. 4. Section 15.44.090, chapter 11, Laws of 1961 and RCW 15.44.090 are each amended to read as follows:

All assessments shall be collected by the first dealer and deducted from the amount due the producer, and all moneys so collected shall be paid to the treasurer of the commission on or before the twentieth day of the succeeding month for the previous month's collections, and deposited by him in banks designated by the commission to the credit of the commission fund. If a dealer fails to remit any moneys so collected, or fails to make deductions for assessments, such sum shall, in addition to penalties provided in this chapter, be a lien on any property owned by him, and shall be reported to the county auditor by the commission, supported by proper and conclusive evidence, and collected in the manner and with the same priority over other creditors as prescribed for the collection of delinquent taxes.

NEW SECTION. Sec. 5. There is hereby added to chapter 15.44 RCW a new section to read as follows:

There is hereby levied on every hundredweight of Class I or Class II milk, as defined in section 6 of this 1975 amendatory act, sold by a dealer, including any milk sold by a producer who acts as a dealer, an assessment of:

(1) Five-eighths of one cent per hundredweight. Such assessment shall be in addition to the producer assessment paid by any producer who also acts as a dealer.

(2) Any additional assessment, within the power and duty of the commission to levy, such that the total assessment shall not exceed one cent per hundredweight, as required to effectuate the purpose of this section.

Such assessment may be increased by approval of dealers and producers who also act as dealers, subject to the standards set forth in RCW 15.44.130 for increasing or decreasing assessments. The funds derived from such assessment shall be used for educational programs in institutions of learning and the sum of such funds derived annually from said dealers and producers who act as dealers shall be matched by assessments derived from producers for the purpose of funding said educational purposes in institutions of learning by an amount not less than the moneys collected from dealers and producers who act as dealers.

NEW SECTION. Sec. 6. There is added to chapter 15.44 RCW a new section to read as follows:

For the purpose of section 5 of this 1975 amendatory act, class I and class II milk sold means milk from cows or goats produced by a producer as defined in RCW 15.44.010 and utilized as follows:

(1) Class I milk shall be all skim milk and butterfat:

(a) Sold in the form of fluid milk product subject to the following limitations and exceptions:

(i) Any products fortified with added nonfat milk solids shall be class I in an amount equal only to the weight of an equal volume of like unmodified product of the same butterfat content.

(ii) Fluid milk products in concentrated form shall be class I in an amount equal to the skim milk and butterfat used to produce the quantity of such products sold.

(iii) Products classified as class II pursuant to subsection (2) of this section are excepted.

(b) Packaged fluid milk products in inventory at the end of the month.

(2) Class II milk shall be all skim milk and butterfat:

(a) Used to produce ice cream, ice cream mix, frozen desserts, aerated cream products, plastic cream, soured cream dressing, yogurt, eggnog, cottage cheese, pot cheese, bakers cheese, cream cheese, neufchatel cheese, or starter; or

(b) Any milk or milk product, sterilized and either (i) packaged in hermetically sealed metal or glass containers and used to produce condensed milk and condensed skim milk, or (ii) in fluid milk products disposed of in bulk to commercial food processing establishments or producer milk sold to a commercial food processing establishment.

NEW SECTION. Sec. 7. There is added to chapter 15.44 RCW a new section to read as follows:

The commission shall delete, combine, revise, amend, or modify in any manner commission districts and boundaries by regulation as required and in accordance with the intent and provisions of this section. Commission districts established by statute prior to the effective date of this 1975 amendatory act shall remain in effect until superseded by such regulations.

The boundaries of the commission districts shall be maintained in a manner that assures each producer a representation in the commission which is reasonably equal with the representation afforded all other producers by their commission members.

The commission shall, when requested in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW as enacted or hereafter amended, or on its own initiative, hold hearings to determine if new boundaries for each commission district should be established in order to afford each producer a reasonably equal representation in the commission, and if the commission so finds it shall change the boundaries of said commission districts to carry out the proper reapportionment of producer representation on the commission: PROVIDED, That the requirement of this section for reasonable equal representation of each producer on the commission need not require an equality of representation when the commission districts east of the crest of the Cascade mountains are compared

to the commission districts west of the crest of the Cascade mountains: PROVIDED FURTHER, That the area east of the crest of the Cascade mountains shall comprise not less than two commission districts.

The commission may in carrying out this reapportionment directive reduce the number of districts presently provided by prior law, whenever it is in the best interest of the producers and if such change would maintain reasonable apportionment for each historical production or marketing area: PROVIDED, That each elected commission member whose district may be consolidated with another district shall be allowed to serve out his term of office.

If the commission fails to carry out its directive as set forth herein for equal representation of each producer on the commission the director of agriculture may upon request by ten producers institute a hearing to determine if there is reasonably equal representation for each producer on the commission. If the director of agriculture finds that such reasonably equal representation is lacking, he then shall realign the district boundaries in a manner which will provide proper representation on the commission for each producer.

NEW SECTION. Sec. 8. Section 15.44.025, chapter 11, Laws of 1961, section 3, chapter 44, Laws of 1965 ex. sess. and RCW 15.44.025 are each repealed.

Passed the Senate April 21, 1975.

Passed the House May 23, 1975.

Approved by the Governor June 2, 1975.

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

CHAPTER 137

[Engrossed Senate Bill No. 2032]

SCHOOL SUPERINTENDENTS—CONTRACT RENEWAL

AN ACT Relating to school district superintendents; and amending section 28A.58.137, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.137.

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

Section 1. Section 28A.58.137, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.137 are each amended to read as follows:

In all districts the board of directors shall elect a superintendent who shall hold a valid teacher's certificate and such other credentials as required by the state board of education. He shall have supervision over the several departments of the schools thereof and carry out such other powers and duties as prescribed by law. Notwithstanding the provisions of RCW 28A.58.100(1), the board may contract with such superintendent for a term not to exceed three years when deemed in the best interest of the district. The right to renew a contract of employment with any school superintendent shall rest solely with the discretion of the school board employing such school superintendent. Regarding such renewal contracts of

school superintendents the provisions of RCW 28A.58.450 through 28A.58.515, 28A.67.065, 28A.67.070, 28A.67.074 and 28A.88.010 shall be inapplicable.

Passed the Senate April 7, 1975.

Passed the House May 24, 1975.

Approved by the Governor June 2, 1975.

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

CHAPTER 138

[Senate Bill No. 2109]

MOTOR VEHICLES—CERTIFICATE OF OWNERSHIP— APPLICATION, INSPECTION FEES—DISPOSITION

AN ACT Relating to motor vehicles; and amending section 46.12.040, chapter 12, Laws of 1961 as amended by section 2, chapter 128, Laws of 1974 ex. sess. and RCW 46.12.040.

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

Section 1. Section 46.12.040, chapter 12, Laws of 1961 as amended by section 2, chapter 128, Laws of 1974 ex. sess. and RCW 46.12.040 are each amended to read as follows:

The application accompanied by a draft, money order, or certified bank check for one dollar, together with the last preceding certificates or other satisfactory evidence of ownership, shall be forwarded to the director.

The fee shall be in addition to any other fee for the license registration of the vehicle. The certificate of ownership shall not be required to be renewed annually, or at any other time, except as by law provided.

In addition to the application fee and any other fee for the license registration of a vehicle, there shall be collected from the applicant an inspection fee of ten dollars whenever physical examination of the vehicle is required as a part of the vehicle licensing or titling process.

~~((Such fee))~~ These fees shall be certified to the state treasurer and deposited to the credit of the ~~((highway safety))~~ motor vehicle fund.

Passed the Senate April 8, 1975.

Passed the House May 23, 1975.

Approved by the Governor June 2, 1975.

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

CHAPTER 139

[Senate Bill No. 2124]

MINE TO MARKET ROADS—REPEAL

AN ACT Relating to mine to market roads; repealing section 1, chapter 175, Laws of 1939 and RCW 78.48.010; repealing section 2, chapter 175, Laws of 1939, section 1, chapter 222, Laws of 1945 and RCW 78.48.020; repealing section 3, chapter 175, Laws of 1939, section 1, chapter 146, Laws of 1943, section 2, chapter 222, Laws of 1945 and RCW 78.48.030; repealing section 4, chapter 175, Laws of 1939, section 2, chapter 146, Laws of 1943, section 3, chapter 222, Laws of 1945 and RCW 78.48.040; repealing section 5, chapter 175, Laws of 1939, section 3, chapter 146, Laws of 1943, section 4, chapter 222, Laws of 1945 and RCW 78.48.050; repealing section 7, chapter 175, Laws of 1939, section 6, chapter 222, Laws of 1945 and RCW 78.48.060; and repealing section 6, chapter 175, Laws of 1939, section 4, chapter 146, Laws of 1943, section 5, chapter 222, Laws of

1945, section 1, chapter 49, Laws of 1951, section 36, chapter 106, Laws of 1973 and RCW 78.48.080.

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

NEW SECTION. Section 1. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 175, Laws of 1939 and RCW 78.48.010;
- (2) Section 2, chapter 175, Laws of 1939, section 1, chapter 222, Laws of 1945 and RCW 78.48.020;
- (3) Section 3, chapter 175, Laws of 1939, section 1, chapter 146, Laws of 1943, section 2, chapter 222, Laws of 1945 and RCW 78.48.030;
- (4) Section 4, chapter 175, Laws of 1939, section 2, chapter 146, Laws of 1943, section 3, chapter 222, Laws of 1945 and RCW 78.48.040;
- (5) Section 5, chapter 175, Laws of 1939, section 3, chapter 146, Laws of 1943, section 4, chapter 222, Laws of 1945 and RCW 78.48.050;
- (6) Section 7, chapter 175, Laws of 1939, section 6, chapter 222, Laws of 1945 and RCW 78.48.060; and
- (7) Section 6, chapter 175, Laws of 1939, section 4, chapter 146, Laws of 1943, section 5, chapter 222, Laws of 1945, section 1, chapter 49, Laws of 1951, section 36, chapter 106, Laws of 1973 and RCW 78.48.080.

Passed the Senate March 27, 1975.

Passed the House May 23, 1975.

Approved by the Governor June 2, 1975.

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

CHAPTER 140

[Engrossed Senate Bill No. 2126]

PUBLIC UTILITY DISTRICTS— EMPLOYMENT INTERVIEW EXPENSES

AN ACT Relating to public utility districts; and adding a new section to chapter 54.16 RCW.

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

NEW SECTION. Section 1. There is added to chapter 54.16 RCW a new section to read as follows:

When a district commission finds that a vacancy for a technical or managerial position requires special qualifications or entails responsibilities and duties of such a nature that substantial benefits will accrue to the district from personal interviews of candidates for such a vacancy to be held in the district, the district commission, by resolution adopted at a regular meeting, may authorize the payment of actual necessary travel and living expenses of such candidates incurred while in travel status.

Passed the Senate April 2, 1975.

Passed the House May 24, 1975.

Approved by the Governor June 2, 1975.

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

CHAPTER 141

[Engrossed Senate Bill No. 2227]

WALLA WALLA COMMUNITY COLLEGE—CHINA PAVILION,
SURPLUS EXPO FACILITIES—ACQUISITION

AN ACT Relating to community colleges; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby appropriated from the state general fund to the state board of community colleges for allocation to district 20, Walla Walla community college, the sum of two hundred ninety-two thousand seven hundred twenty-five dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1977, for the purpose of providing funds for the acquisition of the republic of China's exposition pavilion located at Spokane, Washington, including (1) the removal of the said pavilion to the campus of the Walla Walla community college, (2) the placement of such pavilion on the said campus, (3) the provision of utility services, (4) all necessary improvements to the site at Walla Walla community college and the refurbishing and equipping of the pavilion as may be required for its use as a performing arts facility, and (5) the repair of the exposition site of the said pavilion from which it will be removed as required by the Spokane exposition: PROVIDED, That the amount of \$292,725 of the Phase II appropriation, or as much thereof as is available following completion of the Phase II facilities authorized under the provisions of section 2 of this act, shall be reimbursed to the state general fund.

NEW SECTION. Sec. 2. In addition to the authority granted in section 1 of this act, Walla Walla community college is hereby authorized to make necessary allotment adjustments, with the concurrence of the state board for community college education and the governor, within their 1973 Phase Two Budget Appropriation, for the acquisition, relocation, siting, refurbishing, and equipping of any surplus expo facilities on the Walla Walla community college campus for such purposes as housing the Phase Two vocational programs if such programs can thereby be more economically accommodated than with new facilities as originally authorized in the 1973 Appropriation Phase Two.

NEW SECTION. Sec. 3. 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 Senate March 14, 1975.

Passed the House May 23, 1975.

Approved by the Governor June 2, 1975.

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

CHAPTER 142

[Senate Bill No. 2309]

FEDERAL VETERANS' FACILITIES—
CONCURRENT STATE JURISDICTION

AN ACT Relating to federal areas and jurisdiction; and adding a new section to chapter 37.08 RCW.

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

NEW SECTION. Section 1. There is added to chapter 37.08 RCW a new section to read as follows:

Upon the filing of an appropriate notice thereof with the governor by the administrator of veterans affairs, an agency of the United States of America, pursuant to the provisions of section 302 of Public Law 93-82 (87 Stat. 195; 38 U.S.C. Sec. 5007), the governor is hereby authorized and directed to accept such legislative jurisdiction as is necessary to establish concurrent jurisdiction between the United States and the state of Washington to all land comprising the veterans hospital located at Vancouver in Clark county, Washington; the veterans administration hospital located at Walla Walla in Walla Walla county, Washington, and the veterans administration hospital located at American Lake in Pierce county, Washington. The acquisition of such concurrent jurisdiction shall become effective upon filing the documents signifying such acceptance in the office of the secretary of state.

Passed the Senate March 20, 1975.

Passed the House May 23, 1975.

Approved by the Governor June 2, 1975.

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

CHAPTER 143

[Engrossed Senate Bill No. 2607]

PRIORITY PROGRAMMING FOR HIGHWAY DEVELOPMENT

AN ACT Relating to highways; amending section 3, chapter 173, Laws of 1963 as last amended by section 4, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.030; amending section 4, chapter 173, Laws of 1963 as last amended by section 5, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.040; adding new sections to chapter 173, Laws of 1963 and to chapter 47.05 RCW; and repealing section 5, chapter 173, Laws of 1963, section 5, chapter 39, Laws of 1969 ex. sess., section 6, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.050.

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

Section 1. Section 3, chapter 173, Laws of 1963 as last amended by section 4, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.030 are each amended to read as follows:

The state highway commission shall adopt and periodically revise after consultation with the legislative transportation committee and senate and house transportation and utilities committees a long range plan for highway improvements, specifying highway planning objectives ((to be accomplished within a)) for each of the highway categories, "A", "B", and "C", defined in this section, based upon needs for the ensuing fourteen year advance planning period, and within the

framework of revenue estimates for such period. The plan shall be based upon the ~~((construction))~~ improvement needs for state highways as determined ~~((and segregated according to functional class))~~ by the highway commission from time to time.

With such reasonable deviations as may be required to effectively utilize the available funds and to adjust to unanticipated delays in programmed projects, the highway commission shall allocate the estimated available funds among the following described categories of highway improvements, so as to carry out ~~((such rates of completion))~~ the commission's highway planning objectives within a fourteen year advance planning period ~~((on that part of the national system of interstate and defense highways on which the federal government participates financially at the interstate rate under federal law and regulations, on the parts of the national system of interstate and defense highways on which federal aid participation is less than the regular interstate rate under federal law and regulations; and on the remaining four functional classes as the highway commission, acting pursuant to reasonable rules and regulations adopted by the commission, shall determine to be necessary in order to maintain a balanced development of the state's highway system, considering primarily the following factors:~~

(a) ~~The relative remaining needs of each functional class of highways;~~
 (b) ~~The estimated available funds;~~
 (c) ~~Continuity of future developments with those previously programmed; and~~
 (d) ~~Graduation of rates of completion according to functional class importance):~~

(1) Category A shall consist of those improvements necessary to sustain the structural, safety, and operational integrity of the existing state highway system (other than improvements to the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations).

(2) Category B shall consist of improvements for the continued development of the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations.

(3) Category C shall consist of the development of major transportation improvements (other than improvements to the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations) including designated but unconstructed highways which are vital to the state-wide transportation network.

NEW SECTION. Sec. 2. There is added to chapter 173, Laws of 1963 and to chapter 47.05 RCW a new section to read as follows:

(1) The commission, in preparing the long-range plan for highway improvements, shall allocate the estimated revenues for the fourteen year period among categories A, B, and C, giving primary consideration to the following factors:

(a) The relative needs in each of the categories of improvements;
 (b) The need to provide adequate funding for category A improvements to protect the state's investment in its existing highway system; and
 (c) The continuity of future highway development of all categories of improvements with those previously programmed.

(2) The commission in preparing the long-range plan shall establish graduated rates of development of category A improvements according to functional class importance.

Sec. 3. Section 4, chapter 173, Laws of 1963 as last amended by section 5, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.040 are each amended to read as follows:

(1) Prior to October 1 of each even-numbered year, the state highway commission shall adopt and thereafter shall biennially revise after consultation with the legislative transportation committee and senate and house transportation and utilities committees a comprehensive six-year program and financial plan for highway construction, maintenance, and planning activities.

(2) The highway construction program for the ensuing six years shall ~~((apply))~~ allocate to category A improvements as a whole, and then to each of the five functional classes of state highways, that percentage of the estimated available construction funds as will be necessary to accomplish the commission's long range plan for highway improvements. The commission shall then apportion the available category A construction funds, according to functional class, among the several highway districts in the proportion that the estimated remaining category A improvement needs for each functional class of highway within each highway district bears to the total of such estimated needs for each functional class remaining unsatisfied throughout the state.

(3) The commission shall allocate to category B improvements for the ensuing six years, the estimated available federal aid interstate funds and state matching funds as necessary to accomplish the commission's long-range plan for category B highway improvements throughout the state.

(4) The commission shall allocate to category C improvements for the ensuing six years, the remaining estimated available construction funds to accomplish to the extent possible the commission's long-range plan for category C highway improvements throughout the state.

NEW SECTION. Sec. 4. There is added to chapter 173, Laws of 1963 and to chapter 47.05 RCW a new section to read as follows:

(1) The six year comprehensive highway construction program for each category of improvements shall be based upon a priority selection system within the budget limits established for the category. The commission using the criteria set forth in RCW 47.05.030, as now or hereafter amended, shall determine the category of each highway improvement.

(2) Selection of specific category A projects for the six year program shall be based on the priority of each highway section proposed to be improved or constructed in relation to other highway sections within the same functional class and within the respective highway district taking into account the criteria set forth in subsection (4) of this section.

(3) Selection of specific category B projects for the six year program shall be based on the priority of each interstate system highway section proposed to be improved or constructed in relation to other interstate highway sections within the state taking into account the criteria set forth in subsection (4) of this section.

(4) The priority of each category A and B project as provided in subsections (2) and (3) of this section shall be determined in accordance with the following criteria (not necessarily in order of importance):

- (a) Its structural ability to carry loads imposed upon it;
- (b) Its capacity to move traffic at reasonable speeds without undue congestion;
- (c) Its adequacy of alignment and related geometrics;
- (d) Its accident experience; and
- (e) Its fatal accident experience.

(5) Selection of specific category C projects for the six year program shall be based on the priority of each highway section proposed to be improved in relation to other highway sections within the state with full regard to the structural, geometric, safety, and operational adequacy of the existing highway section taking into account the following:

- (a) Continuity of development of the highway transportation network;
- (b) Coordination with the development of other modes of transportation;
- (c) The stated long-range goals of the local area and its transportation plan;
- (d) Its potential social, economic, and environmental impacts;
- (e) Public views concerning proposed improvements;
- (f) The conservation of energy resources and the capacity of the transportation corridor to move people and goods safely and at reasonable speeds; and
- (g) Feasibility of financing the full proposed improvement.

(6) The commission in selecting any project for improvement in categories A, B, or C may depart from the priority of projects so established (a) to the extent that otherwise funds cannot be utilized feasibly within the program, (b) as may be required by a court judgment, legally binding agreement or state and federal laws and regulations, (c) as may be required to coordinate with federal, local or other state agency construction projects, (d) to take advantage of some substantial financial benefit that may be available, (e) for continuity of route development, or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority of projects.

(7) The six year construction program shall be revised biennially in accordance with revisions in functional classification or priority ratings resulting from changed conditions. The program shall be extended for an additional two years, to six years in the future, on July 1st of each odd-numbered year.

NEW SECTION. Sec. 5. Section 5, chapter 173, Laws of 1963, section 5, chapter 39, Laws of 1969 ex. sess., section 6, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.050 are each hereby repealed.

NEW SECTION. Sec. 6. There is added to chapter 173, Laws of 1963 and to chapter 47.05 RCW a new section to read as follows:

The provisions of this 1975 amendatory act modifying existing procedures for priority programming for highway development as set forth in chapter 47.05 RCW, shall first apply to the long-range plan for improvements for the period 1977 to 1991, and shall first apply to the preparation of the six year highway construction program for the period 1977 to 1983. For the biennium ending June 30, 1977, the commission may deviate from the existing long range plan and the six

year plan whenever it shall determine that further development of any project, regardless of location or functional class, may be incompatible with the modified procedures prescribed by this 1975 amendatory act and the long range plan and the six year plan being developed pursuant thereto for the periods 1977 to 1991 and 1977 to 1983 respectively.

Passed the Senate March 31, 1975.

Passed the House May 24, 1975.

Approved by the Governor June 2, 1975.

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

CHAPTER 144

[Substitute Senate Bill No. 2725]

STATE OFFICERS AND EMPLOYEES— DEFENSE AGAINST CRIMINAL PROSECUTION

AN ACT Relating to state officers and employees; and adding a new section to chapter 10.01 RCW.

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

NEW SECTION. Section 1. There is added to chapter 10.01 RCW a new section to read as follows:

Whenever a state officer or employee is charged with a criminal offense arising out of the performance of an official act which was fully in conformity with established written rules, policies, and guidelines of the state or state agency, the employing agency may request the attorney general to defend the officer or employee. If the agency finds, and the attorney general concurs, that the officer's or employee's conduct was fully in accordance with established written rules, policies, and guidelines of the state or a state agency and the act performed was within the scope of employment, then the request shall be granted and the costs of defense shall be paid by the requesting agency: PROVIDED, HOWEVER, If the agency head is the person charged, then approval must be obtained from both the attorney general and the state auditor. If the court finds that the officer or employee was performing an official act, or was within the scope of employment, and that his actions were in conformity with the established rules, regulations, policies, and guidelines of the state and the state agency, the cost of any monetary fine assessed shall be paid from the tort claims revolving fund.

Passed the Senate April 22, 1975.

Passed the House May 23, 1975.

Approved by the Governor June 2, 1975.

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

CHAPTER 145

[Senate Bill No. 2861]

LAW AGAINST DISCRIMINATION—STUDENT HOUSING

AN ACT Relating to the laws against discrimination; and amending section 4, chapter 167, Laws of 1969 ex. sess. as amended by section 13, chapter 141, Laws of 1973 and RCW 49.60.222.

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

Section 1. Section 4, chapter 167, Laws of 1969 ex. sess. as amended by section 13, chapter 141, Laws of 1973 and RCW 49.60.222 are each amended to read as follows:

It is an unfair practice for any person, whether acting for himself or another, because of sex, marital status, race, creed, color or national origin:

- (1) To refuse to engage in a real estate transaction with a person;
- (2) To discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;
- (3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
- (4) To refuse to negotiate for a real estate transaction with a person;
- (5) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property;
- (6) To print, circulate, post or mail or cause to be so published a statement, advertisement or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;
- (7) To offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;
- (8) To expel a person from occupancy of real property; ~~((or))~~
- (9) To discriminate in the course of negotiating, executing ~~((of [or]))~~ or financing a real estate transaction whether by mortgage, deed of trust, contract or other instrument imposing a lien or other security in real property or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction. Nothing in this section shall limit the effect of RCW 49.60.176 relating to unfair practices in credit transactions~~((:))~~; or
- (10) To attempt to do any of the unfair practices defined in this section.

Notwithstanding any other provision of law, it shall not be an unfair practice or a denial of civil rights for any public or private educational institution to separate the sexes or give preference to or limit use of dormitories, residence halls or other student housing to persons of one sex or to make distinctions on the basis of marital or family status.

Passed the Senate April 9, 1975.

Passed the House May 24, 1975.

Approved by the Governor June 2, 1975.

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

CHAPTER 146

[Senate Bill No. 2910]

MOTOR VEHICLE LICENSES, ETC.—
APPLICATION FEES, AMOUNT, DISPOSITION

AN ACT Relating to fees for vehicle license applications; and amending section 46.08.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 103, Laws of 1973 and RCW 46.01.140.

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

Section 1. Section 46.08.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 103, Laws of 1973 and RCW 46.01.140 are each amended to read as follows:

The county auditor, if appointed by the director of motor vehicles shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

At any time any application is made to the director, the county auditor or other agent pursuant to any law dealing with licenses, certificates of ownership, registration, the right to operate any vehicle upon the public highways of this state, the applicant shall pay to the director, county auditor or other agent a fee of ~~((fifty cents))~~ one dollar for each application in addition to any other fees required by law, which fee of ~~((fifty cents))~~ one dollar, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. In the event that such fee is paid to another agent of the director, such fee shall be used by such agent to defray his expenses in handling the application: PROVIDED, That in the event such fee is collected by the state patrol, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

Passed the Senate April 15, 1975.

Passed the House May 23, 1975.

Approved by the Governor June 2, 1975.

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

CHAPTER 147

[Substitute House Bill No. 62]

COUNTY EMERGENCY MEDICAL SERVICES—FIRE
PROTECTION DISTRICT AMBULANCE SERVICE—CHARGES

AN ACT Relating to emergency medical services; adding a new section to chapter 36.01 RCW; adding a new section to chapter 52.36 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 36.01 RCW a new section to read as follows:

Any county may establish a system of emergency medical service as defined by RCW 18.73.030(11). The county legislative authority may adopt by resolution procedures to collect reasonable fees in order to reimburse the county in whole or in part for its costs of providing such service: PROVIDED, That any county which provides emergency medical services supported by an excess levy may waive such charges for service: PROVIDED FURTHER, That whenever the county legislative authority determines that the county or a substantial portion of the county is not adequately served by existing private ambulance service, and existing private ambulance service cannot be encouraged to expand service on a contract basis, the emergency medical service that is established by the county shall not be deemed to compete with any existing private ambulance service as provided for in RCW 36.01.100.

NEW SECTION. Sec. 2. There is added to chapter 52.36 RCW a new section to read as follows:

Any fire protection district which provides ambulance service pursuant to RCW 52.08.030, may pursuant to a resolution establish and collect charges for such services in order to reimburse the district for all costs of providing such service: PROVIDED, That any fire protection district which provides such ambulance service supported by an excess levy may waive such charges for service.

NEW SECTION. Sec. 3. 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 23, 1975.

Passed the Senate May 22, 1975.

Approved by the Governor June 2, 1975.

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

CHAPTER 148

[House Bill No. 265]

TEACHERS' RETIREMENT BENEFITS—FUNDING

AN ACT Relating to teachers' retirement; amending section 7, chapter 35, Laws of 1970 ex. sess. as amended by section 3, chapter 147, Laws of 1972 ex. sess. and RCW 41.32.4943; repealing section 4, chapter 22, Laws of 1961 ex. sess. and RCW 41.32.4941; and repealing section 7, chapter 151, Laws of 1967 and RCW 41.32.4942.

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

Section 1. Section 7, chapter 35, Laws of 1970 ex. sess. as amended by section 3, chapter 147, Laws of 1972 ex. sess. and RCW 41.32.4943 are each amended to read as follows:

The funds necessary for the payment of benefits under subsections (4), (5), (6) and (7) of RCW 41.32.4932 (~~shall be provided on a biennial basis as payment of benefits are due and shall constitute a separate appropriation transfer from the state general fund to the teachers' retirement system and shall include such separate transfer of funds as now required for the payment of benefits under~~), RCW

41.32.493, 41.32.4931, 41.32.494, (~~and RCW 28.81.170 (re-enacted as RCW 28B-10.465), 41.32.480 and~~); 41.32.561 (~~as amended in chapter 151, Laws of 1967, regular session~~); and the funds required for the payment of benefits under RCW 41.32.480, 41.32.497, 41.32.498, and 41.32.550 (~~as the same were amended by chapter 35, Laws of 1970 ex. sess.~~;) shall be provided in accordance with RCW 41.32.401.

NEW SECTION. Sec. 2. The following acts or parts of acts are each hereby repealed:

- (1) Section 4, chapter 22, Laws of 1961 ex. sess. and RCW 41.32.4941; and
- (2) Section 7, chapter 151, Laws of 1967 and RCW 41.32.4942.

Passed the House May 7, 1975.

Passed the Senate May 23, 1975.

Approved by the Governor June 2, 1975.

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

CHAPTER 149

[House Bill No. 314]

WORLD FAIR BOND REDEMPTION FUND— ABOLISHED, DISPOSITION OF MONEYS

AN ACT Relating to the world fair bond redemption fund; and amending section 43.31.525, chapter 8, Laws of 1965 and RCW 43.31.525.

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

Section 1. Section 43.31.525, chapter 8, Laws of 1965 and RCW 43.31.525 are each amended to read as follows:

The department of commerce and economic development, with the approval of the commission, is authorized to sell or otherwise dispose of any property acquired or constructed by it under the provisions of RCW 43.31.500 through 43.31.640: PROVIDED, That the sale price, or valuable consideration to be received with or without interest, shall not be less than one hundred percent of the purchase price of the real property acquired by the state for fair purposes and fifty percent of the construction cost of the principal state building constructed for world fair or exposition use by the department: PROVIDED FURTHER, That ~~((proceeds of the sale as herein provided shall be deposited in the world fair bond redemption fund created under the provisions of RCW 43.31.620))~~ when all outstanding obligations payable from the world fair bond redemption fund are paid, redeemed, and retired, the remaining balance therein shall be transferred to the state general fund and all subsequent receipts otherwise payable to the world fair bond redemption fund including, but not limited to receipts as set forth in this section, shall instead be credited to the state general fund. The world fair bond redemption fund as created by RCW 43.31.620(1) is abolished as of the effective date of this amendatory act.

Passed the House March 14, 1975.

Passed the Senate May 23, 1975.

Approved by the Governor June 2, 1975.

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

CHAPTER 150

[House Bill No. 595]

CAMPING CLUBS

AN ACT Relating to camping clubs; amending section 12, chapter 106, Laws of 1972 ex. sess. and RCW 19.105.120; adding new sections to chapter 106, Laws of 1972 ex. sess. and to chapter 19.105 RCW; and prescribing penalties.

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

Section 1. Section 12, chapter 106, Laws of 1972 ex. sess. and RCW 19.105.120 are each amended to read as follows:

It shall be unlawful for any person ((who knowingly sells memberships)) to sell or offer to sell a membership or an option to purchase a membership in a camping club for which a promotion permit ((has not been issued or)) is not currently in force ((shall be guilty of a gross misdemeanor and may be fined an amount up to one thousand dollars. It shall be a defense to any prosecution brought under this section that the defendant was or is a bona fide member of a camping club at the time of his selling his single membership therein)) unless the membership being sold is held by a member for his own personal use as a bona fide membership in the camping club.

NEW SECTION. Sec. 2. There is added to chapter 106, Laws of 1972 ex. sess. and to chapter 19.105 RCW a new section to read as follows:

It is unlawful for any person to make or cause to be made, in any document filed with the director or in any proceeding under this chapter, any statement that is, at the time and in light of the circumstances under which it is made, false or misleading in any material respect.

NEW SECTION. Sec. 3. There is added to chapter 106, Laws of 1972 ex. sess. and to chapter 19.105 RCW a new section to read as follows:

Any person who wilfully violates any provisions of this chapter or any rules or order under this chapter commits a gross misdemeanor; but no person may be convicted for the violation of any order if he proves that he had no knowledge of the order. No indictment or information may be returned under this chapter more than five years after the alleged violation.

NEW SECTION. Sec. 4. There is added to chapter 106, Laws of 1972 ex. sess. and to chapter 19.105 RCW a new section to read as follows:

The director may refer such evidence as may be available concerning violations of this chapter or of any rule or order hereunder to the attorney general or the proper prosecuting attorney who may in his discretion, with or without such a reference, institute the appropriate civil or criminal proceedings under this chapter.

NEW SECTION. Sec. 5. There is added to chapter 106, Laws of 1972 ex. sess. and to chapter 19.105 RCW a new section to read as follows:

Nothing in this chapter limits the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law.

NEW SECTION. Sec. 6. There is added to chapter 106, Laws of 1972 ex. sess. and to chapter 19.105 RCW a new section to read as follows:

The director in his discretion (1) may annually, or more frequently, make such public or private investigations within or without this state as he deems necessary to determine whether any registration should be granted, denied or revoked or whether any person has violated or is about to violate any provisions of this chapter or any rule or order hereunder, or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder and (2) may publish information concerning any violation of this chapter or any rule or order hereunder.

NEW SECTION. Sec. 7. There is added to chapter 106, Laws of 1972 ex. sess. and to chapter 19.105 RCW a new section to read as follows:

For the purpose of any investigation or proceeding under this chapter, the director or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the director deems relevant or material to the inquiry.

In case of disobedience on the part of any person to comply with any subpoena lawfully issued by the director, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, the superior court of any county or the judge thereof, on application of the director, and after satisfactory evidence of wilful disobedience, may compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such a court on a refusal to testify therein.

NEW SECTION. Sec. 8. There is added to chapter 106, Laws of 1972 ex. sess. and to chapter 19.105 RCW a new section to read as follows:

Whenever it appears to the director that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule or order hereunder, he may in his discretion:

(1) Issue an order directing the person to cease and desist from continuing the act or practice: **PROVIDED**, That reasonable notice of and opportunity for a hearing shall be given: **PROVIDED, FURTHER**, That the director may issue a temporary order pending the hearing which shall be effective upon delivery to the person affected and which shall remain in effect until ten days after the hearing is held and which shall become final if the person to whom notice is addressed does not request a hearing within fifteen days after receipt of notice; or

(2) The director may without issuing a cease and desist order, bring an action in any court of competent jurisdiction to enjoin any such acts or practices and to enforce compliance with this chapter or any rule or order hereunder. Upon a proper showing a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The director may not be required to post a bond.

NEW SECTION. Sec. 9. There is added to chapter 106, Laws of 1972 ex. sess. and to chapter 19.105 RCW a new section to read as follows:

A permit to promote and sell camping club memberships shall be effective for one year from the date it is issued. The permit may be renewed for additional periods of one year by the payment of a filing fee of fifty dollars and filing with the

director, no later than twenty days prior to the expiration thereof, a renewal application containing such information as the director may require to indicate any substantial changes from the information contained in the original application: PROVIDED, That the Director is not authorized to impose additional material substantive rules upon a permit holder as a condition for the issuance of a renewal permit under this section. A permit to promote and sell camping club memberships for which a renewal application has been regularly filed and the filing fee paid is renewed on the anniversary date of its original issuance unless written notice to the contrary has been mailed to the promoter by the director three days prior to that anniversary date. The director may require the filing of a revised offering circular as a condition of renewal. Further, the director may require the filing of current financial statements within one hundred twenty days of the end of the promoter's fiscal year.

Any permit to promote and sell camping club memberships issued prior to the effective date of this 1975 amendatory act shall be subject to the renewal provisions of this section upon the anniversary date of the issuance of the original permit.

Passed the House April 2, 1975.

Passed the Senate May 23, 1975.

Approved by the Governor June 2, 1975.

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

CHAPTER 151

[House Bill No. 752]

SCHOOL DISTRICTS—BUDGETS, DELAY— PERMISSIBLE EXPENDITURES

AN ACT Relating to school district budgets; amending section 28A.65.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 26, Laws of 1972 ex. sess. and RCW 28A.65.170; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.65 RCW.

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

Section 1. Section 28A.65.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 26, Laws of 1972 ex. sess. and RCW 28A.65.170 are each amended to read as follows:

The budget as finally adopted shall constitute the appropriations of the district for the ensuing fiscal year and the board of directors shall be limited in the making of expenditures and the incurring of liabilities to the grand total of such appropriations. The board of directors shall make no expenditures nor incur any liability for any purpose not provided for in said budget, except for emergencies as hereinabove provided: PROVIDED, That (~~no board of directors shall be prohibited from making expenditures for the payment of regular employees, for the necessary repairs and upkeep of the school plant, for the purchase of books and supplies, and for their participation in joint purchasing agencies authorized in RCW 28A.58.107 during the interim while the budget is being settled. PROVIDE FURTHER, That~~) transfers between budget classes may be made by the school district's chief administrative officer or finance officer, subject to such regulations as may be imposed by the school district board of directors: PROVIDED

FURTHER, That over-expenditures made in violation of this statute shall not be a liability of said district. Directors, officers or employees who knowingly or negligently violate or participate in a violation of this statute by the making of expenditures, incurring of liabilities, or issuing of warrants in excess of appropriations may be held civilly liable jointly and severally for all consequential damages, or not less than three hundred dollars as liquidated damages, for each such violation. If as a result of a civil or criminal action the violation is found to have been done knowingly, such director, officer or employee who is found to have participated in such breach shall immediately forfeit his office or employment and the judgment in such action shall so provide. Nothing in this section shall be construed to limit the duty of the attorney general to recover from any director, officer, employee, or other person in a civil action under RCW 43.09.260 as now or hereafter amended.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.65 RCW a new section to read as follows:

If for any reason the preliminary or final budget of a school district has not been adopted or approved on or before the time limits provided for in this chapter, the board of directors of the school districts nevertheless may make expenditures for the payment of regular employees, for the necessary repairs and upkeep of the school plant, for the purchase of books and supplies, and for the district's participation in joint purchasing agencies authorized by RCW 28A.58.107 during the interim period while the budget is being settled.

Passed the House May 1, 1975.

Passed the Senate May 23, 1975.

Approved by the Governor June 2, 1975.

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

CHAPTER 152

[Substitute House Bill No. 932]

COMMERCIAL FISHING—FEDERAL COURT DECISION IMPACT—LOAN ASSISTANCE

AN ACT Relating to commercial fishing; amending section 75.04.010, chapter 12, Laws of 1955 and RCW 75.04.010; adding a new chapter to Title 75 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds that the economic health and stability of the commercial fishing industry is of paramount importance to the people of this state. The recent federal court decision, *United States of America et al v. State of Washington et al*, Civil No. 9213, United States District Court for the Western District of Washington, February 12, 1974, together with department of fisheries compliance therewith, have had an adverse impact on this economic health and stability. The public welfare requires that the state have the authority to transmit federal funds in the form of loans to eligible productive commercial fishermen.

Retaining productive commercial fishermen in the state's fishery will enhance productivity by the fishing industry, will improve economic opportunity for those

fishermen dependent upon the resource as a source of income, and will contribute to sound conservation and harvesting programs affecting this important state fishery resource. It is the intention of the legislature to provide assistance to productive commercial fishermen who are adversely affected by the current economic situation in the state's commercial fishery.

Sec. 2. Section 75.04.010, chapter 12, Laws of 1955 and RCW 75.04.010 are each amended to read as follows:

Terms used in this title or in any rule or regulation of the director of fisheries shall have the meaning given to them in this chapter unless the context clearly indicates otherwise.

NEW SECTION. Sec. 3. As used in this chapter the terms in this section shall have the meanings indicated unless the context indicates otherwise.

(1) "Case area" shall have the meaning as defined in *United States of America, et al v. State of Washington, et al, Civil No. 9213, United States District Court for the Western District of Washington, February 12, 1974*, which is: "That portion of the State of Washington west of the Cascade Mountains and north of the Columbia River drainage area, and includes the American portion of the Puget Sound watershed, the watersheds of the Olympic Peninsula north of the Grays Harbor watershed, and the offshore waters adjacent to those areas". The director is authorized to modify the definition of "case area" to correspond to any subsequent definition included in a relevant decision of the same court, or in appellate review thereof, or where fishing rights are affected by some other court decision in a manner consistent with the above-mentioned decision.

(2) "Department" means the department of general administration.

(3) "Director" means the director of the department of general administration.

NEW SECTION. Sec. 4. The department is empowered to make loans which the department determines to be necessary and appropriate to commercial fishermen. To be eligible a commercial fisherman shall:

(1) Own a commercial fishing vessel;

(2) Have been licensed to fish or deliver fish in 1974 in the case area;

(3) Have been adversely affected by a fishing season in 1974 in the case area which was substantially restricted by the department of fisheries as a result of compliance with the federal court decision;

(4) Be currently licensed to fish or deliver fish;

(5) Be determined to be a productive commercial fisherman by the department in cooperation with the department of fisheries by an analysis of individual fish catch records for the calendar years 1972, 1973, 1974, and/or 1975; and

(6) Be determined by the department to have been primarily dependent on commercial fishing for his or her earned income during at least one of the calendar years 1972, 1973, 1974, or 1975.

NEW SECTION. Sec. 5. (1) Loans made pursuant to section 4 of this 1975 amendatory act shall be used only to pay accrued and past due interest payments owing on obligations whose proceeds were used for the construction, reconstruction, or purchase of a commercial fishing vessel and shall not exceed the amount of such interest payments falling due during 1974 and 1975.

(2) No loan assistance provided under this chapter shall be made available to any fisherman who participates or seeks to participate in any aspect of the program administered through funds made available from the "vessel, gear, and permit reduction fund" if such fund is established pursuant to separate legislation.

(3) The provisions of subsections (1) and (2) of this section shall be subject to the following additional restrictions and limitations:

(a) No financial assistance shall be extended pursuant to this chapter unless the financial assistance applied for is not otherwise available on reasonable terms.

(b) No loan under this chapter shall be made if the total amount outstanding and committed to the borrower from the interest payment loan fund established by section 8 of this 1975 amendatory act would exceed ten thousand dollars or is less than five hundred dollars.

(c) The rate of interest to be charged by the department for any such loan shall be at the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of one percent, plus one-quarter of one percent per annum.

(d) No such loan, including renewals or extensions thereof, may be made for a period or periods exceeding two years.

(e) All loans made pursuant to this chapter shall be of such sound value or so secured as reasonably to assure repayment.

(4) The director may establish priority classes of persons who might first qualify for loans under the provisions of this chapter in order that the purposes and objectives of the chapter shall be accomplished.

NEW SECTION. Sec. 6. The director shall promulgate rules and regulations concerning the operation of such program in accordance with the provisions of chapter 34.04 RCW. The director may enlist the aid of such other state agencies to assist the department in the administration of the provisions of this chapter. To minimize the impact of this program on other ongoing state activities as well as on current staffing levels, the director shall have the authority to contract with persons or entities not employed by the state to assist in the administration of the provisions of this chapter.

NEW SECTION. Sec. 7. The provisions of this chapter shall become effective only upon receipt by the department from the federal government of funds in an amount sufficient to administer such provisions and to accomplish the purposes of this chapter. If such funds are not received or authorized prior to January 1, 1976, this chapter shall expire on said date, and shall be null and void and without any further force and effect on such date without any further action by the legislature.

NEW SECTION. Sec. 8. The department is empowered to receive and accept funds from the federal government for the administration of this program as authorized in the provisions of this chapter. There is created within the department a fund to be known as the "interest payment loan fund", which shall be used for the disbursement of loan moneys as provided in this chapter, and for the administration of the provisions of this chapter. This fund shall be credited with any federal funds received to carry out the purposes of this chapter and shall also be credited with all repayments of loans, payments of interest, and other receipts arising out

of transactions entered into by the department pursuant to the provisions of this chapter. The director shall have the full power to invest and reinvest such funds in those classes of securities described in the provisions of RCW 43.84.150.

NEW SECTION. Sec. 9. No application for participation in the program provided for in this chapter shall be accepted by the department later than December 31, 1976.

NEW SECTION. Sec. 10. Section 1 and sections 3 through 9 of this 1975 amendatory act shall constitute a new chapter in Title 75 RCW.

NEW SECTION. Sec. 11. This 1975 amendatory 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 15, 1975.

Passed the Senate May 23, 1975.

Approved by the Governor June 2, 1975.

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

CHAPTER 153

[House Bill No. 1031]

LINCOLN COUNTY JUSTICES OF THE PEACE— REDUCTION IN NUMBER

AN ACT Relating to justices of the peace; and amending section 10, chapter 299, Laws of 1961 as last amended by section 1, chapter 14, Laws of 1973 1st ex. sess. and RCW 3.34.010.

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

Section 1. Section 10, chapter 299, Laws of 1961 as last amended by section 1, chapter 14, Laws of 1973 1st ex. sess. and RCW 3.34.010 are each amended to read as follows:

The number of justices of the peace to be elected in each county shall be: Adams, three; Asotin, one; Benton, two; Chelan, one; Clallam, one; Clark, four; Columbia, one; Cowlitz, two; Douglas, one; Ferry, two; Franklin, one; Garfield, one; Grant, one; Grays Harbor, two; Island, three; Jefferson, one; King, twenty; Kitsap, two; Kittitas, two; Klickitat, two; Lewis, two; Lincoln, ~~((two))~~ one; Mason, one; Okanogan, two; Pacific, three; Pend Oreille, two; Pierce, eight; San Juan, one; Skagit, three; Skamania, one; Snohomish, eight; Spokane, eight; Stevens, two; Thurston, one; Wahkiakum, one; Walla Walla, three; Whatcom, two; Whitman, two; Yakima, six: PROVIDED, That this number may be increased in accordance with a resolution of the county commissioners under RCW 3.34.020.

Passed the House May 12, 1975.

Passed the Senate May 23, 1975.

Approved by the Governor June 2, 1975.

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

CHAPTER 154

[House Bill No. 2]

INSURANCE COMPANY INVESTMENTS—PUBLIC LANDS
AGRICULTURAL LEASEHOLD ESTATE OBLIGATIONS

AN ACT Relating to insurance company investments; amending section .13.11, chapter 79, Laws of 1947 as amended by section 4, chapter 241, Laws of 1969 ex. sess. and RCW 48.13.110.

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

Section 1. Section .13.11, chapter 79, Laws of 1947 as amended by section 4, chapter 241, Laws of 1969 ex. sess. and RCW 48.13.110 are each amended to read as follows:

An insurer may invest any of its funds in:

(1)(a) Bonds or evidences of debt which are secured by first mortgages or deeds of trust on improved unencumbered real property located in the United States;

(b) Chattel mortgages in connection therewith pursuant to RCW 48.13.150;

(c) The equity of the seller of any such property in the contract for a deed, covering the entire balance due on a bona fide sale of such property, in amount not to exceed ten thousand dollars or the amount permissible under RCW 48.13-.030, whichever is greater, in any one such contract for deed.

(2) Purchase money mortgages or like securities received by it upon the sale or exchange of real property acquired pursuant to RCW 48.13.160 as amended in section 7 of this 1969 amendatory act.

(3) Bonds or notes secured by mortgage or trust deed guaranteed or insured by the Federal Housing Administration under the terms of an act of congress of the United States of June 27, 1934, entitled the "National Housing Act," as amended.

(4) Bonds or notes secured by mortgage or trust deed guaranteed or insured as to principal in whole or in part by the Administrator of Veterans' Affairs pursuant to the provisions of Title III of an act of congress of the United States of June 22, 1944, entitled the "Servicemen's Readjustment Act of 1944," as amended.

(5) Evidences of debt secured by first mortgages or deeds of trust upon leasehold estates, except agricultural leaseholds executed pursuant to RCW 79.01.096, running for a term of not less than fifteen years beyond the maturity of the loan as made or as extended, in improved real property, otherwise unencumbered, and if the mortgagee is entitled to be subrogated to all the rights under the leasehold.

(6) Evidences of debt secured by first mortgages or deeds of trust upon agricultural leasehold estates executed pursuant to RCW 79.01.096, otherwise unencumbered, and if the mortgagee is entitled to be subrogated to all the rights under the leasehold.

Passed the House May 26, 1975.

Passed the Senate May 23, 1975.

Approved by the Governor June 3, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 155

[Substitute House Bill No. 67]

COUNCIL-MANAGER CODE CITIES—
ELECTION OF MAYOR

AN ACT Relating to the election of mayors in code cities; amending section 35A.13.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.13.020; amending section 35A.13.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.13.030; and adding a new section to chapter 35A.13 RCW.

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

Section 1. Section 35A.13.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.13.020 are each amended to read as follows:

In council-manager code cities, eligibility for election to the council, the manner of electing councilmen, the numbering of council positions, the terms of councilmen, the occurrence and the filling of vacancies, the grounds for forfeiture of office, and appointment of a mayor pro tempore or deputy mayor or councilman pro tempore shall be governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a code city organized under the mayor-council plan: PROVIDED, That in council-manager cities where all council positions are at-large positions, the city council may, pursuant to section 3 of this amendatory act, provide that the person elected to council position one on or after the effective date of this amendatory act, shall be the council chairman and shall carry out the duties prescribed by RCW 35A.13.030, as now or hereafter amended.

Sec. 2. Section 35A.13.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.13.030 are each amended to read as follows:

Biennially at the first meeting of the new council the members thereof shall choose a chairman from among their number (~~who~~) unless the chairman is elected pursuant to section 3 of this amendatory act. The chairman of the council shall have the title of mayor and shall preside at meetings of the council. In addition to the powers conferred upon him as mayor, he shall continue to have all the rights, privileges, and immunities of a member of the council. The mayor shall be recognized as the head of the city for ceremonial purposes and by the governor for purposes of military law. He shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by ordinance, shall take command of the police, maintain law, and enforce order.

NEW SECTION. Sec. 3. There is added to chapter 35A.13 RCW a new section to read as follows:

The city council of a council-manager city may by resolution place before the voters of the city, a proposition to designate the person elected to council position one as the chairman of the council with the powers and duties set forth in RCW 35A.13.030. If a majority of those voting on the proposition cast a positive vote, then at all subsequent general elections at which position one is on the ballot, the

person who is elected to position one shall become the chairman upon taking office.

Passed the House May 26, 1975.

Passed the Senate May 23, 1975.

Approved by the Governor June 3, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 156

[Substitute House Bill No. 126]

CRIMES—DISPLAY OF SEXUALLY EXPLICIT MATERIAL—PENALTY

AN ACT Relating to crimes; adding a new section to chapter 9.68 RCW; and prescribing a penalty.

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

NEW SECTION. Section 1. There is added to chapter 9.68 RCW a new section to read as follows:

(1) A person is guilty of unlawful display of sexually explicit material if he knowingly exhibits such material on a viewing screen so that the sexually explicit material is easily visible from a public thoroughfare, park or playground or from one or more family dwelling units.

(2) "Sexually explicit material" as that term is used in this section means any pictorial material displaying direct physical stimulation of unclothed genitals, masturbation, sodomy (i. e. bestiality or oral or anal intercourse), flagellation or torture in the context of a sexual relationship, or emphasizing the depiction of adult human genitals: PROVIDED HOWEVER, That works of art or of anthropological significance shall not be deemed to be within the foregoing definition.

(3) Any person who violates subsection (1) of this section shall be guilty of a misdemeanor.

Passed the House May 26, 1975.

Passed the Senate May 22, 1975.

Approved by the Governor June 3, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 157

[Substitute House Bill No. 184]

COLLEGES AND UNIVERSITIES— SENIOR CITIZENS' TUITION WAIVER

AN ACT Relating to institutions of higher education; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

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

NEW SECTION. Section 1. In recognition of the worthwhile goal of making education a life-long process, it is the declared desire of the legislature to promote the availability of post secondary education for the state's older residents.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

Notwithstanding any other provision of this chapter or the laws of this state and consistent with the regulations and procedures established by the boards of trustees of the state colleges, the boards of regents of the state universities and the state board for community college education each institution may for Washington residents who are sixty years of age or older:

(1) Waive, in whole or in part, the tuition, operating and services and activities fees for students who qualify under this section and who are enrolled for credit, and

(2) Waive the tuition, operating and services and activities fees for students who qualify under this section, but charge a nominal fee not to exceed five dollars per quarter, or semester, as the case may be, for such students who are enrolled on an audit basis: PROVIDED, That residents enrolling with fee exemptions under this section shall register for not more than two quarter or semester courses at one time on a space available basis, and no new course sections shall be created as a direct result of such registration: PROVIDED FURTHER, That such waivers shall not be available to students who plan to use the course credits gained thereby for increasing credentials or salary schedule increases: PROVIDED FURTHER, That enrollment information concerning fee exemptions awarded under this section shall be maintained separately from other enrollment information but shall not be included in official enrollment reports: PROVIDED, That persons who enroll pursuant to provisions of this section shall not be considered for any purpose in determining student-teacher ratio, nor for any purpose relating to enrollment totals, nor any other statistic which would affect budgetary determinations. Persons enrolling under the provisions of this section shall have, in equal with all other students, access to course counseling services and shall be subject to all course prerequisite requirements.

Passed the House May 26, 1975.

Passed the Senate May 20, 1975.

Approved by the Governor June 3, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 158

[House Bill No. 267]

POLLUTION CONTROL FACILITIES—TAX EXEMPTIONS AND CREDITS—APPEALS

AN ACT Relating to revenue and taxation; amending section 11, chapter 139, Laws of 1967 ex. sess. and RCW 82.34.110; amending section 48, chapter 26, Laws of 1967 ex. sess. and RCW 82.03.190; amending section 82.32.160, chapter 15, Laws of 1961 as last amended by section 49, chapter 26, Laws of 1967 ex. sess. and RCW 82.32.160; and creating a new section.

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

Section 1. Section 5, chapter 139, Laws of 1967 ex. sess. and RCW 82.34.050 are each amended to read as follows:

(1) The original acquisition of a facility by the holder of a certificate shall be exempt from sales tax imposed by chapter 82.08 RCW and use tax imposed by chapter 82.12 RCW when the due date for payment of such taxes is subsequent to

the effective date of the certificate: PROVIDED, That the exemption of this section shall not apply to servicing, maintenance, repairs, and replacement of parts after a facility is complete and placed in operation. Sales and use taxes paid by a holder of a certificate with respect to expenditures incurred for acquisition of a facility prior to the issuance of a certificate covering such facility may be claimed as a tax credit as provided in subsection (2) of this section.

(2) Subsequent to July 30, 1967 the holder of the certificate may, in lieu of accepting the tax exemption provided for in this section, elect to take a tax credit in the total amount of the exemption for the facility covered by such certificate against any future taxes to be paid pursuant to chapters 82.04, 82.12 and 82.16 RCW: PROVIDED, That on and after July 30, 1967 if such person elects to take a tax credit for a facility under this subsection he may not take further credit under RCW 82.04.435.

Sec. 2. Section 11, chapter 139, Laws of 1967 ex. sess. and RCW 82.34.110 are each amended to read as follows:

~~((Any aggrieved person may appeal to the superior court in the county in which the facility is located. Such appeal from the department, the water pollution control commission or the state air pollution control board shall be governed by the terms of chapter 34.04 RCW.))~~ Administrative and judicial review of a decision of the control agency or the department shall be in accordance with the applicable provisions of chapters 34.04, 43.21B, 82.03, and 82.32 RCW, as now or hereafter amended.

Sec. 3. Section 48, chapter 26, Laws of 1967 ex. sess. and RCW 82.03.190 are each amended to read as follows:

Any person having received notice of a denial of a petition or a notice of determination made under RCW 82.32.160 and 82.32.170 may appeal, within thirty days from the date of the notice of such denial or determination, to the board of tax appeals. In the notice of appeal the taxpayer shall set forth the amount of the tax which he contends should be reduced or refunded and the reasons for such reduction or refund, in accordance with rules of practice and procedure prescribed by the board. The appeal shall be perfected by serving a copy of the notice of appeal upon the department of revenue within the time specified herein and by filing the original thereof with proof of service with the clerk of the board: PROVIDED, HOWEVER, That if the notice of appeal relates to an application made to the department of revenue under chapter 82.34 RCW, the taxpayer shall set forth the amount to which the taxpayer claims the credit or exemption should apply, and the grounds for such contention, in accordance with rules of practice and procedure prescribed by the board. If the taxpayer intends that the hearing before the board be held pursuant to the administrative procedure act (chapter 34.04 RCW), the notice of appeal shall also so state. In the event that the notice of appeal does not so state, the department may, within ten days from the date of its receipt of the notice of appeal, file with the clerk of the board notice of its intention that the hearing be held pursuant to the administrative procedure act.

Sec. 4. Section 82.32.160, chapter 15, Laws of 1961 as last amended by section 49, chapter 26, Laws of 1967 ex. sess. and RCW 82.32.160 are each amended to read as follows:

Any person having been issued a notice of additional taxes, delinquent taxes, interest, or penalties assessed by the department of revenue, may within twenty days after the issuance of the original notice of the amount thereof or within the period covered by any extension of the due date thereof granted by the department petition the department in writing for a correction of the amount of the assessment, and a conference for examination and review of the assessment. The petition shall set forth the reasons why the correction should be granted and the amount of the tax, interest, or penalties, which the petitioner believes to be due. The department shall promptly consider the petition and may grant or deny it. If denied, the petitioner shall be notified by mail thereof forthwith. If a conference is granted, the department shall fix the time and place therefor and notify the petitioner thereof by mail. After the conference the department may make such determination as may appear to it to be just and lawful and shall mail a copy of its determination to the petitioner. If no such petition is filed within the twenty day period the assessment covered by the notice shall become final.

The procedures provided for herein shall apply also to a notice denying, in whole or in part, an application for a pollution control tax exemption and credit certificate, with such modifications to such procedures established by departmental rules and regulations as may be necessary to accommodate a claim for exemption or credit.

NEW SECTION. Sec. 5. The provisions of this amendatory act shall be applicable with respect to applications for a pollution control tax exemption and credit certificate made to the department of revenue on or after January 1, 1975.

Passed the House May 26, 1975.

Passed the Senate May 21, 1975.

Approved by the Governor June 3, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 159

[Substitute House Bill No. 340]

MUSEUM OF THE UNIVERSITY OF WASHINGTON— ACQUISITION AND DISPOSITION OF DOCUMENTS AND MATERIALS

AN ACT Relating to the museum of the University of Washington; and adding new sections to chapter 30, Laws of 1899 and to chapter 27.40 RCW.

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

NEW SECTION. Section 1. There is added to chapter 30, Laws of 1899 and to chapter 27.40 RCW a new section to read as follows:

The board of regents may provide, by rule or regulation, for:

(1) The permanent acquisition of documents or materials on loan to the state museum at the University of Washington, if such documents or materials have not been claimed by the owner thereof within ninety days after notice is sent by certified mail, return receipt requested, to the owner at his last known address by the board of regents and if such certified letter be returned because it could not be delivered to the addressee, public notice shall be published by the University of Washington once each week during two successive weeks in a daily newspaper

circulating in the city of Seattle and the county of King describing the unclaimed documents or materials, giving the name of the reputed owner thereof and requesting all persons who may have any knowledge of the whereabouts of such owner to contact the office of the museum of the University of Washington: PROVIDED HOWEVER, That more than one item may be described in each of such notices;

(2) The return to the rightful owner of documents or materials in the possession of the museum, which documents or materials are determined to have been stolen: PROVIDED, That any person claiming to be the rightful legal owner of such documents or materials who wishes to challenge such determination by said board shall have the right to commence a declaratory judgment action pursuant to chapter 7.24 RCW in the superior court for King county to determine the validity of his claim of ownership to such documents or materials.

NEW SECTION. Sec. 2. There is added to chapter 30, Laws of 1899 and to chapter 27.40 RCW a new section to read as follows:

Documents or materials acquired under the provisions of section 1 of this act may be sold, or may be traded for other documents or materials. The proceeds from the sale of any such documents or materials may be used to acquire additional documents or materials or may be used to defray the cost of operating the museum.

Passed the House May 26, 1975.

Passed the Senate May 21, 1975.

Approved by the Governor June 3, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 160

[House Bill No. 423]

PROPERTY TAXES—ASSESSMENT CANCELLATION OR CORRECTION NOTICE

AN ACT Relating to revenue and taxation; and amending section 84.56.400, chapter 15, Laws of 1961 as last amended by section 13, chapter 55, Laws of 1970 ex. sess. and RCW 84.56.400.

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

Section 1. Section 84.56.400, chapter 15, Laws of 1961 as last amended by section 13, chapter 55, Laws of 1970 ex. sess. and RCW 84.56.400 are each amended to read as follows:

The county treasurer shall also make and file with the county board of equalization a record, setting forth the facts relating to such manifest errors in description, double assessments, clerical errors in extending the rolls, and such manifest errors in the listing of property which do not involve a revaluation of property, such as the assessment of property exempted by law from taxation or the failure to deduct the exemption allowed by law to the head of a family, as shall come to his attention after the rolls have been turned over to him for collection. The said record shall also set forth by legal description all property belonging exclusively to the state, any county or any municipal corporation whose property is exempt from taxation, upon which there remains, according to the tax roll, any unpaid taxes.

The county board of equalization at its meeting in June shall consider such matters as appear in the record filed with it by the county treasurer, and shall only correct such matters as are set forth in such record, but it shall have no power to change or alter the assessment of any person, or change the aggregate value of the taxable property of the county, except insofar as it is necessary to correct the errors hereinbefore mentioned: PROVIDED, That the board shall cancel all unpaid taxes upon property which belongs exclusively to the state, any county or municipal corporation. The board shall make findings of the facts upon which it bases its decision on all matters submitted to it, and when so made the assessment and levy shall have the same force as if made in the first instance, and the county treasurer shall proceed to collect the taxes due on the rolls as modified.

The board at its June meeting shall consider only matters referred to it by the records of the county treasurer or county assessor under this section and RCW 84.56.390.

The county assessor may cancel or correct assessments which are erroneous due to manifest errors in description, double assessments, clerical errors in extending the rolls, and such manifest errors in the listing of the property which do not involve a revaluation of property. When the county assessor cancels or corrects an assessment he shall send a notice to the taxpayer by ~~((registered))~~ certified mail with return receipt requested advising the taxpayer, and the person making payments if that person is to be notified pursuant to RCW 84.40.045, as now existing or hereafter amended, that the action of the county assessor is not final, and shall be considered at the June meeting of the county board of equalization, and that such notice shall constitute legal notice of such fact, and a copy of the notice shall be sent to the county treasurer as his authority for correcting the current tax roll. When the county assessor cancels or corrects an assessment, he shall prepare and file a record of such action with the county board of equalization, setting forth therein the facts relating to such manifest error.

The county board of equalization at its meeting in June shall consider such matters as appear in the record filed with it by the county assessor and shall determine whether the action of the county assessor was justified, and shall make findings of facts upon which it bases its decision on all matters submitted to it. If the county board of equalization finds that the action of the assessor was not correct, it shall issue a supplementary roll including such corrections as are necessary, and the assessment and levy shall have the same force and effect as if made in the first instance, and the county treasurer shall proceed to collect the taxes due on the supplementary roll.

Passed the House May 26, 1975.

Passed the Senate May 19, 1975.

Approved by the Governor June 3, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 161

[House Bill No. 464]

AERONAUTICS COMMISSION—AID TO
MUNICIPALITIES AND INDIAN TRIBES

AN ACT Relating to the aeronautics commission; and amending section 9, chapter 165, Laws of 1947 and RCW 14.04.090.

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

Section 1. Section 9, chapter 165, Laws of 1947 and RCW 14.04.090 are each amended to read as follows:

The commission may make available its engineering and other technical services, with or without charge, to any municipality or person desiring them in connection with the planning, acquisition, construction, improvement, maintenance or operation of airports or air navigation facilities.

The commission may render financial assistance by grant or loan or both to any municipality or municipalities acting jointly in the planning, acquisition, construction, improvement, maintenance, or operation of an airport owned or controlled, or to be owned or controlled by such municipality or municipalities, or to any Indian tribe recognized as such by the federal government or such tribes acting jointly in the planning, acquisition, construction, improvement, maintenance or operation of an airport, owned or controlled, or to be owned or controlled by such tribe or tribes and to be held available for the general use of the public, out of appropriations made by the legislature for such purposes. Such financial assistance may be furnished in connection with federal or other financial aid for the same purposes: PROVIDED, That no grant or loan or both shall be in excess of one hundred thousand dollars for any one project: PROVIDED FURTHER, That no grant or loan or both shall be granted unless the municipality or municipalities acting jointly, or the tribe or tribes acting jointly shall from their own funds match any funds made available by the commission upon such ratio as the commission may prescribe.

The commission is authorized to act as agent of any municipality or municipalities acting jointly or any tribe or tribes acting jointly, upon the request of such municipality or municipalities, or such tribe or tribes in accepting, receiving, receipting for and disbursing federal moneys, and other moneys public or private, made available to finance, in whole or in part, the planning, acquisition, construction, improvement, maintenance or operation of ~~((a municipal))~~ an airport or air navigation facility; and if requested by such municipality or municipalities, or tribe or tribes, may act as its or their agent in contracting for and supervising such planning, acquisition, construction, improvement, maintenance, or operation; and all municipalities and tribes are authorized to designate the commission as their agent for the foregoing purposes. The commission, as principal on behalf of the state, and any municipality on its own behalf, may enter into any contracts, with each other or with the United States or with any person, which may be required in connection with a grant or loan of federal moneys for ~~((municipal))~~ airport or air navigation facility purposes. All federal moneys accepted under this section shall be accepted and transferred or expended by the commission upon such terms and

conditions as are prescribed by the United States. All moneys received by the commission pursuant to this section shall be deposited in the state treasury, and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are hereby appropriated for the purposes for which the same were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available: PROVIDED, That any landing fee or charge imposed by any Indian tribe or tribes for the privilege of use of an airport facility planned, acquired, constructed, improved, maintained, or operated with financial assistance from the commission pursuant to this section must apply equally to tribal and non-tribal members: PROVIDED FURTHER, That in the event any municipality or municipalities or Indian tribe or tribes, or any distributor of aircraft fuel as defined by RCW 82.42.020 which operates in any airport facility which has received financial assistance pursuant to this section, fails to collect the aircraft fuel excise tax as specified in chapter 82.42 RCW, all funds or value of technical assistance given or paid to such municipality or municipalities or Indian tribe or tribes under the provisions of this section shall revert to the commission, and shall be due and payable to the commission immediately.

Passed the House May 26, 1975.

Passed the Senate May 19, 1975.

Approved by the Governor June 3, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 162

[House Bill No. 467]

POLITICAL ADVERTISING—CANDIDATES' PICTURES—PENALTY

AN ACT Relating to political advertising; and amending section 29.85.270, chapter 9, Laws of 1965 and RCW 29.85.270; amending section 29.85.280 of chapter 9, Laws of 1965 and RCW 29.85.280; and prescribing penalties.

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

Section 1. Section 29.85.270, chapter 9, Laws of 1965 and RCW 29.85.270 are each amended to read as follows:

All political advertising, whether relating to candidates or issues, however promulgated or disseminated, shall identify at least one of the sponsors thereof if the advertising is sponsored by other than the candidate or candidates listed thereon, by listing the name and address of the sponsor or sponsors on the material or in connection with its presentation. If a candidate or candidates run for partisan political office, they and their sponsors shall also designate on all such political advertising clearly in connection with each such candidate the party to which each such candidate belongs. The person or persons listed as sponsors of such advertising shall warrant its truth. The use of an assumed name shall be unlawful. At least one picture of the candidate used in any political advertising shall have been taken within the last five years and shall be no smaller than the largest picture of the same candidate used in the same advertisement. Whenever any corporation

sponsors political advertising, the name and address of the president of the corporation shall be listed on the material or in connection with its presentation.

Sec. 2. Section 29.85.280 of chapter 9, Laws of 1965 and RCW 29.85.280 are each amended to read as follows:

Any violation of RCW 29.85.270 shall constitute a gross misdemeanor and shall be subject to a fine of not more than one thousand dollars or imprisonment for not more than one year, or both: PROVIDED, That a violation of the provisions of RCW 29.85.270 relating to campaign advertising pictures shall constitute a misdemeanor and be punished accordingly.

Passed the House May 27, 1975.

Passed the Senate May 23, 1975.

Approved by the Governor June 3, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 163

[House Bill No. 530]

IRRIGATION DISTRICTS—LEASE OF LANDS ACQUIRED FOR NONPAYMENT OF ASSESSMENTS— DIRECTORS' TRAVEL EXPENSES

AN ACT Relating to irrigation districts; amending section 1, chapter 82, Laws of 1931 as last amended by section 7, chapter 144, Laws of 1967 ex. sess. and RCW 87.03.135; and amending section 39, page 692, Laws of 1889-90 as last amended by section 1, chapter 16, Laws of 1965 and RCW 87.03.460.

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

Section 1. Section 1, chapter 82, Laws of 1931 as last amended by section 7, chapter 144, Laws of 1967 ex. sess. and RCW 87.03.135 are each amended to read as follows:

Any irrigation district shall have power to sell or lease any real estate or personal property owned by such district, whenever the board of directors shall, by unanimous vote, determine that such property is not necessary or needed for the use of the district. No sale or lease of such property shall be made until notice thereof shall be given by publication at least twenty days before the date of said sale or lease of said property in some newspaper of general circulation in the county where the property or part thereof is located, if there be one, and if there be none, then in some newspaper of general circulation published in an adjoining county, said publication to be made at least once a week during three consecutive weeks before the day fixed for the making of such sale or lease, and shall contain notice of intention of the board of directors to make such sale or lease and state the time and place at which proposals for such sale or lease will be considered and at which the sale or lease will be made: PROVIDED, That the provisions of this section relating to publication of notice shall not apply when the value of the property to be sold or leased is less than five hundred dollars. Any such property so sold or leased shall be sold or leased to the highest and best bidder. The provisions of this section shall not apply to the sale or lease of lands acquired by an irrigation district through its purchase of said lands for the nonpayment of its irrigation assessments.

Sec. 2. Section 39, page 692, Laws of 1889-90 as last amended by section 1, chapter 16, Laws of 1965 and RCW 87.03.460 are each amended to read as follows:

The directors shall each receive not to exceed twenty-five dollars per day in attending meetings and while performing other services for the district, to be fixed by resolution and entered in the minutes of their proceedings, and in addition thereto their ~~((necessary))~~ travel expenses in ~~((connection therewith. A director using his own automobile shall be entitled to compensation therefor not in excess of ten cents per mile for the actual and necessary number of miles traveled, based on a resolution fixing the rate per mile allowed for each make or type of car so used))~~ accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The board shall fix the compensation of the secretary and all other employees. The board shall, upon the petition of at least fifty or a majority of the electors, submit to the electors at any general district election, a schedule of salaries and fees to be paid hereunder. The petition shall be presented to the board twenty days before a general election, and the result thereof shall be determined and declared as other elections.

Passed the House May 26, 1975.

Passed the Senate May 19, 1975.

Approved by the Governor June 3, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 164

[House Bill No. 619]

ALCOHOLISM—COLLEGE CAMPUS DISTRIBUTION OF EDUCATIONAL MATERIALS

AN ACT Relating to the consumption of alcoholic beverages on campuses of state institutions of higher education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW; creating new sections.

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

NEW SECTION. Section 1. The legislature recognizes the invaluable services performed by the community alcohol centers throughout the state, which centers would view making available such educational materials as referred to in section 2 of this act as a part of their community outreach education and preventive program and for which material no fees would be charged.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

The boards of regents of the state's universities, the boards of trustees of the respective state colleges, and the boards of trustees of the respective community colleges, with the cooperation of the state board for community college education, shall make available at some place of prominence within the premises of each

campus educational materials on the abuses of alcohol in particular and the illnesses consequent therefrom in general: PROVIDED, That such materials shall be obtained from public or private organizations at no cost to the state.

Passed the House May 26, 1975.

Passed the Senate May 20, 1975.

Approved by the Governor June 3, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 165

[Senate Bill No. 2310]

SAVINGS AND LOAN ASSOCIATIONS—PAYMENT
TO FOREIGN EXECUTORS—BUDGET YEAR—INVESTMENT AUTHORITY

AN ACT Relating to savings and loan associations; amending section 25, chapter 235, Laws of 1945 as amended by section 25, chapter 130, Laws of 1973 and RCW 33.16.110; amending section 14, chapter 107, Laws of 1969 as amended by section 31, chapter 130, Laws of 1973 and RCW 33.24-.280; and adding a new section to chapter 33.20 RCW.

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

NEW SECTION. Section 1. There is added to chapter 33.20 RCW a new section to read as follows:

In addition to any other powers and duties authorized by law, upon the death of any person having funds held by or on deposit with any state-chartered savings and loan association, such association may with full acquittance to it pay over the balance of such funds to the executor or administrator of the estate of such deceased person appointed under the laws of any other state or territory or country, after: (1) Such foreign executor or administrator has caused a notice to be published substantially in the manner and form herein provided for, in a newspaper of general circulation in the county in which is located the office or branch of the association holding or having on deposit said funds, or if none, then in a newspaper of general circulation in an adjoining county, at least once a week for at least three successive weeks; (2) expiration of at least ninety days after the date of first publication of such notice; and (3) consent of the tax commission to such payment or receipt for payment of any inheritance tax due has been received by such savings and loan association: PROVIDED, That if an executor or administrator of the estate of said deceased person shall be appointed and qualify as such under the laws of this state and deliver a certified copy of his letters testamentary or of administration or certificate of qualification to the office or branch of such association holding or having on deposit such funds prior to its transmitting the same to a foreign executor or administrator, then such funds shall be paid to or to the order of the executor or administrator of said estate appointed and qualified in this state. The notice herein provided for may be published in substantially the following form:

"In the Matter of the Estate of
....., deceased

"Notice is hereby given that the undersigned representative of the estate of said deceased person has applied for transfer to the undersigned of funds of said

deceased held or on deposit at the office of, the address of which is in the state of Washington; and that such transfer may be made after ninety days from first publication of this notice unless an executor or administrator of said estate is appointed and qualified within the state of Washington and said savings and loan association receives written notice thereof at its said address prior to transmittal of such funds to the undersigned.

"Date of first publication:
.....
..... of said estate
Address:

Affidavit of the publisher of the publication of such notice filed with such association shall be sufficient proof of such publication.

This section shall be applicable to federally-chartered savings and loan associations operating within the state insofar as federal law and rules and regulations promulgated thereunder so permit.

Sec. 2. Section 25, chapter 235, Laws of 1945 as amended by section 25, chapter 130, Laws of 1973 and RCW 33.16.110 are each amended to read as follows:

The board of directors, not later than at the regular meeting in January of each year, shall adopt a budget of expenses for the ensuing calendar year, which budget may be revised at any regular monthly meeting by a two-thirds vote of the entire board of directors: PROVIDED, That as an alternative to a calendar year the board may adopt a fiscal year.

The officers shall maintain the expenses of the association within the budget so adopted.

The secretary shall transmit forthwith to the supervisor a copy of the budget, and of each amendment thereof, upon adoption.

Sec. 3. Section 14, chapter 107, Laws of 1969 as amended by section 31, chapter 130, Laws of 1973 and RCW 33.24.280 are each amended to read as follows:

An association may invest in capital stock, capital debentures, and bonds issued by any corporation organized under the laws of the United States or any state, subject to the further limitations and conditions that at the time of such investment the aggregate of the reserves, surplus, undivided profits, and guaranty stock, if any, of the association is at least equal to five percent of the ((assets)) savings of the association and that immediately upon the making of any investment under authority of this paragraph, the aggregate amount of all investments then held by the association under authority of this paragraph does not exceed fifty percent of its guaranty stock, reserves, surplus, and undivided profits.

Passed the Senate May 27, 1975.
Passed the House May 16, 1975.
Approved by the Governor June 3, 1975.
Filed in Office of Secretary of State June 4, 1975.

CHAPTER 166

[Substitute House Bill No. 212]

GAMBLING

AN ACT Relating to gambling; amending section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.020; amending section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.030; amending section 7, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.070; amending section 9, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.090; amending section 11, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.110; amending section 12, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.120; amending section 13, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.130; amending section 14, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.140; amending section 16, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.160; amending section 21, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 9, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.210; adding new sections to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW; prescribing penalties; and declaring an emergency.

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

**Section 1. Section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.020 are each amended to read as follows:*

- (1) "Amusement game" means a game played for entertainment in which:
- (a) The contestant actively participates;
 - (b) The outcome depends in a material degree upon the skill of the contestant;
 - (c) Only merchandise prizes are awarded;
 - (d) The outcome is not in the control of the operator;
 - (e) The wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game; and
 - (f) ~~((Said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, including the furnishing of equipment, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting such game or said game is conducted as part of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW or said game is conducted as part of and upon the site of:

 - (i) a civic center of a city with a population of twenty thousand or more persons as of the most recent decennial census of the federal government; or
 - (ii) a worlds fair or similar exposition which is approved by the Bureau of International Expositions at Paris, France; or
 - (iii) a community-wide civic festival held not more than once annually and sponsored or approved by a city or town))~~ Said game is conducted or operated by any agricultural fair, person, association or organization in such manner and at such locations as may be authorized by rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended.

(2) "Bingo" means a game in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said

game, when said game is conducted by a bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee of said organization takes any part in the management ((or)) operation of said game, and no person who takes any part in the management ((or)) operation of said game takes any part in the management ((or)) operation of any game conducted by any other organization or any other branch of the same organization and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(3) "Bona fide charitable or nonprofit organization" means: (a) any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or (b) any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same. ~~((The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.))~~

Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(4) "Bookmaking" means accepting bets as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

(5) "Commission" means the Washington state gambling commission created in RCW 9.46.040.

(6) "Contest of chance" means any contest, game, gaming scheme, or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

(7) "Fishing derby" means a fishing contest with or without the payment or giving of an entry fee or other consideration by some or all of the contestants(;) wherein ~~((the contestants compete with each other for a prize or prizes, whether money, merchandise or other thing of value, the prize or)) prizes ((is-or)) are awarded ((based upon the lawful catching of fish by any one or more of the contestants, and when such contest is conducted by a bona fide charitable or non-profit organization)) for the species, size, weight, or quality of fish caught in a bona fide fishing or recreational event.~~

(8) "Gambling". A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include fishing derbies as defined by this chapter, parimutuel betting as authorized by chapter 67.16 RCW, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health or accident insurance. In addition, a contest of chance which is specifically excluded from the definition of lottery under subsection (13) of this section shall not constitute gambling.

(9) "Gambling device" means: (a) Any device or mechanism the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as the result of the operation of an element of chance; (b) any device or mechanism which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; (c) any device, mechanism, furniture, fixture, construction or installation designed primarily for use in connection with professional gambling; and (d) any subassembly or essential part designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation. But in the application of this definition, a pinball machine or similar mechanical amusement device which confers only an immediate and unrecorded right of replay on players thereof, which does not contain any mechanism which varies the chance of winning free games or the number of free games which may be won or a mechanism or a chute for dispensing coins or a facsimile thereof, and which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls individually upon the insertion of a nickel or dime, as the case may be, to complete any one operation thereof, shall not be deemed a gambling device: PROVIDED FURTHER, That owning, possessing, buying, selling, renting, leasing, financing, holding a security interest in, storing, repairing and transporting such pinball machines or similar mechanical amusement devices shall not be deemed engaging in professional gambling for the purposes of this chapter and shall not be a violation of this chapter: PROVIDED FURTHER, That any fee for the purchase or rental of any such pinball machines

or similar amusement devices shall have no relation to the use to which such machines are put but be based only upon the market value of any such machine, regardless of the location of or type of premises where used, and any fee for the storing, repairing and transporting thereof shall have no relation to the use to which such machines are put, but be commensurate with the cost of labor and other expenses incurred in any such storing, repairing and transporting.

(10) "Gambling information" means any wager made in the course of and any information intended to be used for professional gambling. In the application of this definition information as to wagers, betting odds and changes in betting odds shall be presumed to be intended for use in professional gambling: **PROVIDED, HOWEVER,** That this subsection shall not apply to newspapers of general circulation or commercial radio and television stations licensed by the federal communications commission.

(11) "Gambling premises" means any building, room, enclosure, vehicle, vessel or other place used or intended to be used for professional gambling. In the application of this definition, any place where a gambling device is found, shall be presumed to be intended to be used for professional gambling.

(12) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made[,] used or intended to be used in connection with professional gambling.

(13) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance.

For the purpose of this chapter, the following activities do not constitute "valuable consideration" as an element of a lottery:

(a) Listening to or watching a television or radio program or subscribing to a cable television service;

(b) Filling out and returning a coupon or entry blank or facsimile which is received through the mail or published in a bona fide newspaper or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program;

(c) Sending a coupon or entry blank by United States mail to a designated address in connection with a promotion conducted in this state;

(d) Visitation to any business establishment to obtain a coupon, or entry blank;

(e) Mere registration without purchase of goods or services;

(f) Expenditure of time, thought, attention and energy in perusing promotional material;

(g) Placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer; or

(h) Furnishing the container of any product as packaged by the manufacturer, or a particular portion thereof but only if furnishing a plain piece of paper or card with the name of the manufacturer or product handwritten on it is acceptable in lieu thereof: **PROVIDED,** That where any drawing is held by or on behalf of in-state retail outlets in connection with business promotions authorized under subsections (d) and (e) hereof, no such in-state retail outlet may conduct more than one such drawing during each calendar year and the period of the drawing and its

promotion shall not extend for more than seven consecutive days: *PROVIDED FURTHER*, That if the sponsoring organization has more than one outlet in the state such drawings must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate drawing in connection with the initial opening of any such outlet.

(i) The payment of an admission fee to gain admission to any exhibition, including but not limited to any agricultural fair authorized under chapters 15.76 or 36.37 RCW, where (A) the scheme is conducted for promotional or advertising purposes, not including the promotion or advertisement of the scheme itself; and (B) the person or organization conducting the scheme receives no portion of the admission fee either directly or indirectly and receives no other money for conducting the scheme either directly or indirectly, other than what might be received indirectly as a result of the success of the promotional or advertising aspect of the scheme.

For purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the rules applicable thereto by the federal communications commission. Broadcast programming, including advertising and promotion, that complies with said federal statutes and regulations is hereby authorized.

(14) "Player" means a natural person who engages, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which no person may receive or become entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor, and supplying cards or other equipment used therein. A person who engages in "bookmaking" as defined in this section is not a "player".

(15) A person is engaged in "professional gambling" when:

(a) Acting other than as a player or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly engages in conduct which materially aids any other form of gambling activity; or

(b) Acting other than as a player, or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;

(c) He engages in bookmaking; or

(d) He conducts a lottery as defined in subsection (13) of this section.

Conduct under subparagraph (a), except as exempted under RCW 9.46.030 as now or hereafter amended, includes but is not limited to conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases

thereof, toward the arrangement of any of its financial or recording phases, or toward any other phase of its operation. If a person having substantial proprietary or other authoritative control over any premises shall permit said premises to be used with the person's knowledge for the purpose of conducting gambling activity other than gambling activities as set forth in RCW 9.46.030 as now or hereafter amended, and acting other than as a player, and said person permits such to occur or continue or makes no effort to prevent its occurrence or continuation, he shall be considered as being engaged in professional gambling: PROVIDED, That the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable pins being placed in a specified position or combination of positions, as designated by the posted rules of the bowling establishment, where the proprietor does not participate in the proceeds of the "prize fund" shall not be construed to be engaging in "professional gambling" within the meaning of this chapter: PROVIDED, FURTHER, That the books and records of the game shall be open to public inspection.

(16) "Punch boards" (~~and~~), "pull-tabs" and pull-tab dispensing devices shall be given their usual and ordinary meaning (~~as of July 16, 1973~~), except that such definition may be revised by the commission pursuant to rules and regulations promulgated pursuant to this chapter.

(17) "Raffle" means a game in which tickets bearing an individual number are sold for not more than one dollar each and in which a prize or prizes are awarded on the basis of a drawing from said tickets by the person or persons conducting the game, when said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(18) "Social card game" means a card game, including but not limited to the game commonly known as "Mah Jongg", which constitutes gambling and contains each of the following characteristics:

- (a) There are two or more participants and each of them are players; and
- (b) A player's success at winning money or other thing of value by overcoming chance is in the long run largely determined by the skill of the player; and
- (c) No organization, corporation or person collects or obtains or charges any percentage of or collects or obtains any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That this item (c) shall not preclude a player from collecting or obtaining his winnings; and
- (d) No organization or corporation, or person collects or obtains any money or thing of value from, or charges or imposes any fee upon, any person which either enables him to play or results in or from his playing: PROVIDED, That this item (d) shall not apply to the membership fee in any bona fide charitable or nonprofit organization or to an admission fee allowed by the commission pursuant to RCW 9.46.070; and
- (e) The type of card game is one specifically approved by the commission pursuant to RCW 9.46.070; and

(f) The extent of wagers, money or other thing of value which may be wagered or contributed by any player does not exceed the amount or value specified by the commission pursuant to RCW 9.46.070.

(19) "Thing of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise, directly or indirectly, contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

(20) "Whoever" and "person" include natural persons, corporations and partnerships and associations of persons; and when any corporate officer, director or stockholder or any partner authorizes, participates in, or knowingly accepts benefits from any violation of this chapter committed by his corporation or partnership, he shall be punishable for such violation as if it had been directly committed by him.

(21) "Small scale gambling" means gambling which is conducted by a bona fide charitable or nonprofit organization and which has the following characteristics: (a) One or more of the following forms of gambling activities are conducted: Bingo, amusement games, raffles, cake walks as commonly known, and fish ponds as commonly known; (b) gross wagers and bets received by the organization less the amount of money paid by the organization as winnings and for the purchase cost of prizes given as winnings do not exceed five thousand dollars during any calendar year; (c) the organization conducting "small scale gambling" does not possess a current license to conduct any of the forms of gambling identified in item (a) of this subsection; and (d) the gambling is conducted in accordance with the provisions of this chapter and the rules and regulations adopted by the commission.

(22) "Annual fund raising event" means a fund raising event conducted during any three consecutive days and not more than once in any calendar year by a bona fide charitable or nonprofit organization as defined in subsection (3) of this section, upon authorization therefor by the commission, which the legislature hereby authorizes to issue a permit therefor, with or without fee, permitting the following activities, or any of them, during such event: Bingo, amusement games, contests of chance, lotteries and raffles: PROVIDED, That (a) gross wagers and bets received by the organization less the amount of money paid by the organization as winnings and for the purchase cost of prizes given as winnings do not exceed five thousand dollars; (b) such activities shall not include any mechanical gambling or lottery device activated by the insertion of a coin or by the insertion of any object purchased by any person taking a chance by gambling in respect to the device; (c) only bona fide members of the organization who are not paid for such service shall participate in the management or operation of the activities, and all income therefrom, after deducting the cost of prizes and other expenses, shall be devoted solely to the lawful purposes of the organization; and (d) such organization shall notify the appropriate local law enforcement agency of the time and place where such activities shall be conducted. The commission shall require an annual information report setting forth in detail the expenses incurred and the revenue received relative to the activities permitted.

(23) "Sports pool" means a game, the outcome of which is dependent upon the score, or scores, of a certain athletic contest and which is conducted only in the following manner:

(a) A board, or piece of paper, is divided into one hundred equal squares, each of which constitutes a chance to win in the sports pool and each of which is offered directly to prospective contestants at ten dollars or less; and

(b) The purchaser of each chance, or square, signs his or her name on the face of each square, or chance, he or she purchases; and

(c) At some time not later than prior to the start of the subject athletic contest the pool is closed and no further chances in the pool are sold; and

(d) After the pool is closed a prospective score is assigned by random drawing to each square; and

(e) All money paid by entrants to enter the pool less taxes is paid out as the prize or prizes to those persons holding squares assigned the winning score, or scores, from the subject athletic contest; and

(f) The sports pool board and all records kept in conjunction therewith are available for inspection by any person purchasing a chance thereon, the commission, or by any law enforcement agency upon demand at all times prior to the payment of the prize; and

(g) The sports pool conforms to any rules and regulations of the commission applicable thereto.

*Sec. 1. was vetoed, see message at end of chapter.

*Sec. 2. Section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.030 are each amended to read as follows:

(1) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct bingo games, raffles, amusement games, ~~((fishing derby,))~~ to utilize punch boards ~~((and)),~~ pull-tabs and pull-tab dispensing devices to allow their premises and facilities to be used by members and guests only to play social card games authorized by the commission, when licensed, conducted or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto: PROVIDED, That a license shall not be required for "small scale gambling" or "annual fund raising events" conducted pursuant to subsection (2) of this section.

(2) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of ~~((raffles))~~ gambling activities, are hereby authorized to conduct ~~((raffles))~~ small scale gambling or annual fund raising events without obtaining a license to do so from the commission when such ~~((raffles are))~~ small scale gambling or annual fund raising events are held in accordance with all other requirements of chapter 9.46 RCW, other applicable laws, and rules of the commission ~~((; when gross revenues from all such raffles held by the organization during the calendar year do not exceed five thousand dollars; and when tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle: PROVIDED, That the term members for this purpose shall mean only those persons who have become members prior to the commencement of the raffle and~~

~~whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles).~~

(3) The legislature hereby authorizes any person, association or organization to conduct social card games ~~((and))~~ or to utilize punch boards ((and)), pull-tabs and pull-tab dispensing devices as a commercial stimulant when licensed and utilized or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(4) ~~((The legislature hereby authorizes the management of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW to conduct amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto as well as authorizing said amusement games as so licensed and operated to be conducted as a part of and upon the site of:~~

~~(a) A civic center of a city with a population of twenty thousand or more persons as of the most recent decennial census of the federal government; or~~

~~(b) A worlds fair or similar exposition which is approved by the Bureau of International Expositions at Paris, France; or~~

~~(c) A community-wide civic festival held not more than once annually and sponsored or approved by a city or town))~~ The legislature hereby authorizes any agricultural fair, person, association, or organization to conduct or operate amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(5) The legislature hereby authorizes any person, association or organization to conduct sports pools without having to obtain a license therefor.

The penalties provided for professional gambling in this chapter, shall not apply to bingo games, raffles, punch boards, pull-tabs, amusement games, ~~((or fishing derby,))~~ social card games, sports pools, small scale gambling or annual fund raising events when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations of the commission.

*Sec. 2. was vetoed, see message at end of chapter.

*Sec. 3. Section 7, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.070 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said organizations to conduct bingo games, ~~((fishing derby,))~~ raffles, amusement games, and social card games to utilize punch boards and pull-tabs in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter or any rules and regulations adopted pursuant thereto: **PROVIDED**, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: **PROVIDED FURTHER**, That the commission or director shall not issue, deny, suspend or revoke any license because of considerations of race, sex, creed, color, or national origin: **AND PROVIDED FURTHER**, That the commission

may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any person, association or organization approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said person, association or organization to utilize punch boards (~~and~~), pull-tabs and pull-tab dispensing devices to conduct social card games as a commercial stimulant in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter and any rules and regulations adopted pursuant thereto: **PROVIDED**, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: **PROVIDED FURTHER**, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(3) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization approved by the commission meeting the requirements of this chapter and meeting the requirements of any rules and regulations adopted by the gambling commission pursuant to this chapter as now or hereafter amended, permitting said person, association, or organization to conduct or operate amusement games in such manner and at such locations as the commission may determine;

(4) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association or organization to engage in the selling, distributing, or otherwise supplying or in the manufacturing of devices for use within this state for those activities authorized by RCW 9.46.030 as now or hereafter amended.

~~((4))~~ (5) To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises, and for such other activities as may be licensed by the commission, which shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules and regulations adopted pursuant thereto: PROVIDED, That all licensing fees shall be submitted with an application therefor and ~~((not less than fifty percent of any such license fee))~~ such portion of said fee as the commission may determine, based upon its cost of processing and investigation, shall be retained by the commission upon the withdrawal or denial of any such license application as its reasonable expense for processing the application and investigation into the granting thereof: PROVIDED FURTHER, That if in a particular case the basic license fee established by the commission for a particular class of license is less than the commission's actual expenses to investigate that particular application, the commission may at any time charge to that applicant such additional fees necessary to pay the commission for those costs. The commission may decline to proceed with its investigation and no license shall be issued until the commission has been fully paid therefor by the applicant: AND PROVIDED FURTHER, That the commission may establish fees for the furnishing by it to licensees of identification stamps to be affixed to such devices and

equipment as required by the commission and for such other special services or programs required or offered by the commission, the amount of each of these fees to be not less than is adequate to offset the cost to the commission of the stamps and of administering their dispersal to licensees or the cost of administering such other special services, requirements or programs.

~~((Notwithstanding any other provision of this subsection, raffles may be conducted by any bona fide charitable or nonprofit organization not more than once each year without payment of a license fee if such organization shall not receive in gross receipts therefrom an amount over five thousand dollars.~~

~~((5))~~ (6) To require that applications for all licenses contain such information as may be required by the commission: **PROVIDED**, That all persons having a managerial or ownership interest in any gambling activity, or the building in which any gambling activity occurs, or the equipment to be used for any gambling activity, or participating as an employee in the operation of any gambling activity, shall be listed on the application for the license and the applicant shall certify on the application, under oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity, building, or equipment by the person making such application: **PROVIDED FURTHER**, That the commission may require fingerprinting and background checks on any persons seeking licenses under this chapter or of any person holding an interest in any gambling activity, building or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity;

~~((6))~~ (7) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;

~~((7))~~ (8) To require that all income from bingo games, raffles, and amusement games be recorded and reported as established by rule or regulation of the commission to the extent deemed necessary by considering the scope and character of the gambling activity in such a manner that will disclose gross income from any gambling activity, amounts received from each player, the nature and value of prizes, and the fact of distributions of such prizes to the winners thereof;

~~((8))~~ (9) To regulate and establish maximum limitations on income derived from bingo: **PROVIDED**, That in establishing limitations pursuant to this subsection the commission shall take into account (i) the nature, character and scope of the activities of the licensee; (ii) the source of all other income of the licensee; (iii) the percentage or extent to which income derived from bingo is used for charitable, as distinguished from nonprofit, purposes;

~~((9))~~ (10) To regulate and establish the type and scope of and manner of conducting social card games permitted to be played, and the extent of wager, money or other thing of value which may be wagered or contributed or won by a player in a social card game;

~~((10))~~ (11) To regulate and establish a reasonable admission fee which may be imposed by an organization, corporation or person licensed to conduct a social card game on a person desiring to become a player in a social card game. A "reasonable admission fee" under this item shall be limited to a fee which would defray or help to defray the expenses of the game and which would not be contrary to the purposes of this chapter;

(12) To cooperate with and secure the cooperation of county, city and other local or state agencies in investigating any matter within the scope of its duties and responsibilities;

(13) In accordance with RCW 9.46.080, to adopt such rules and regulations as are deemed necessary to carry out the purposes and provisions of this chapter. All rules and regulations shall be adopted pursuant to 3(1)(b) of this 1975 amendatory act. All rules and regulations shall be adopted pursuant to the administrative procedure act, chapter 34.04 RCW;

(14) To set forth for the perusal of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended;

(15) To publish and make available at the office of the commission or elsewhere to anyone requesting it a list of the commission licensees, including the name, address, type of license, and license number of each licensee; and

(16) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

*Sec. 3. was vetoed, see message at end of chapter.

Sec. 4. Section 9, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.090 are each amended to read as follows:

The commission shall, from time to time, make reports to the governor covering such matters in connection with this chapter as he may require, and in addition shall prepare and forward to the governor, to be laid before the legislature, a report for the period ending on the thirty-first day of December of 1973, and a report annually thereafter on the thirtieth day of June of each year, which report shall be a public document, and contain a detailed statement and balance sheet showing in general the fiscal condition of the commission and commission expenditures and receipts for the preceding interval, together with such general information and remarks as the commission deems pertinent thereto and any information requested by either the governor or members of the legislature: PROVIDED, That the ((first)) commission appointed pursuant to RCW 9.46.040 shall conduct a thorough study of the types of gambling activity permitted and the types of gambling activity prohibited by this chapter and shall ((submit to the session of the legislature convened in September, 1973, if there be one, or, if not, to the session of the legislature convened in January, 1974, a report making specific)) make recommendations to the legislature as to: (1) Gambling activity that ought to be permitted; (2) gambling activity that ought to be prohibited; (3) the types of licenses and permits that ought to be required; (4) ((the appropriate fee for each type of license and permit, and (5))) the type and amount of tax that ought to be applied to each type of permitted gambling activity; (5) any changes which may be made to the law of this state which further the purposes and policies set forth in RCW 9.46.010 as now law or hereafter amended; and (6) any other matter that the commission may deem appropriate. Members of the commission and its staff may contact the legislature, or any of its members, at any time, to advise it of recommendations of the commission.

The commission shall conduct a thorough study of the effectiveness of the criminal sections of the act, and penalties imposed thereby, and shall make a separate report to the legislature on or before January 1, 1977, outlining its findings and any recommendation for specific amendments to these sections it may have.

*Sec. 5. Section 11, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.110 are each amended to read as follows:

The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules and regulations promulgated hereunder, may provide for the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the same: PROVIDED, That any such tax imposed by a county alone shall not apply to any gambling activity within a city or town located therein but the tax rate established by a county, if any, shall constitute the tax rate throughout such county including both incorporated and unincorporated areas, except for any city located therein with a population of twenty thousand or more persons as of the most recent decennial census taken by the federal government: PROVIDED FURTHER, That (1) punch boards and pull-tabs, chances on which shall only be sold to adults, which shall have a twenty-five cent limit on a single chance thereon, shall be taxed on a basis which shall reflect only the gross receipts from such punch boards and pull-tabs; and (2) no punch board or pull-tab may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; and (3) all prizes for punch boards and pull-tabs must be on display within the immediate area of the premises wherein any such punch board or pull-tab is located and upon a winning number or symbol being drawn, such prize must be immediately removed therefrom, or such omission shall be deemed a fraud for the purposes of this chapter; and (4) when any person shall win over five dollars in money or merchandise from any punch board ((or)), pull-tab((-)), or pull-tab dispensing device every licensee hereunder shall keep a public record thereof for at least ninety days thereafter containing such information as the commission shall deem necessary: AND PROVIDED FURTHER, That taxation of bingo((-)) and raffles ((and amusement games)) shall never be in an amount greater than ten percent of the gross revenue received therefrom less the amount paid for or as prizes((-)); taxation of punch boards ((and)), pull-tabs or pull-tab dispensing devices shall not exceed five percent of gross receipts; taxation of amusement games not conducted on the site of an agricultural fair, as authorized in chapter 15.76 and 36.37 RCW, shall not exceed ten percent of gross receipts less the amount paid for merchandise prizes; and taxation of amusement games conducted on the site of an agricultural fair, as authorized in chapters 15.76 and 36.37 RCW, shall not be permitted, but this prohibition shall not apply to any sales tax imposed by the local government pursuant to chapter 82.14 RCW.

*Sec. 5. was vetoed, see message at end of chapter.

*Sec. 6. Section 12, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.120 are each amended to read as follows:

(1) Except in the case of an agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a member of a bona fide charitable or nonprofit organization (and their employees) or any other person, association or organization (and their employees) approved by the commission, shall take any part in the management ((~~or~~)) operation of any gambling activity authorized under RCW 9.46.030, and no person who takes any part in the management ((~~or~~)) operation of any such gambling activity shall take any part in the management ((~~or~~)) operation of any gambling activity conducted by any other organization or any other branch of the same organization, unless approved by the commission, and no part of the proceeds thereof shall inure to the benefit of any person other than the organization conducting such gambling activities or if such gambling activities be for the charitable benefit of any specific persons designated in the application for a license, then only for such specific persons as so designated.

(2) No bona fide charitable or nonprofit organization or any other person, association or organization shall conduct any gambling activity authorized under RCW 9.46.030 in any leased premises if rental for such premises is unreasonable or to be paid, wholly or partly, on the basis of a percentage of the receipts or profits derived from such gambling activity.

*Sec. 6. was vetoed, see message at end of chapter.

Sec. 7. Section 13, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.130 are each amended to read as follows:

The premises and paraphernalia, and all the books and records of any person, association or organization conducting gambling activities authorized under RCW 9.46.030 and any person, association or organization receiving profits therefrom or having any interest therein shall be subject to inspection and audit at any reasonable time, with or without notice, upon demand, by the commission or its designee, the attorney general or his designee, the chief of the Washington state patrol or his designee or the prosecuting attorney, sheriff or director of public safety or their designees of the county wherein located, or the chief of police or his designee of any city or town in which said organization is located, for the purpose of determining compliance or noncompliance with the provisions of this chapter and any rules or regulations adopted pursuant thereto.

The ~~((department of revenue))~~ commission shall be provided at such reasonable intervals as the ~~((department))~~ commission shall determine with a report, under oath, detailing all receipts and disbursements in connection with such gambling activities together with such other reasonable information as required in order to determine whether such activities comply with the purposes of this chapter or any local ordinances relating thereto. ~~((Upon request, copies of such reports shall be provided by the department of revenue to any law enforcement agency.))~~

Sec. 8. Section 14, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.140 are each amended to read as follows:

For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this chapter, the commission, or any person appointed by it in writing for the purpose, may inspect the books, documents and records of any person lending money to or in any manner financing any license holder or applicant for a license or receiving any income or profits from the use of such license for the purpose of determining compliance or noncompliance with

the provisions of this chapter or the rules and regulations adopted pursuant thereto. The commission, or its designee, may conduct hearings, administer oaths, take depositions, compel the attendance of witnesses and issue subpoenas pursuant to RCW 34.04.105. The commission may appoint hearing officers to conduct hearings respecting the suspension, revocation or denial of licenses, who may administer oaths, admit or deny admission of evidence, compel the attendance of witnesses, issue subpoenas, issue orders and exercise all other powers and perform all other functions set out in RCW 34.04.090 (6) and (8), 34.04.100 and 34.04.105. The salaries and expenses of such hearing officers may be paid from any revenues available to the commission.

Sec. 9. Section 16, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.160 are each amended to read as follows:

Any person who conducts (~~gambling activities~~) any activity for which a license is required by this chapter, or by rule of the commission, without ((a)) the required license issued by the commission shall be guilty of a felony and upon conviction shall be punished by imprisonment for not more than five years or by a fine of not more than one hundred thousand dollars, or both. If any corporation conducts any (~~gambling~~) activity for which a license is required by this chapter, or by rule of the commission, without ((a)) the required license issued by the commission, it may be punished by forfeiture of its corporate charter, in addition to the other penalties set forth in this section.

Sec. 10. Section 21, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 9, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.210 are each amended to read as follows:

(1) It shall be the duty of and all peace officers or law enforcement officers or law enforcement agencies within this state are hereby empowered to investigate, and enforce and prosecute all violations of this chapter. Law enforcement agencies of cities and counties shall investigate and report to the commission all violations of the provisions of this chapter and of the rules of the commission found by them and shall assist the commission in any of its investigations and proceedings respecting any such violations. Such law enforcement agencies shall not be deemed agents of the commission.

(2) In addition to its other powers and duties, the commission shall have the power to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession and sale of equipment or paraphernalia used or for use in connection therewith. The director, both assistant directors and each of the investigators and inspectors assigned by the department of motor vehicles to the commission shall have the power, under the supervision of the commission, to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power and authority to apply for and execute all warrants and serve process of law issued by the courts in enforcing the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as

it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power to arrest without a warrant, any person or persons found in the act of violating any of the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession and sale of equipment or paraphernalia used or for use in connection therewith. To the extent set forth above, the commission shall be a law enforcement agency of this state with the power to investigate for violations of and to enforce the provisions of this chapter, as now law or hereafter amended, and to obtain information from and provide information to all other law enforcement agencies.

NEW SECTION. Sec. 11. There is added to chapter 9.46 RCW a new section to read as follows:

Any county, city or town which collects a tax on gambling activities authorized pursuant to RCW 9.45.110 shall use the revenue from such tax primarily for the purpose of enforcement of the provisions of this chapter by the county, city or town law enforcement agency.

NEW SECTION. Sec. 12. There is added to chapter 9.46 RCW a new section to read as follows:

The commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein:

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control;

(2) Knowingly causes, aids, abets, or conspires with another to cause, any person to violate any of the laws of this state or the rules of the commission;

(3) Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;

(4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, wilful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of any crime, whether a felony or misdemeanor involving any gambling activity or involving moral turpitude;

(5) Denies the commission or its authorized representatives, including authorized local law enforcement agencies, access to any place where a licensed activity is conducted or who fails promptly to produce for inspection or audit any book, record, document or item required by law or commission rule;

(6) Shall fail to display its license on the premises where the licensed activity is conducted at all times during the operation of the licensed activity;

(7) Makes a misrepresentation of, or fails to disclose, a material fact to the commission.

For the purpose of reviewing any application for a license and for considering the denial, suspension or revocation of any license the gambling commission may consider any prior criminal conduct of the applicant and the provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to such cases.

NEW SECTION. Sec. 13. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

Any fishing derby, defined under the provisions of section 1(7) of this 1975 amendatory act, shall not be subject to any other provisions of this 1975 amendatory act or to any rules or regulations of the commission.

**NEW SECTION. Sec. 14. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:*

The commission shall adopt special rules and regulations for small scale gambling and annual fund raising events which shall be designed to carry out the purposes of this 1975 amendatory act without making it exceedingly burdensome for organizations to conduct such small scale gambling.

***Sec. 14. was vetoed, see message at end of chapter.**

NEW SECTION. Sec. 15. If any provision of this 1975 amendatory 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. 16. This 1975 amendatory 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 26, 1975.

Passed the Senate May 22, 1975.

Approved by the Governor June 4, 1975, with the exception of sections 1, 2, 3, 5, 6 and 14 which are vetoed.

Filed in Office of Secretary of State June 4, 1975.

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

"I am returning herewith without my approval as to several sections Substitute House Bill No. 212 entitled:

"AN ACT Relating to gambling."

At each of the past several sessions of the Legislature, bills have been passed amending the gambling statutes, primarily to extend the scope of gambling activities authorized. As Governor, I have believed it to be my responsibility to review these bills in detail and to remove from the bills those provisions which were most objectionable because of the problems they would have created for law enforcement officials throughout the state. The Legislature could have resolved many of the problems in the bills had law enforcement officials been consulted during the legislative process on the effect of individual amendments to the law. As in the past sessions, the Legislature has apparently failed again to consult those officials, and as a result I am compelled to veto several portions of this bill, which, if allowed to go into effect, would have created serious problems for law enforcement officials in maintaining legalized gambling in this state from professional gambling interests. I

regret that several meritorious changes in the law were written into the same sections that I have vetoed, and I am unable to preserve those provisions without the power of the item veto.

Sections 1, 2 and 3 contain several related provisions on small scale gambling, annual fund-raising events, and sports pools. The subsections relating to small scale gambling and annual fund-raising events both contain a ceiling of \$5,000 on gross wagers and bets received by the sponsoring organization. The difficulty presented by this provision is that enormous amounts of money could be exchanging hands among persons betting between themselves with the organization receiving nothing, or if anything, a token amount. Thus while the gross total of \$5,000 sounds like a fairly innocuous amount, it is by no means an accurate measure of the amount of gambling that may take place, including gambling for very high stakes. Moreover, there is no provision for record keeping, no license required, no requirement that local law enforcement officers be notified of the event, and simply stated, no way by which gambling regulations can be enforced and violations detected. Since no license is required for these events, the provisions of RCW 9.46.160, which prescribes penalties for conducting gambling activities without license, could not be applied to gambling which might take place in flagrant violation of statutory authorization or Gambling Commission rule.

The provisions relating to sports pools create serious problems of enforcement because of the large amount which may be wagered for each square and the absence of any limit on the number of pools that may be conducted simultaneously and on the same premises. Again, there is no requirement for record-keeping, which is particularly needed for sports pools conducted in commercial premises if there is to be any enforcement of commission rules.

For these reasons, I have determined to veto sections 1, 2, and 3.

Section 5 contains language which would prohibit local taxation of amusement games at agricultural fairs. The ostensible reason for this provision is the claim that the local jurisdictions already receive fees to pay for their services from the fee that is charged to the amusement game operator to participate at the fair. This argument ignores the fact that the same can be said of any other business that procures a license and also pays taxes to the local jurisdiction. For this reason, and also because the section contains language tied to provisions in section 1, 2 and 3, I have determined to veto section 5.

Section 6 contains changes identical to those in section 1(2), and would, according to proponents of the changes, allow a person who is a member of more than one organization conducting bingo games to volunteer his or her services to assist in all those organizations as long as the person did not participate in the management of the organization. The existing language in the law was placed there to prevent professional bingo operators from conducting bingo games, thereby reducing the risks of customers being cheated or income being substantially taken by such operators instead of accruing to the charitable or non-profit organizations sponsoring the games. The changes enacted in this bill make it more difficult to prevent the presence of professional operators, and would place the Gambling Commission and local law enforcement personnel in the position of having to distinguish between managerial and non-managerial tasks. Accordingly, I have determined to veto section 6.

Section 14 is integrally tied to provisions in sections 1, 2 and 3 which I have vetoed, and would make no sense standing alone. Accordingly, I have vetoed that section.

I have determined not to veto section 13, which is also tied to language relating to fishing derbies in sections 1, 2 and 3, which sections were vetoed for other reasons stated above. It is my intent that notwithstanding the reference in section 13 to a revised definition in section 1(7), the intent of the Legislature in exempting fishing derbies from any other provisions of this act or from any rules and regulations of the Gambling Commission should be carried out. I have no objections to exempting such fishing derbies, and regret that related language in other sections of the bill could not be preserved from section vetoes. I believe that with the language of section 13 and the intent stated in this message, the Gambling Commission has sufficient authority to refrain from regulation of fishing derbies.

I wish to make special note of the fact that I support revised statutory language on small scale gambling and sports pools, and probably would have approved language originally drafted by their proponents and concurred in by the Gambling Commission. However, the provisions related thereto have suffered the same consequences as many other worthwhile changes in past gambling bills, and amendments added during the legislative process have made those provisions far broader than first intended. I specifically regret that the well-intentioned and diligent efforts of organizations such as the Washington Congress of Parents, Teachers and Students are hereby negated because of changes made in the enactment of this bill.

With the exception of sections 1, 2, 3, 5, 6, and 14 which I have vetoed for the reasons stated, the remainder of Substitute House Bill No. 212 is approved."

CHAPTER 167

[House Bill No. 105]

STATE MOTOR VEHICLE TRANSPORTATION SERVICE

AN ACT Relating to state government; transferring the state motor pool to the department of general administration; amending section 43.19.010, chapter 8, Laws of 1965 and RCW 43.19.010; adding new sections to chapter 8, Laws of 1965 and to chapter 43.19 RCW; adding new sections to chapter 239, Laws of 1969 ex. sess. and to chapter 43.41 RCW; repealing section 43.91.010, chapter 8, Laws of 1965 and RCW 43.91.010; repealing section 43.91.020, chapter 8, Laws of 1965 and RCW 43.91.020; repealing section 43.91.030, chapter 8, Laws of 1965 and RCW 43.91.030; repealing section 43.91.040, chapter 8, Laws of 1965 and RCW 43.91.040; repealing section 43.91.050, chapter 8, Laws of 1965 and RCW 43.91.050; repealing section 43.91.060, chapter 8, Laws of 1965 and RCW 43.91.060; repealing section 43.91.070, chapter 8, Laws of 1965 and RCW 43.91.070; repealing section 43.91.080, chapter 8, Laws of 1965 and RCW 43.91.080; providing penalties; and declaring an emergency.

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

Section 1. Section 43.19.010, chapter 8, Laws of 1965 and RCW 43.19.010 are each amended to read as follows:

The department of general administration shall be organized into ~~((five))~~ divisions, ~~((to be known as))~~ which shall include (1) the division of banking, (2) the division of savings and loan associations, (3) the division of capitol buildings, (4) the division of purchasing, ~~((and))~~ (5) the division of engineering and architecture, and the division of motor vehicle transportation service.

The director of general administration shall have charge and general supervision of the department. He may appoint and deputize such clerical and other assistants as may be necessary for the general administration of the department. The director of general administration shall receive a salary in an amount fixed by the governor.

NEW SECTION. Sec. 2. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

As used in sections 3 through 18 of this 1975 amendatory act, the following definitions shall apply:

(1) "Passenger motor vehicle" means any sedan, station wagon, bus, or light truck which is designed for carrying ten passengers or less and is used primarily for the transportation of persons;

(2) "State agency" shall include any state office, agency, commission, department, or institution financed in whole or in part from funds appropriated by the legislature. It shall also include the state printer, but it shall not include (a) the state supreme court or any agency of the judicial branch or (b) the legislature or

any of its statutory, standing, special, or interim committees, other than at the option of the judicial or legislative agency or committee concerned;

(3) "Employee commuting" shall mean travel by a state officer or employee to or from his or her official residence or other domicile to or from his or her official duty station or other place of work;

(4) "Motor vehicle transportation services" shall include but not be limited to the furnishing of motor vehicles for the transportation of persons or property, with or without drivers, and may also include furnishing of maintenance, storage, and other support services to state agencies for the conduct of official state business.

NEW SECTION. Sec. 3. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

The department of general administration shall establish a motor vehicle transportation service which is hereby empowered to (1) provide suitable motor vehicle transportation services to any state agency on either a temporary or permanent basis upon requisition from a state agency and upon such demonstration of need as the department may require; (2) provide motor pools for the use of state agencies located in the Olympia and Seattle areas and such additional motor pools at other locations in the state as may be necessary to provide economic, efficient, and effective motor vehicle transportation services to state agencies. Such additional motor pools may be under either the direct control of the department or under the supervision of another state agency by agreement with the department; (3) establish an equitable schedule of rental and mileage charges to agencies for motor vehicle transportation services furnished which shall be designed to provide funds to cover replacement of vehicles and to recover the actual total costs of motor pool operations including but not limited to vehicle operation expense, depreciation expense, overhead, and nonrecoverable collision or other damage to vehicles. Additions to capital such as the purchase of additional vehicles shall be budgeted and purchased from funds appropriated for such purposes under such procedures as may be provided by law.

NEW SECTION. Sec. 4. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

(1) The department shall direct and be responsible for the acquisition, operation, maintenance, storage, repair, and replacement of state motor vehicles under its control. The department shall utilize state facilities available for the maintenance, repair, and storage of such motor vehicles, and may provide directly or by contract for the maintenance, repair, and servicing of all motor vehicles, and other property related thereto and under its control;

(2) The department may arrange, by agreement with agencies, for the utilization by one of the storage, repair, or maintenance facilities of another, with such provision for charges and credits as may be agreed upon. Any such agreement shall be subject to the approval of the automotive policy board established pursuant to section 6 of this 1975 amendatory act. The department may acquire and maintain storage, repair, and maintenance facilities for the motor vehicles under its control from such funds as may be appropriated by the legislature.

NEW SECTION. Sec. 5. There is added to chapter 239, Laws of 1969 ex. sess. and to chapter 43.41 RCW a new section to read as follows:

The director of the office of program planning and fiscal management, after consultation with other interested or affected state agencies and approval of the automotive policy board established pursuant to section 6 of this 1975 amendatory act, shall establish overall policies governing the acquisition, operation, management, maintenance, repair, and disposal of, all passenger motor vehicles owned or operated by any state agency. Such policies shall include but not be limited to a definition of what constitutes authorized use of a state owned or controlled passenger motor vehicle and other motor vehicles on official state business. Any use other than such defined use shall be considered as personal use.

NEW SECTION. Sec. 6. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

There is hereby established an automotive policy board consisting of the governor, the commissioner of public lands, the state attorney general, the secretary of the department of social and health services, the director of the department of motor vehicles, and a representative of four-year institutions of higher education to be designated by a majority vote of the presidents of such institutions. The governor, the commissioner of public lands and the attorney general are each authorized to designate a member of their agency's staffs to serve on the board as their alternates when they are unable to attend. The board shall be empowered to select its own chairman, vice-chairman, and any other necessary officers by majority vote and to make rules and regulations for the orderly conduct of business. The board shall approve all state-wide policies relating to passenger motor vehicle acquisition, utilization, and disposition and shall perform such additional functions as may be directed by law. The board shall also arbitrate and decide by majority vote the issue in any case of a dispute over the economic justification and benefits to be gained by the transfer to a state motor pool of passenger motor vehicles owned or operated by a state agency pursuant to section 10(3) of this 1975 amendatory act. Any necessary staff support and administrative services required by the board shall be furnished by the department of general administration.

NEW SECTION. Sec. 7. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

The director of general administration shall appoint a supervisor of motor transport, who shall have general charge and supervision of state motor pools and motor vehicle transportation services under departmental administration and control. The appointment of all personnel, except the supervisor, shall be made pursuant to chapter 41.06 RCW, the state civil service law, as now or hereafter amended.

With the approval of the director, the supervisor shall (1) appoint and employ such assistants and personnel as may be necessary, (2) acquire by purchase or otherwise a sufficient number of motor vehicles to fulfill state agency needs for motor vehicle transportation service, (3) provide for necessary storage, upkeep, and repair, and (4) provide for servicing motor pool vehicles with fuel, lubricants, and other operating requirements.

NEW SECTION. Sec. 8. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

All employees of any state agency who are employed exclusively or principally in performing the powers, duties, and functions transferred pursuant to sections 9 through 12 of this 1975 amendatory act to the department of general administration shall, upon such transfer to employment with the department of general administration, continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law, as now or hereafter amended, and shall automatically retain their permanent or probationary status together with all rights, privileges, and immunities attaching thereto.

NEW SECTION. Sec. 9. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

All passenger motor vehicles, property, facilities, equipment, credits, funds, and all other assets and obligations of the automobile pool and pertaining to passenger motor vehicles currently operated by the department of highways and funded by that portion of the highway equipment fund known as "District No. 8 (Motor Pool)" shall be transferred to the department of general administration on July 1, 1975. The director of general administration may accept such property prior thereto if he deems it expedient to accomplish an orderly transition.

NEW SECTION. Sec. 10. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

(1) On or after July 1, 1975, any passenger motor vehicles currently owned or hereafter acquired by any state agency, except vehicles acquired from federal granted funds and over which the federal government retains jurisdiction and control, may be purchased by or transferred to the department of general administration with the consent of the state agency concerned. The director of general administration may accept vehicles subject to the provisions of sections 2 through 16 of this 1975 amendatory act prior to July 1, 1975, if he deems it expedient to accomplish an orderly transition.

(2) The department, in cooperation with the office of program planning and fiscal management, shall study and ascertain current and prospective needs of state agencies for passenger motor vehicles and shall recommend transfer to a state motor pool or other appropriate disposition of any vehicle found not to be required by a state agency.

(3) The automotive policy board shall direct the transfer of passenger motor vehicles from a state agency to a state motor pool or other disposition as appropriate, based on a study under subsection (2) of this section, or after a public hearing if a finding is made based on testimony and data therein submitted that the economy, efficiency, or effectiveness of state government would be improved by such a transfer or other disposition of passenger motor vehicles. Any dispute over the accuracy of testimony and data submitted as to the benefits in state governmental economy, efficiency, and effectiveness to be gained by such transfer shall be resolved by a majority vote of the automotive policy board established by section 6 of this 1975 amendatory act.

NEW SECTION. Sec. 11. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

No cash reimbursement shall be made to agencies for property transferred under section 10 of this 1975 amendatory act to the extent that such property was

originally acquired without cost or was purchased from general fund appropriations. The value of such property shall be entered upon the accounts of the motor transport account as an amount due the agency from which the vehicle was transferred. For such property purchased from dedicated, revolving, or trust funds, the value at the time of transfer shall also be entered upon the accounts of the motor transport account as an amount due the agency and fund from which the vehicle transferred was purchased and maintained. If surplus funds are available in the motor transport account, the agency may be paid all or part of the amount due to the dedicated, revolving, or trust fund concerned. Otherwise, the credit for the amount due shall be applied proportionately over the remaining undepreciated life of such property. The prorated credits shall be applied monthly by the director of general administration against any monthly or other charges for motor vehicle transportation services rendered the agency.

To the extent surplus funds are available in the motor transport account, the automotive policy board may direct a cash reimbursement to a dedicated, revolving, or trust fund where an amount due such a fund will not be charged off to services rendered by the department of general administration within a reasonable time.

Any disagreement between the supervisor of motor transport and an agency as to the amount of reimbursement to which it may be entitled shall be resolved by the director of general administration with the advice and consent of the automotive policy board.

NEW SECTION. Sec. 12. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

There is hereby established in the general fund of the state treasury an account to be known as the motor transport account into which shall be paid all moneys, funds, proceeds, and receipts as provided in section 13 of this 1975 amendatory act and as may otherwise be provided by law. Disbursements therefrom shall be made in accordance with the provisions of sections 2 through 16 of this 1975 amendatory act as authorized by the director or his duly authorized representative and as may be provided by law.

NEW SECTION. Sec. 13. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

The director of general administration shall deposit in the motor transport account all receipts, including the initial transfer of automobile pool capital from the highway equipment fund and any other funds transferred, rentals or other fees and charges for transportation services furnished, proceeds from the sale of surplus or replaced property under the control of the supervisor of motor transport and other income, and from which shall be paid operating costs, including salaries and wages, administrative expense, overhead, the cost of replacement vehicles, additional passenger vehicles authorized pursuant to section 3 of this 1975 amendatory act, and any other expenses. If it is necessary at any time for the department to request any appropriation from the general fund or various dedicated, revolving, or trust funds to purchase additional vehicles, any appropriation therefor may provide that such advance shall be repaid together with reasonable interest from surpluses of the motor transport account.

NEW SECTION. Sec. 14. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

The director of general administration, through the supervisor of motor transport, shall adopt, promulgate, and enforce such regulations as may be deemed necessary to accomplish the purpose of sections 2 through 16 of this 1975 amendatory act. Such regulations, in addition to other matters, shall provide authority for any agency director or his delegate to approve the use on official state business of personally owned or commercially owned rental passenger motor vehicles. Before such an authorization is made, it must first be reasonably determined that state owned passenger vehicles or other suitable transportation is not available at the time or location required or that the use of such other transportation would not be conducive to the economical, efficient, and effective conduct of business.

Such regulations shall be consistent with and shall carry out the objectives of the general policies and guidelines adopted by the office of program planning and fiscal management pursuant to section 5 of this 1975 amendatory act, after approval by the automotive policy board.

NEW SECTION. Sec. 15. There is added to chapter 239, Laws of 1969 ex. sess. and to chapter 43.41 RCW a new section to read as follows:

Pursuant to policies and regulations promulgated by the office of program planning and fiscal management after consultation with and approval by the automotive policy board, an elected state officer or his delegate or a state agency director or his delegate may permit employee commuting in a state owned or leased vehicle only if such travel is on official business, as determined in accordance with section 5 of this 1975 amendatory act, and is determined to be economical and advantageous to the state.

NEW SECTION. Sec. 16. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

Sections 2 through 15 of this 1975 amendatory act shall not be construed to prohibit a state officer or employee from using his personal motor vehicle on state business and being reimbursed therefor, where permitted under state travel policies, rules, and regulations promulgated by the office of program planning and fiscal management after concurrence of the automotive policy board, and where such use is in the interest of economic, efficient, and effective management and performance of official state business.

NEW SECTION. Sec. 17. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

(1) The governor, acting through the department of general administration and any other appropriate agency or agencies as he may direct, is empowered to utilize all reasonable means for detecting the unauthorized use of state owned motor vehicles, including the execution of agreements with the state patrol for compliance enforcement. Whenever such illegal use is discovered which involves a state employee, the employing agency shall proceed as provided by law to establish the amount, extent, and dollar value of any such use, including an opportunity for notice and hearing for the employee involved. When such illegal use is so established, the agency shall assess its full cost of any mileage illegally used and shall recover such amounts by deductions from salary or allowances due to be paid to

the offending official or employee by other means. Recovery of costs by the state under this subsection shall not preclude disciplinary or other action by the appropriate appointing authority or employing agency under subsection (2) of this section.

(2) Any wilful and knowing violation of any provision of sections 2 through 15 of this 1975 amendatory act shall subject the state official or employee committing such violation to disciplinary action by the appropriate appointing or employing agency. Such disciplinary action may include, but shall not be limited to, suspension without pay, or termination of employment in the case of repeated violations.

(3) Any casual or inadvertent violation of sections 2 through 15 of this 1975 amendatory act may subject the state official or employee committing such violation to disciplinary action by the appropriate appointing authority or employing agency. Such disciplinary action may include, but need not be limited to, suspension without pay.

NEW SECTION. Sec. 18. The following acts or parts of acts are each repealed:

- (1) Section 43.91.010, chapter 8, Laws of 1965 and RCW 43.91.010;
- (2) Section 43.91.020, chapter 8, Laws of 1965 and RCW 43.91.020;
- (3) Section 43.91.030, chapter 8, Laws of 1965 and RCW 43.91.030;
- (4) Section 43.91.040, chapter 8, Laws of 1965 and RCW 43.91.040;
- (5) Section 43.91.050, chapter 8, Laws of 1965 and RCW 43.91.050;
- (6) Section 43.91.060, chapter 8, Laws of 1965 and RCW 43.91.060;
- (7) Section 43.91.070, chapter 8, Laws of 1965 and RCW 43.91.070; and
- (8) Section 43.91.080, chapter 8, Laws of 1965 and RCW 43.91.080.

NEW SECTION. Sec. 19. (1) There is hereby appropriated to the department of general administration for the biennium ending June 30, 1975, the sum of \$17,266 from the motor transport account in the general fund for purposes of preparing to provide the motor vehicle transportation services authorized by this act.

(2) On the effective date of this act, the department of highways or its statutory successor shall transfer \$17,266 from the portion of the highway equipment fund known as "District No. 8 (motor pool)" to the motor transportation account in the general fund.

NEW SECTION. Sec. 20. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1975 amendatory act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. This 1975 amendatory 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: PROVIDED, That no transfer of vehicles, equipment, supplies, or personnel shall be required prior to July 1, 1975, other than is necessary for the effective operation of this 1975 amendatory act on and after such date.

Passed the House May 27, 1975.

Passed the Senate May 23, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 168

[House Bill No. 171]

MOTOR VEHICLES—SIZE, WEIGHT, LOAD

AN ACT Relating to motor vehicle gross weights; and amending section 46.44.091, chapter 12, Laws of 1961 as amended by section 30, chapter 281, Laws of 1969 ex. sess. and RCW 46.44.091; amending section 2, chapter 137, Laws of 1965 as last amended by section 3, chapter 1, Laws of 1973 1st ex. sess. and RCW 46.44.0941; amending section 1, chapter 1, Laws of 1973 1st ex. sess. and RCW 46.44.130.

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

Section 1. Section 46.44.091, chapter 12, Laws of 1961 as amended by section 30, chapter 281, Laws of 1969 ex. sess. and RCW 46.44.091 are each amended to read as follows:

(1) Except as otherwise provided in subsections (3) and (4) of this section, no special permit shall be issued for movement on any ((primary or secondary)) state highway or route of a state ((primary or secondary)) highway within the limits of any city or town where the gross weight, including load, exceeds the following limits: (a) Twenty-two thousand pounds on a single axle or on dual axles with a wheelbase between the first and second axles of less than three feet six inches.

(b) Forty-three thousand pounds on ((any group of)) dual axles having a wheelbase between the first and ((last axle thereof less than ten feet. PROVIDED, That)) second axles of not less than three feet six inches but less than seven feet.

(c) On any group of axles or in the case of a vehicle employing two single axles with a wheel base between the first and last axle of not less than seven feet but less than ten feet, a weight in pounds determined by multiplying six thousand five hundred times the distance in feet between the center of the first axle and the center of the last axle of the group.

(d) On any group of axles with a wheel base between the first and last axle of not less than ten feet but less than thirty feet, a weight in pounds determined by multiplying two thousand two hundred times the sum of twenty and the distance in feet between the center of the first axle and the center of the last axle of the group.

(e) On any group of axles with a wheel base between the first and last axle of thirty feet or greater, a weight in pounds determined by multiplying one thousand six hundred times the sum of forty and the distance in feet between the center of the first axle and the center of the last axle of the group.

(2) The total weight of a vehicle or combination of vehicles allowable by special permit under subsection (1) of this section shall be governed by the lesser of

the weights obtained by using the total number of axles as a group or any combination of axles as a group.

(3) The weight limitations pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires having a rim width of twenty inches or more and a rim diameter of twenty-four inches or more or dual pneumatic tires having a rim width of sixteen inches or more and a rim diameter of twenty-four inches or more~~((: PROVIDED FURTHER, That))~~.

(4) Permits may be issued for weights in excess of the ~~((proceeding))~~ limitations contained in subsection (1) of this section on highways or sections of highways which have been designed and constructed for weights in excess of such limitations~~((;)), or ((these limitations may be rescinded when certification is made))~~ for any shipment duly certified as necessary by military officials or by officials of public or private power facilities, when in the opinion of the highway commission such movement or action is a necessary movement or action~~((: PROVIDED FURTHER;))~~ and the commission further determines that the structures and highway surfaces on the routes involved are ~~((determined to be))~~ capable of sustaining weights in excess of such limitations and it is not reasonable for economic or operational considerations to transport such excess weights by rail or water for any substantial distance of the total mileage applied for.

(5) Application shall be made in writing on special forms provided by the highway commission and shall be submitted at least thirty-six hours in advance of the proposed movement. An application for a special permit for a gross weight of any combination of vehicles exceeding two hundred thousand pounds shall be submitted in writing to the highway commission at least thirty days in advance of the proposed movement.

Sec. 2. Section 2, chapter 137, Laws of 1965 as last amended by section 3, chapter 1, Laws of 1973 1st ex. sess. and RCW 46.44.0941 are each amended to read as follows:

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state highways. All funds collected shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

All overlegal loads, except overweight, single trip	\$ 5.00
Continuous operation of overlegal loads having either overwidth or overweight features only for a period not to exceed thirty days	\$ 20.00
Continuous operations of overlegal loads having over- length only for a period not to exceed thirty days	\$ 10.00
Continuous operation of a vehicle having a maximum height not to exceed fourteen feet for a period of one year	\$150.00
Continuous operation of a combination of vehicles not to exceed ((seventy-three)) <u>seventy-five feet overall length which may contain a permanent structure vehicle not in excess of forty-seven feet</u> for a period of one year	\$ 60.00

Continuous operation of a three-axle fixed load vehicle having less than 65,000 pounds gross weight for a period not to exceed thirty days \$ 50.00

Continuous operation of overlegal loads having nonreducible features not to exceed eighty-five feet in length, fourteen feet in width, and fourteen feet in height for a period of one year \$150.00

Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by:

- (1) Farmers in the course of farming activities for any three-month period \$ 10.00
- (2) Farmers in the course of farming activities for a period not to exceed one year \$ 25.00
- (3) Persons engaged in the business of the sale, repair or maintenance of such farm implements for any three-month period \$ 25.00
- (4) Persons engaged in the business of the sale, repair or maintenance of such farm implements for a period not to exceed one year \$100.00

Overweight Fee Schedule

Weight over total registered gross weight plus additional gross weight purchased under provisions of RCW 46.44.095, 46.44.047, 46.44.037 as now or hereafter amended, or any other statute authorizing state highway commission to issue annual overweight permits.	Fee per mile on state highways
1- 5,999 pounds	\$.05
6,000-11,999 pounds	\$.10
12,000-17,999 pounds	\$.15
18,000-23,999 pounds	\$.25
24,000-29,999 pounds	\$.35
30,000-35,999 pounds	\$.45
36,000-41,999 pounds	\$.60
42,000-47,999 pounds	\$.75
48,000-53,999 pounds	\$.90
54,000-59,999 pounds	\$ 1.05
60,000-65,999 pounds	\$ 1.20
66,000-71,999 pounds	\$ 1.45
72,000-77,999 pounds	\$ 1.70
80,000 pounds or more	\$ 2.00

PROVIDED: (1) the minimum fee for any overweight permit shall be \$5.00, (2) when computing overweight fees which result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

Sec. 3. Section 1, chapter 1, Laws of 1973 1st ex. sess. and RCW 46.44.130 are each amended to read as follows:

The limitations of RCW 46.44.010, 46.44.020, 46.44.030, and 46.44.040 shall not apply to the movement of farm implements of less than forty-five thousand pounds gross weight, a total length of seventy feet or less, and a total outside width of fourteen feet or less when being moved while patrolled, flagged, lighted, signed and at a time of day in accordance with rules hereby authorized to be adopted by the highway commission and the statutes. Violation of a rule adopted by the highway commission as authorized by this section or a term of this section is a misdemeanor.

NEW SECTION. Sec. 4. This 1973 amendatory 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 July 1, 1975.

Passed the House May 27, 1975.

Passed the Senate May 22, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 169

[House Bill No. 172]

PUBLICLY OWNED VEHICLES—IDENTIFICATION AND LICENSING

AN ACT Relating to publicly owned motor vehicles; amending section 46.08.065, chapter 12, Laws of 1961 and RCW 46.08.065; amending section 46.16.020, chapter 12, Laws of 1961 as last amended by section 22, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.16.020; amending section 46.16.210, chapter 12, Laws of 1961 as amended by section 1, chapter 75, Laws of 1969 ex. sess. and RCW 46.16.210; amending section 46.16.270, chapter 12, Laws of 1961 as amended by section 1, chapter 78, Laws of 1965 ex. sess. and RCW 46.16.270; adding new sections to chapter 12, Laws of 1961 and to chapter 46.08 RCW; and providing penalties.

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

Section 1. Section 46.08.065, chapter 12, Laws of 1961 and RCW 46.08.065 are each amended to read as follows:

(1) It shall be unlawful for any public officer having charge of any vehicle other than a motorcycle owned ((by the state of Washington)) or controlled by any county, city, town, or ((other)) public body in this state other than the state of Washington and used in public business to operate the same upon the public highways of this state unless and until there shall be ((painted)) displayed upon such automobile or other motor vehicle in letters of contrasting color not less than ((two)) one and one-quarter inches in height in a conspicuous place on the right and left sides thereof, ((the words "State of Washington" or)) the name of such county, city, town, or other public body, together with the name of the department or office upon the business of which the said vehicle is used((~~PROVIDED; That~~)). This section shall not apply to vehicles of ((the Washington state patrol;)) a sheriff's office, local police department, or any vehicles used by local peace officers under public authority for special undercover or ((general)) confidential investigative purposes((~~PROVIDED FURTHER; That~~)). This subsection shall not apply to: (a) Any municipal transit vehicle operated for purposes of providing

public mass transportation; nor to (b) any motor vehicle on loan to a school district for driver training purposes. It shall be lawful and constitute compliance with the provisions of this section, however, for ((any department or office)) the governing body of the appropriate county, city, town, or public body other than the state of Washington or its agencies to adopt and use ((in lieu of the lettering required)) a distinctive insignia ((- approved by the state commission on equipment, and bearing substantially the same information as required herein)) which shall be not less than six inches in diameter across its smallest dimension and which shall be displayed conspicuously on the right and left sides of the vehicle. Such insignia shall be in a color or colors contrasting with the vehicle to which applied for maximum visibility. The name of the public body owning or operating the vehicle shall also be included as part of or displayed above such approved insignia in colors contrasting with the vehicle in letters not less than one and one-quarter inches in height. Immediately below the lettering identifying the public entity and agency operating the vehicle or below an approved insignia shall appear the words "for official use only" in letters at least one inch high in a color contrasting with the color of the vehicle. The appropriate governing body may provide by rule or ordinance for exceptions to the marking requirements for local governmental agencies for the same purposes and under the same circumstances as permitted for state agencies under subsections (4) and (5) of this section.

(2) Except as provided by subsections (3), (4), or (5) of this section, every state office, agency, commission, department, or institution financed in whole or in part from funds appropriated by the legislature shall plainly and conspicuously mark the right and left front doors of each motor vehicle other than a motorcycle under its ownership or control which is used on any public road or street with the name of the operating department, agency, or institution (or the words "state motor pool" as appropriate) in letters at least one and one-quarter inches high of a color contrasting with the color of the vehicle. Immediately below such lettering and also in a contrasting color shall appear the official seal of the state of Washington, the size of which shall be not less than six inches in diameter. Immediately below the official seal, or insignia if authorized under subsection (3) of this section, shall appear the words "for official use only" in letters at least one inch high in a color contrasting with the color of the vehicle.

(3) The department of general administration, with the consent of the automotive policy board, may approve the use of a distinctive departmental, office, agency, institutional, or commission insignia in lieu of the state seal required under subsection (2) of this section. Such insignia, if approved, shall be in a color or colors contrasting with the vehicle to which applied and shall be not less than six inches in diameter or across its smallest dimension. The words "State of Washington" shall be included as part of or displayed above such approved insignia in a color contrasting with the vehicle in letters not less than one and one-quarter inches in height.

(4) Any distinctive departmental, office, agency, institutional, or commission insignia approved for marking of state vehicles by the state commission on equipment on or before January 1, 1975, shall be approved for continued use if it conforms to the standards imposed by subsections (2) and (3) of this section.

(5) Subsections (2) and (3) of this section shall not apply to vehicles used by the Washington state patrol for general undercover or confidential investigative purposes. Traffic control vehicles of the Washington state patrol may be exempted from the requirements of subsections (2) and (3) of this section at the discretion of the chief of the Washington state patrol. The department of general administration, with the consent of the auto motive policy board, shall promulgate general rules and regulations permitting other exceptions to the requirements of subsections (2) and (3) of this section for other vehicles used for law enforcement, confidential public health work, and public assistance fraud or support investigative purposes, for vehicles leased or rented by the state on a casual basis for a period of less than ninety days, and those provided for in section 2(3) of this 1975 amendatory act. The exceptions in this subsection and those provided for in section 2(3) of this 1975 amendatory act shall be the only exceptions permitted to the requirements of subsections (2) and (3) of this section.

(6) Any motorcycle owned or controlled by the state of Washington or by any county, city, town, or other public body in this state and used for public purposes on the public highways of this state shall be conspicuously marked in letters of a contrasting color with the words "State of Washington" or the name of such county, city, town, or other public body, together with the name of the department or office upon the business of which the motorcycle is used.

(7) All motor vehicle markings required under the terms of this chapter shall be maintained in a legible condition at all times.

NEW SECTION. Sec. 2. There is added to chapter 12, Laws of 1961 and to chapter 46.08 RCW a new section to read as follows:

(1) Except as provided in subsection (3) of this section, the department of motor vehicles is authorized to issue confidential motor vehicle license plates to units of local government and to agencies of the federal government for law enforcement purposes only.

(2) Except as provided in subsections (3) and (4) of this section the use of confidential plates on vehicles owned or operated by the state of Washington by any officer or employee thereof, shall be limited to confidential, investigative, or undercover work of state law enforcement agencies, confidential public health work, and confidential public assistance fraud or support investigations.

(3) Any state official elected on a state-wide basis shall be provided on request with one set of confidential plates for use on official business. When necessary for the personal security of any other public officer, or public employee, the chief of the Washington state patrol may recommend that the director issue confidential plates for use on an unmarked publicly owned or controlled vehicle of the appropriate governmental unit for the conduct of official business for the period of time that the personal security of such state official, public officer, or other public employee may require. The office of the state treasurer may use an unmarked state owned or controlled vehicle with confidential plates where required for the safe transportation of either state funds or negotiable securities to or from the office of the state treasurer.

(4) The director of the department of motor vehicles, with the approval of the automotive policy board established pursuant to section 6, chapter ...[167] (HB

105), Laws of 1975 1st ex. sess., may issue rules and regulations governing applications for, and the use of, such plates by law enforcement and other public agencies. The legislative auditor shall periodically examine or require filing of a current listing of the total number of such plates issued to any law enforcement or other public agency. Reports on the utilization of such plates shall be submitted to the legislative budget committee and to the legislature.

NEW SECTION. Sec. 3. There is added to chapter 12, Laws of 1961 and to chapter 46.08 RCW a new section to read as follows:

A violation of any provision of RCW 46.08.065 as now or hereafter amended or of section 2 of this 1975 amendatory act shall subject the public officer or employee committing such violation to disciplinary action by the appropriate appointing authority or employing agency. Such disciplinary action may include, but shall not be limited to, suspension without pay or termination of employment in the case of repeated or continuing noncompliance.

NEW SECTION. Sec. 4. There is added to chapter 12, Laws of 1961 and to chapter 46.08 RCW a new section to read as follows:

Any vehicle properly marked pursuant to statutory requirements in effect prior to the effective date of this 1975 amendatory act, need not be remarked to conform to the requirements of sections 1, 2, and 3 of this 1975 amendatory act until July 1, 1977.

Sec. 5. Section 46.16.020, chapter 12, Laws of 1961 as last amended by section 22, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.16.020 are each amended to read as follows:

Any vehicle owned, rented, or leased by the state of Washington, or by any county, city, town, school district, or other political subdivision of the state of Washington and used exclusively by them, and all vehicles owned or leased with an option to purchase by the United States government, or by the government of foreign countries, or by international bodies to which the United States government is a signatory by treaty, and used exclusively in its or their service shall be exempt from the payment of license fees for the licensing thereof as in this chapter provided: **PROVIDED, HOWEVER,** That such vehicles, except those owned and used exclusively by the United States government and which are identified by clearly exhibited registration numbers or license plates assigned by an instrumentality of that government, shall be registered as prescribed for the license registration of other vehicles and shall display ~~((upon the vehicles))~~ the vehicle license number plates assigned ~~((by the director and except in cases of a foreign government or international body shall pay for such number plates a fee of one dollar))~~ to it. The department shall assign a plate or plates to each vehicle or may assign a block of plates to an agency or political subdivision for further assignment by the agency or political subdivision to individual vehicles registered to it pursuant to this section. The agency or political subdivision, except a foreign government or international body, shall pay a fee of two dollars for the plate or plates for each vehicle: **PROVIDED, FURTHER,** That no vehicle license or license number plates shall be issued to any such vehicle under the provisions of this section for the transportation of school children unless and until such vehicle shall have been first personally inspected by the director or his duly authorized representative.

Sec. 6. Section 46.16.210, chapter 12, Laws of 1961 as amended by section 1, chapter 75, Laws of 1969 ex. sess. and RCW 46.16.210 are each amended to read as follows:

(1) Upon receipt of the application and proper fee for original vehicle license, the director shall make a recheck of the application and in the event that there is any error in the application it may be returned to the county auditor or other agent to effectively secure the correction of such error, who shall return the same corrected to the director.

(2) Application for the renewal of a vehicle license shall be made to the director or his agents, including county auditors, by the registered owner on a form prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington unless the applicant submits a preprinted application mailed from Olympia, and the payment of such license fees and excise tax as may be required by law. Such application shall be handled in the same manner and the fees transmitted to the state treasurer in the same manner as in the case of an original application. Any such application which upon validation becomes a renewal certificate need not have entered upon it the name of the lien holder, if any, of the vehicle concerned.

(3) Persons expecting to be out of the state during the period from January 1st through February 1st may, not earlier than December 1st, but prior to January 1st, secure renewal of a vehicle license and have license plates or tabs preissued by making application to the director or his agents upon forms prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington and be accompanied by such license fees, including a special handling fee of one dollar; fifty cents to be retained by the issuing agency, and fifty cents to be deposited in the highway safety fund, and excise tax as may be required by law.

(4) Application for the annual renewal of a vehicle license number plate to the director or his agents shall not be required for those vehicles owned, rented, or leased by the state of Washington, or by any county, city, town, school district, or other political subdivision of the state of Washington.

Sec. 7. Section 46.16.270, chapter 12, Laws of 1961 as amended by section 1, chapter 78, Laws of 1965 ex. sess. and RCW 46.16.270 are each amended to read as follows:

Upon the loss, defacement, or destruction of one or both of the vehicle license number plates issued for any vehicle where more than one plate was originally issued or where one or both have become so illegible or in such a condition as to be difficult to distinguish, the owner of the vehicle shall make application for new vehicle license number plates upon a form furnished by the director, upon which form it shall be required that the owner, in addition to other requirements, make a complete statement as to the cause of the loss, defacement, or destruction of the original plate or plates, which statement shall be subscribed and sworn to before a notary public or other person authorized to certify to statements upon vehicle license applications. Such application shall be filed with the director or his authorized agent, accompanied by the certificate of license registration of the vehicle and a fee in the amount of four dollars, whereupon the director, or his authorized

agent, shall issue new vehicle license number plates to the applicant. It shall be accompanied by a fee of two dollars for a new vehicle license number plate where only one was originally issued and one dollar for a new motorcycle license number plate. In the event the director has issued license period tabs or a windshield emblem instead of vehicle license number plates, and upon the loss, defacement or destruction of said tabs or windshield emblem, application shall be made on a form provided by the director and in the same manner as above described, and shall be accompanied by a fee of one dollar for each pair of tabs or for each windshield emblem, whereupon the director shall issue to the applicant a duplicate pair of tabs or a windshield emblem to replace those lost, defaced or destroyed: PROVIDED, That for those vehicles owned, rented, or leased by the state of Washington or by any county, city, town, school district, or other political subdivision of the state of Washington or United States government, a fee shall be charged for replacement of a vehicle license number plate only to the extent required by the provisions of RCW 46.16.020, 46.16.061, 46.16.237, and 46.01.140: PROVIDED FURTHER, That for those vehicles owned, rented, or leased by foreign countries or international bodies to which the United States government is a signatory by treaty, the payment of any fee for the replacement of a vehicle license number plate shall not be required.

Passed the House May 28, 1975.

Passed the Senate May 22, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 170

[House Bill No. 763]

DELINQUENT JUVENILES—JURISDICTION BEYOND EIGHTEENTH AND TWENTY-FIRST BIRTHDAYS

AN ACT Relating to juvenile courts; adding a new section to chapter 13.04 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 13.04 RCW a new section to read as follows:

In no case shall a delinquent juvenile be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution beyond the child's twenty-first birthday. A delinquent juvenile shall be under the jurisdiction of the juvenile court or the authority of the department of social and health services beyond the child's eighteenth birthday only if the juvenile court has, prior to the juvenile's eighteenth birthday, found the juvenile to be delinquent and has extended the jurisdiction beyond the child's eighteenth birthday by written order setting forth its reasons therefor.

In no event shall the juvenile court have authority to extend jurisdiction over any delinquent juvenile beyond the juvenile's twenty-first birthday.

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 28, 1975.

Passed the Senate May 23, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 171

[Substitute House Bill No. 788]

PRACTICE OF MEDICINE

AN ACT Relating to the practice of medicine; amending section 2, chapter 60, Laws of 1957 as amended by section 1, chapter 284, Laws of 1961 and RCW 18.71.010; amending section 2, chapter 284, Laws of 1961 and RCW 18.71.015; amending section 14, chapter 192, Laws of 1909 as last amended by section 1, chapter 305, Laws of 1971 ex. sess. and RCW 18.71.020; amending section 10, chapter 284, Laws of 1961 and RCW 18.71.025; amending section 19, chapter 192, Laws of 1909 as last amended by section 1, chapter 110, Laws of 1973 1st ex. sess. and RCW 18.71.030; amending section 35, chapter 202, Laws of 1953 and RCW 18.71.040; amending section 3, chapter 60, Laws of 1957 as amended by section 5, chapter 284, Laws of 1961 and RCW 18.71.050; amending section 4, chapter 60, Laws of 1957 as amended by section 6, chapter 284, Laws of 1961 and RCW 18.71.055; amending section 8, chapter 192, Laws of 1909 as amended by section 7, chapter 284, Laws of 1961 and RCW 18.71.060; amending section 6, chapter 192, Laws of 1909 as last amended by section 8, chapter 284, Laws of 1961 and RCW 18.71.070; amending section 36, chapter 202, Laws of 1955 as amended by section 12, chapter 266, Laws of 1971 ex. sess. and RCW 18.71.080; amending section 11, chapter 134, Laws of 1919 as last amended by section 9, chapter 284, Laws of 1961 and RCW 18.71.090; amending section 1, chapter 189, Laws of 1959 as last amended by section 1, chapter 4, Laws of 1973 1st ex. sess. and RCW 18.71.095; amending section 44, chapter 202, Laws of 1955 and RCW 18.71.180; adding new sections to chapter 18.71 RCW; repealing section 2, chapter 189, Laws of 1959, section 1, chapter 65, Laws of 1963, section 2, chapter 29, Laws of 1965, section 2, chapter 138, Laws of 1967, section 2, chapter 4, Laws of 1973 1st ex. sess. and RCW 18.71.096; and repealing section 21, chapter 192, Laws of 1909 and RCW 18.71.900.

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

Section 1. Section 2, chapter 60, Laws of 1957 as amended by section 1, chapter 284, Laws of 1961 and RCW 18.71.010 are each amended to read as follows:

The following terms used in this chapter shall have the meanings set forth in this section unless the context clearly indicates otherwise:

(1) ~~((The practice of medicine and surgery consists of the use of drugs or medicinal preparations in or upon human beings, severing or penetrating the tissues of human beings, and the use of any and all other methods in the treatment of diseases, injuries, deformities, or other physical or mental conditions, but shall not include the practice of chiropractic as defined in RCW 18.25.030))~~ "Board" means the board of medical examiners.

(2) ~~"Director" means the director of ((licenses))~~ "Director" means the director of the department of motor vehicles.

(3) ~~(("Board" means the board of medical examiners))~~ "Resident physician" means an individual who has graduated from a school of medicine which meets the requirements set forth in RCW 18.71.055 and is serving a period of postgraduate clinical medical training sponsored by a college or university in this state or by a hospital accredited by this state. For purposes of this chapter, the term shall include individuals designated as intern or medical fellow.

Sec. 2. Section 2, chapter 284, Laws of 1961 and RCW 18.71.015 are each amended to read as follows:

There is hereby created a board of medical examiners consisting of ~~((five))~~ six individuals licensed to practice medicine ~~((and surgery))~~ in the state of Washington and one individual who is not a physician, to be known as the Washington state board of medical examiners.

The board shall be appointed by the governor. The members of the first board shall be appointed within thirty days after March 21, 1961, to serve the following terms: One member for one year, one member for two years, one member for three years, one member for four years, one member for five years, from the date of their appointment, or until their successors are duly appointed and qualified. On expiration of the term of any member, the governor shall appoint for a period of five years an individual ~~((licensed to practice medicine and surgery in the state of Washington))~~ of similar qualifications to take the place of such member. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been appointed and shall have qualified.

Each member of the board shall be a citizen of the United States, must be an actual resident of this state, and, if a physician, must have been licensed to practice medicine ~~((and surgery))~~ in this state for at least five years.

The board shall meet as soon as practicable after appointment and elect a chairman and a secretary from its members. Meetings shall be held at least four times a year and at such place as the board shall determine and at such other times and places as the board deems necessary.

It shall require the affirmative vote of a majority of the members of the board to carry any motion or resolution, to adopt any rule, to pass any measure, or to authorize or deny the issuance of any certificate.

Each member of the board shall receive the sum of ~~((twenty-five))~~ forty dollars per diem when actually attending to the work of the board or any of its committees and for the time spent in necessary travel; and in addition thereto shall be reimbursed for actual traveling, incidental and clerical expenses necessarily incurred in carrying out the duties of the board. Any such expenses shall be paid from funds appropriated to the department of ~~((licenses))~~ motor vehicles.

Any member of the board may be removed by the governor for neglect of duty, misconduct or malfeasance or misfeasance in office.

Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor.

Sec. 3. Section 14, chapter 192, Laws of 1909 as last amended by section 1, chapter 305, Laws of 1971 ex. sess. and RCW 18.71.020 are each amended to read as follows:

Any person who shall practice or attempt to practice or hold himself out as practicing medicine ~~((and surgery))~~ in this state, without having, at the time of so doing, a valid, unrevoked ~~((certificate))~~ license as provided in this chapter, shall be guilty of a gross misdemeanor: PROVIDED, That nothing in this section shall be so construed as to prohibit or penalize emergency life-saving service rendered by a physician's trained mobile intensive care paramedic, as defined in RCW 18.71-.200, if such emergency life-saving service be rendered under the responsible supervision and control of a licensed physician. In each such conviction the fine

shall be paid, when collected, to the state treasurer: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. The director is authorized to prosecute all persons guilty of a violation of the provisions of this chapter.

Sec. 4. Section 10, chapter 284, Laws of 1961 and RCW 18.71.025 are each amended to read as follows:

The attorney general, each prosecuting attorney, the director, the state board of medical examiners, or any citizen of the state may in accordance with the laws of this state governing injunctions, maintain an action in the name of this state to enjoin such person from engaging in the practice of medicine (~~and surgery~~) as herein defined until a valid (~~certificate~~) license to practice medicine (~~and surgery~~) be secured: PROVIDED, That such injunction shall not relieve such person so practicing medicine (~~and surgery~~) without a valid (~~certificate~~) license from criminal prosecution therefor, but such remedy by injunction shall be in addition to the liability of such offender to criminal prosecution.

Sec. 5. Section 19, chapter 192, Laws of 1909 as last amended by section 1, chapter 110, Laws of 1973 1st ex. sess. and RCW 18.71.030 are each amended to read as follows:

~~Nothing in this chapter shall be construed to ((prohibit service in the case of emergency, or the domestic administration of family remedies, or the practice of midwifery; nor shall this chapter apply to any commissioned medical officer in the United States army, navy, or marine hospital service, in the discharge of his official duties; nor to any person serving a period of training, not exceeding three years, in any hospital licensed under chapter 70.41 RCW; nor to any person serving a period of training at the University of Washington school of medicine; nor to any licensed dentist when engaged exclusively in the practice of dentistry; nor shall this chapter prevent a physician licensed to practice medicine and surgery in Canada or any province or territory thereof from practicing medicine in any part of this state which shares a common border with Canada and which is surrounded on three sides by water; nor shall this chapter apply to any practitioner from any other state or territory in which he resides: PROVIDED, That such practitioner shall not open an office or appoint a place of meeting patients or receive calls within the limits of this state. This chapter shall not be construed to apply in any manner to the practice of osteopathy or to any drugless method of treating the sick or afflicted; or to)) apply to or interfere in any way with the practice of religion or any kind of treatment by prayer; nor ((to any person now holding a license for any system of drugless practice issued pursuant to chapter 18.36; nor to any person licensed under any law to practice any of the other healing arts if such practice is by the methods and means permitted by his license)) shall anything in this chapter be construed to prohibit:~~

(1) The furnishing of medical assistance in cases of emergency requiring immediate attention;

(2) The domestic administration of family remedies;

(3) The practice of dentistry, osteopathy, osteopathy and surgery, nursing, chiropractic, podiatry, optometry, drugless therapeutics or any other healing art licensed under the methods or means permitted by such license;

(4) The practice of medicine in this state by any commissioned medical officer serving in the armed forces of the United States or public health service or any medical officer on duty with the United States veterans administration while such medical officer is engaged in the performance of the duties prescribed for him by the laws and regulations of the United States;

(5) The practice of medicine by any practitioner licensed by another state or territory in which he resides, provided that such practitioner shall not open an office or appoint a place of meeting patients or receiving calls within this state;

(6) The practice of medicine by a person who is a regular student in a school of medicine approved and accredited by the board: PROVIDED, HOWEVER, That the performance of such services be only pursuant to a regular course of instruction or assignments from his instructor, or that such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

(7) The practice of medicine by a person serving a period of postgraduate medical training in a program of clinical medical training sponsored by a college or university in this state or by a hospital accredited in this state: PROVIDED, That the performance of such services shall be only pursuant to his duties as a trainee;

(8) The practice of medicine by a person who is regularly enrolled in a physician's assistant program approved by the board: PROVIDED, HOWEVER, That the performance of such services be only pursuant to a regular course of instruction in said program: AND PROVIDED FURTHER, That such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

(9) The practice of medicine by a registered physician's assistant which practice is performed under the supervision and control of a physician licensed pursuant to this chapter;

(10) The practice of medicine, in any part of this state which shares a common border with Canada and which is surrounded on three sides by water, by a physician licensed to practice medicine and surgery in Canada or any province or territory thereof.

Sec. 6. Section 35, chapter 202, Laws of 1953 and RCW 18.71.040 are each amended to read as follows:

Every applicant for a ((certificate)) license to practice medicine ((and surgery)) shall pay ((a)) an application fee of twenty-five dollars. In addition to the application fee provided for herein, every applicant for licensure by examination shall pay an examination fee of one hundred dollars, which sum shall be refunded in the event the board determines that the applicant is not eligible for examination. In addition to the application fee provided for herein, every applicant for licensure by reciprocity or waiver of examination shall pay a fee of fifty dollars. The director shall charge a fee of fifteen dollars for license certifications.

Sec. 7. Section 3, chapter 60, Laws of 1957 as amended by section 5, chapter 284, Laws of 1961 and RCW 18.71.050 are each amended to read as follows:

((Every such applicant must file in the office of the director with his application satisfactory testimonials as to his moral character, and a diploma issued by a medical school accredited and approved by the board, or by the director prior to

~~March 21, 1961, as of the time the diploma was issued therefrom. After March 21, 1961, the board shall not accredit or approve any medical school that does not meet the requirements set forth in RCW 18.71.055, as amended. The application must be sworn to before some person authorized to administer oaths, and attested by the hand and seal of such officer, if he has a seal, stating that the applicant is the person named in the diploma, that he is the lawful holder thereof, and that it was procured in the regular course of instruction and examination, without fraud or misrepresentation.~~

~~The applicant must also furnish evidence that:~~

~~(1) He has served for not less than one year as interne in a thoroughly equipped hospital, having at least twenty-five beds for each interne, devoted to the treatment of medical, surgical, gynecological and special diseases;~~

~~(2) He has had some experience in, and has a practical working knowledge of obstetrics;~~

~~(3) He has had some experience in, and a practical working knowledge of pathology;))~~

Each applicant who has graduated from a school of medicine located in any state, territory or possession of the United States, the District of Columbia, or the Dominion of Canada, shall file an application for licensure with the board on a form prepared by the director with the approval of the board. Each applicant shall furnish proof satisfactory to the board of the following:

(1) That he has attended and graduated from a school of medicine approved by the board;

(2) That he has completed one year of postgraduate medical training in a program acceptable to the board;

(3) That he is of good moral character;

(4) That he is physically and mentally capable of safely carrying on the practice of medicine. The board may require any applicant to submit to such examination or examinations as it deems necessary to determine an applicant's physical and/or mental capability to safely practice medicine;

(5) That his license to practice medicine is not at the time of the application revoked or suspended by any licensing agency and that he has not been guilty of any conduct which would constitute grounds for refusal, revocation or suspension of such license under the laws of the state of Washington.

Nothing in this section shall be construed as prohibiting the board from requiring such additional information from applicants as it deems necessary.

Sec. 8. Section 4, chapter 60, Laws of 1957 as amended by section 6, chapter 284, Laws of 1961 and RCW 18.71.055 are each amended to read as follows:

The board may ((accredit and)) approve any ((medical)) school of medicine which is located in any state, territory or possession of the United States, the District of Columbia, or in the Dominion of Canada, provided that it:

(1) Requires collegiate instruction which ((training shall)) includes ((theoretical and laboratory courses in physics, biology, inorganic and organic chemistry)) courses deemed by the board to be prerequisites to medical education;

(2) Provides adequate instruction in the following subjects: Anatomy, biochemistry, microbiology and immunology, pathology, pharmacology, physiology,

anaesthesiology, dermatology, gynecology, internal medicine, neurology, obstetrics, ophthalmology, orthopedic surgery, otolaryngology, pediatrics, physical medicine and rehabilitation, preventive medicine and public health, psychiatry, radiology, surgery and urology and such other subjects determined by the board;

(3) Provides clinical instruction in hospital wards and out-patient clinics under guidance.

Approval may be withdrawn by the board at any time a medical school ceases to comply with one or more of the requirements of this section.

(4) Nothing in this section shall be construed to authorize the board to approve a school of osteopathy, osteopathy and surgery or osteopathic medicine, for purposes of qualifying an applicant to be licensed under this chapter by direct licensure, reciprocity or otherwise.

Sec. 9. Section 8, chapter 192, Laws of 1909 as amended by section 7, chapter 284, Laws of 1961 and RCW 18.71.060 are each amended to read as follows:

Said board shall keep an official record of all its proceedings, a part of which record shall consist of a register of all applicants for ~~((certificates))~~ licensure under this chapter, with the result of each application. Said record shall be evidence of all the proceedings of said board which are set forth therein.

Sec. 10. Section 6, chapter 192, Laws of 1909 as last amended by section 8, chapter 284, Laws of 1961 and RCW 18.71.070 are each amended to read as follows:

~~((In addition to the requirements above set forth, such applicants for a certificate must be personally examined by said board as to their qualifications. The examination shall be conducted in the English language, shall be practical in character and designed to discover the applicant's fitness to practice medicine and surgery, and shall be, in whole or in part, in writing on the following fundamental subjects, to wit: Anatomy, histology, gynecology, pathology, bacteriology, chemistry, toxicology, physiology, obstetrics, general diagnosis, practice of medicine and surgery and any other branches thereof that the board shall deem advisable. Examinations in each subject shall consist of not less than ten questions, answers to which shall be marked upon a scale of zero to ten. All applicants must obtain not less than sixty-five percent in any one subject and obtain a general average of not less than seventy percent in all subjects: PROVIDED, That applicants who can show at least ten years of reputable practice shall be granted a credit of five percent upon each subject. The examination papers shall form a part of the records of the board and shall be kept on file for a period of one year after each examination. In said examination the applicant shall be known and designated by number only, and the name attached to the number shall be kept secret until after the application has been finally voted upon.))~~

With the exception of those applicants granted licensure through the provisions of RCW 18.71.090 or 18.71.095, applicants for licensure must successfully complete an examination administered by the board to determine their professional qualifications. The board shall prepare and give, or approve the preparation and giving of, an examination which shall cover those general subjects and topics, a knowledge of which is commonly and generally required of candidates for the degree of doctor of medicine conferred by approved colleges or schools of medicine in the United States. Notwithstanding any other provision of law, the board

shall have the sole responsibility for determining the proficiency of applicants under this chapter, and, in so doing, may waive any prerequisite to licensure not set forth in this chapter.

The board may by rule establish the passing grade for the examination, and in so doing may grant credit based on experience. In no event, however, shall credit for experience exceed five percent of the total possible grade.

Examination results shall be part of the records of the board and shall be permanently kept with the applicant's file.

Sec. 11. Section 36, chapter 202, Laws of 1955 as amended by section 12, chapter 266, Laws of 1971 ex. sess. and RCW 18.71.080 are each amended to read as follows:

Every person licensed to practice medicine (~~and surgery~~) in this state shall register with the director of department of motor vehicles annually, and pay an annual renewal registration fee (~~of not more than ten dollars to be determined by the director as provided in RCW 43.24.085,~~) determined by the director as provided in RCW 43.24.085 as now or hereafter amended, on or before the first day of July of each year(~~and thereupon the license of such person shall be renewed for a period of one year~~). The board may establish rules and regulations governing mandatory continuing education requirements which shall be met by physicians applying for renewal of licenses. Any failure to register and pay the annual renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the director, and payment to the state of a penalty of ten dollars, together with all delinquent annual license renewal fees: PROVIDED, HOWEVER, That any person who fails to renew his license for a period of three years, shall in no event be entitled to renew his license under this section. Such a person in order to obtain a license to practice medicine in this state, shall file an original application as provided for in this chapter, along with the requisite fee therefor. The board, in its sole discretion, may permit such applicant to be licensed without examination if it is satisfied that such applicant meets all the requirements for licensure in this state, and is competent to engage in the practice of medicine.

Sec. 12. Section 11, chapter 134, Laws of 1919 as last amended by section 9, chapter 284, Laws of 1961 and RCW 18.71.090 are each amended to read as follows:

Any applicant who (~~has been examined and licensed under the laws of another state, which through a reciprocity provision in its laws, similarly accredits the holders of certificates from the proper authorities of this state to the full privileges of practice within its borders~~) meets the requirements of RCW 18.71.050 and has been licensed under the laws of another state, territory, or possession of the United States, or of any province of Canada, or an applicant who has satisfactorily passed examinations given by the national board of medical examiners may, in the discretion of the board, be granted a license without examination on the payment of (~~the~~) fees (~~of twenty-five dollars to the state treasurer~~) required by this chapter: PROVIDED, That he (~~has not previously failed to pass an examination held in this state. He~~) must file with the board a copy of his license certified by the proper authorities of the issuing state to be a full, true copy

thereof, and must show that the standards, eligibility requirements and examinations of that state are at least equal in all respects to those of this state.

Sec. 13. Section 1, chapter 189, Laws of 1959 as last amended by section 1, chapter 4, Laws of 1973 1st ex. sess. and RCW 18.71.095 are each amended to read as follows:

~~((Notwithstanding any provisions of law to the contrary, the director of the department of motor vehicles shall))~~ The board may, without examination, issue a limited license to persons who possess the qualifications set forth herein:

(1) The board may, upon the written request of the secretary of the department of social and health services, issue a ~~((conditional certificate or))~~ limited license to practice medicine ~~((and surgery))~~ in this state to ~~((such person or))~~ persons ~~((as requested by the secretary of the department of social and health services;))~~ who have been accepted for employment by the department as physicians ~~((or psychiatrists))~~; who are licensed to practice medicine ~~((and surgery))~~ in another state of the United States or in the country of Canada or any province or territory thereof; and who ~~((are graduates of a medical school accredited and approved in accordance with the provisions of RCW 18.71.055, as now or hereafter amended; any such license or conditional certificate to practice medicine and surgery in this state shall be issued by the director of the department of motor vehicles, and in addition to the above requirements shall be subject to the following limitations, which shall be set forth therein;))~~ meet all of the qualifications for licensure set forth in RCW 18.71.050.

~~(((1) The licensee shall only))~~ Such license shall permit the holder thereof to practice ~~((the profession of))~~ medicine ~~((and surgery))~~ only in ~~((conjunction))~~ connection with patients, residents, or inmates of the state institutions under the control and supervision of the secretary of the department of social and health services.

(2) The board may issue a limited license to practice medicine in this state to persons who have been accepted for employment by a county or city health department as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with his or her duties in employment with the city or county health department.

(3) Upon receipt of a completed application showing that the applicant meets all of the requirements for licensure set forth in RCW 18.71.050 except for completion of one year of postgraduate medical training, and that the applicant has been appointed as a resident physician in a program of postgraduate clinical training in this state approved by the board, the board may issue a limited license to a resident physician. Such license shall permit the resident physician to practice medicine only in connection with his duties as a resident physician and shall not authorize him to engage in any other form of practice. Each resident physician shall practice medicine only under the supervision and control of a physician licensed in this state, but such supervision and control shall not be construed to

necessarily require the personal presence of the supervising physician at the place where services are rendered.

~~((2) The licensee)) All persons licensed under this section shall be subject to the jurisdiction of the medical disciplinary board to the same extent as other members of the medical profession, in accordance with chapter 18.72 RCW and in addition, the ~~((conditional))~~ limited license ~~((or certificate))~~ to practice medicine ~~((and surgery))~~ in the state of Washington may be revoked by the medical disciplinary board after a hearing has been held in accordance with the provisions set forth in chapter 18.72 RCW, and determination made by the medical disciplinary board that such licensee has violated the limitations set forth ~~((in subsection (1) hereof))~~ herein.~~

~~((3) Such license shall remain in full force and effect only so long as the licensee remains an employee of the department of social and health services, and his duties as such employee require him to practice the profession of medicine and surgery, unless such conditional license or certificate is revoked or suspended by the medical disciplinary board, in accordance with the provisions of chapter 18.72 RCW.))~~

Persons applying for licensure pursuant to this section shall pay an application fee of twenty-five dollars and, in the event the license applied for is issued, a license fee at the rate provided for renewals of licenses generally. Licenses issued hereunder may be renewed annually pursuant to the provisions of RCW 18.71-.080: PROVIDED, That a limited license for a resident physician may not be renewed until such resident physician has successfully completed either all parts of the examination given by the national board of medical examiners or an equivalent examination approved by the board. Interim approval may be granted until the result of such examination becomes available. Any person who obtains a limited license pursuant to this section may, without an additional application fee, apply for licensure under this chapter.

Sec. 14. Section 44, chapter 202, Laws of 1955 and RCW 18.71.180 are each amended to read as follows:

In case of the ~~((refusal))~~ denial of a license, the ~~((medical disciplinary))~~ board shall file a brief and concise statement of the grounds and reasons therefor in the office of the director of ~~((licenses))~~ the department of motor vehicles, which ~~((together with the decision of the hearing committee of the medical disciplinary board, in writing.))~~

NEW SECTION. Sec. 15. There is added to chapter 18.71 RCW a new section to read as follows:

A person is practicing medicine if he does one or more of the following:

- (1) Offers or undertakes to diagnose, cure, advise or prescribe for any human disease, ailment, injury, infirmity, deformity, pain or other condition, physical or mental, real or imaginary, by any means or instrumentality;
- (2) Administers or prescribes drugs or medicinal preparations to be used by any other person;
- (3) Severs or penetrates the tissues of human beings;
- (4) Uses on cards, books, papers, signs or other written or printed means of giving information to the public, in the conduct of any occupation or profession

pertaining to the diagnosis or treatment of human disease or conditions the designation "doctor of medicine", "physician", "surgeon", "m.d." or any combination thereof unless such designation additionally contains the description of another branch of the healing arts for which a person has a license: PROVIDED HOWEVER, That a person licensed under this chapter shall not engage in the practice of chiropractic as defined in RCW 18.25.005.

NEW SECTION. Sec. 16. There is added to chapter 18.71 RCW a new section to read as follows:

Applicants for licensure to practice medicine who have graduated from a school of medicine located outside of the states, territories and possessions of the United States, the District of Columbia, or the Dominion of Canada, shall file an application for licensure with the board on a form prepared by the director with the approval of the board. Each applicant shall furnish proof satisfactory to the board of the following:

(1) That he has completed in a school of medicine a resident course of professional instruction equivalent to that required in this chapter for applicants generally;

(2) That he meets all the requirements which must be met by graduates of the United States and Canadian school of medicine except that he need not have graduated from a school of medicine approved by the board;

(3) That he has satisfactorily passed the examination given by the educational council for foreign medical graduates or has met the requirements in lieu thereof as set forth in rules and regulations adopted by the board;

(4) That he has the ability to read, write, speak, understand, and be understood in the English language.

NEW SECTION. Sec. 17. There is added to chapter 18.71 RCW a new section to read as follows:

If the board determines to deny an application for licensure, or renewal, it shall forthwith notify the applicant by mailing to him at the address listed on his application a concise statement of the reasons for such denial. Such an applicant may request a hearing within thirty days of the date such notification is mailed and such request shall be granted if it appears that the board, under any circumstances which might be shown at such a hearing, has the power to reverse its decision. All such hearings shall be held in accordance with the administrative procedure act (chapter 34.04 RCW).

NEW SECTION. Sec. 18. Members of the board shall be immune from suit in any other action, civil or criminal, based upon licensure proceedings or other official acts performed in good faith as members of the board.

NEW SECTION. Sec. 19. There is added to chapter 18.71 RCW a new section to read as follows:

If any section, sentence, clause, or phrase of this 1975 amendatory act should be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this 1975 amendatory act.

NEW SECTION. Sec. 20. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 189, Laws of 1959, section 1, chapter 65, Laws of 1963, section 2, chapter 29, Laws of 1965, section 2, chapter 138, Laws of 1967, section 2, chapter 4, Laws of 1973 1st ex. sess. and RCW 18.71.096; and

(2) Section 21, chapter 192, Laws of 1909 and RCW 18.71.900.

Passed the House May 27, 1975.

Passed the Senate May 23, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 172

[House Bill No. 1029]

WASHINGTON ASSOCIATION OF SHERIFFS AND POLICE CHIEFS

AN ACT Relating to associations; and creating a new section.

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

NEW SECTION. Section 1. The Washington association of sheriffs and police chiefs is hereby declared to be a combination of units of local government: **PROVIDED**, That such association shall not be considered an "employer" within the meaning of RCW 41.26.030(2) or 41.40.010(4): **PROVIDED FURTHER**, That no compensation received as an employee of the association shall be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state: **PROVIDED FURTHER**, That such association shall not qualify for inclusion under the unallocated two mills of the property tax of any political subdivision: **PROVIDED FURTHER**, That the association shall not have the authority to assess any excess levy or bond measure.

Passed the House May 27, 1975.

Passed the Senate May 23, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 173

[Engrossed Substitute Senate Bill No. 2423]

ALCOHOLIC BEVERAGE CONTROL

AN ACT Relating to intoxicating liquor; amending section 69, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 178, Laws of 1969 ex. sess. and RCW 66.08.050; amending section 1, chapter 38, Laws of 1967 and RCW 66.12.110; amending section 4, chapter 67, Laws of 1949 as last amended by section 7, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.20.190; amending section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 66, Laws of 1974 ex. sess. and RCW 66.24.010; amending section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 6, chapter 217, Laws of 1937 and RCW 66.28.010; amending section 14, chapter 21, Laws of 1969 ex. sess. as amended by section 3, chapter 275, Laws of 1969 ex. sess. and RCW 66.28.025; amending section 27-D added to chapter 62, Laws of 1933 ex. sess. by section 8, chapter 172, Laws of 1939 as amended by section 6, chapter 21, Laws of 1969 ex. sess. and RCW 66.28.030; amending section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 7, chapter 21, Laws of 1969 ex. sess. and RCW 66.28.040; adding a new section to chapter 66.12 RCW; adding a new section to chapter 62, Laws of 1933 ex. sess. and to chapter 66.28 RCW; adding new sections to chapter 62, Laws of 1933 ex. sess. and to chapter 66.24 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

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

Section 1. Section 69, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 178, Laws of 1969 ex. sess. and RCW 66.08.050 are each amended to read as follows:

The board, subject to the provisions of this title and the regulations, shall

(1) determine the localities within which state liquor stores shall be established throughout the state, and the number and situation of the stores within each locality;

(2) appoint in cities and towns and other communities, in which no state liquor store is located, liquor vendors. Such liquor vendors shall be agents of the board and be authorized to sell liquor to such persons, firms or corporations as provided for the sale of liquor from a state liquor store, and such vendors shall be subject to such additional rules and regulations consistent with this title as the board may require;

(3) establish all necessary warehouses for the storing and bottling, diluting and rectifying of stocks of liquors for the purposes of this title;

(4) provide for the leasing for periods not to exceed ~~((five))~~ ten years of all premises required for the conduct of the business; and for remodeling the same, and the procuring of their furnishings, fixtures, and supplies; and for obtaining options of renewal of such leases by the lessee. The terms of such leases in all other respects shall be subject to the direction of the board;

(5) determine the nature, form and capacity of all packages to be used for containing liquor kept for sale under this title;

(6) execute or cause to be executed, all contracts, papers, and documents in the name of the board, under such regulations as the board may fix;

(7) pay all customs, duties, excises, charges and obligations whatsoever relating to the business of the board;

(8) require bonds from all employees in the discretion of the board, and to determine the amount of fidelity bond of each such employee;

(9) perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this title, and shall have full power to do each and every act necessary to the conduct of its business, including all buying, selling, preparation and approval of forms, and every other function of the business whatsoever, subject only to audit by the state auditor.

Sec. 2. Section 1, chapter 38, Laws of 1967 and RCW 66.12.110 are each amended to read as follows:

A person twenty-one years of age or over may bring into the state from without the United States, free of tax and markup, for his personal or household use such alcoholic beverages as have been declared and permitted to enter the United States duty free under federal law.

Such entry of alcoholic beverages in excess of that herein provided may be authorized by the board upon payment of an equivalent markup and tax as would be applicable to the purchase of the same or similar liquor at retail from a state liquor store. The board shall adopt appropriate regulations pursuant to chapter 34.04 RCW for the purpose of carrying out the provisions of this section.

NEW SECTION. Sec. 3. There is added to chapter 66.12 RCW a new section to read as follows:

Notwithstanding any other provision of Title 66 RCW, a person twenty-one years of age or over may be authorized by the board to bring into the state of Washington from another state a reasonable amount of alcoholic beverages for personal or household use only upon payment of an equivalent markup and tax as would be applicable to the purchase of the same or similar liquor at retail from a state liquor store. The board shall adopt appropriate regulations pursuant to chapter 34.04 RCW for the purpose of carrying into effect the provisions of this section.

Sec. 4. Section 4, chapter 67, Laws of 1949 as last amended by section 7, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.20.190 are each amended to read as follows:

In addition to the presentation by the holder and verification by the licensee or store employee of such card of identification, the licensee or store employee who is still in doubt about the true age of the holder shall require the person whose age may be in question to sign a certification card and record an accurate description and serial number of his card of identification thereon. Such statement shall be upon a five-inch by eight-inch file card, which card shall be filed alphabetically by the licensee or store employee at or before the close of business on the day on which the statement is executed, in the file box containing a suitable alphabetical index and the card shall be subject to examination by any peace officer or agent or employee of the board at all times.

The certification card shall also contain in bold-face type an affidavit stating that the signer understands that conviction for unlawful purchase of alcoholic beverages or misuse of the certification card may result in criminal penalties including imprisonment or fine or both.

*Sec. 5. Section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 66, Laws of 1974 ex. sess. and RCW 66.24.010 are each amended to read as follows:

(1) Every license shall be issued in the name of the applicant and the holder thereof shall not allow any other person to use the license.

(2) For the purpose of considering any application for a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. The board may, in its discretion, grant or refuse the license applied for. No retail license of any kind shall be issued to:

(a) ~~((A person who is not a citizen of the United States, except when the privilege is granted by treaty;~~

~~((b)))~~ A person who has not resided in the state for at least one month prior to making application, except in cases of licenses issued to dining places on railroads, boats, or aircraft;

~~((c)))~~ (b) A person who has been convicted of a felony within five years prior to filing his application except as otherwise provided by chapter 9.96A RCW;

~~((d)))~~ (c) A copartnership, unless all of the members thereof are qualified to obtain a license, as provided in this section;

~~((e))~~ (d) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;

~~((f))~~ (e) A corporation, unless ~~((all of the officers thereof are citizens of the United States))~~ it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington.

(3) The board may, in its discretion, subject to the provisions of RCW 66.08-.150, suspend or cancel any license; and all rights of the licensee to keep or sell liquor thereunder shall be suspended or terminated, as the case may be. The board may appoint examiners who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt.

Witnesses shall be allowed fees at the rate of four dollars per day, plus ten cents per mile each way. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or examiners, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or examiner, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(4) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or termination of the period of suspension, with a memorandum of the suspension written or stamped upon the face thereof in red ink. The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee shall allow or cause any liquor to be delivered to or for any person at the premises of that licensee.

(5) Unless sooner canceled, every license issued by the board shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued: PROVIDED, That the foregoing expiration date shall not apply to class A, B, C, D, or H licenses issued for premises located on the site of any world exposition approved by the Bureau of International Expositions held in this state, and such licenses shall be valid without renewal for a period of two hundred days from and including the opening day of such exposition, or from and including such earlier date specified by the applicant.

(6) Every license issued under this section shall be subject to all conditions and restrictions imposed by this title or by the regulations in force from time to time.

(7) Every licensee shall post and keep posted its license, or licenses, in a conspicuous place on the premises.

(8) Before the board shall issue a license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application be for a license within an incorporated city or town, or to the

board of county commissioners, if the application be for a license outside the boundaries of incorporated cities or towns; and such incorporated city or town, through the official or employee selected by it, or the board of county commissioners or the official or employee, selected by it, shall have the right to file with the board within twenty days after date of transmittal of such notice, written objections against the applicant or against the premises for which the license is asked, and shall include with such objections a statement of all facts upon which such objections are based, and in case written objections are filed, may request and the liquor control board may in its discretion hold a formal hearing subject to the applicable provisions of chapter 34.04 RCW, as now or hereafter amended. Upon the granting of a license under this title the board shall cause a duplicate of the license to be transmitted to the chief executive officer of the incorporated city or town in which the license is granted, or to the board of county commissioners if the license is granted outside the boundaries of incorporated cities or towns.

(9) Before the board issues any license to any applicant, it shall give due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools and public institutions: *PROVIDED*, That the board shall issue no beer retailer license class A, B, or D or wine retailer license class C covering any premises not now licensed, if such premises are within five hundred feet of the premises of any church, parochial, or tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets, or other public passageway from the outer property line of the church or school grounds to the nearest public entrance of the premises proposed for license, unless the board shall receive written notice from an official representative or representatives of the schools and/or churches within five hundred feet of said proposed licensed premises, indicating to the board that there is no objection to the issuance of such license because of proximity to a school or church. For the purpose of this section, church shall mean a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith.

(10) The restrictions set forth in the preceding subsection shall not prohibit the board from authorizing the transfer of existing licenses now located within the restricted area to other persons or locations within the restricted area: *PROVIDED*, Such transfer shall in no case result in establishing the licensed premises closer to a church or school than it was before the transfer.

(11) It shall be unlawful to sell any intoxicating liquors, with or without a license on the grounds of any college, university, or community college supported in whole or in part by state funds, except to the extent liquor may be served but not sold under banquet permits issued pursuant to RCW 66.24.490.

*Sec. 5. was vetoed, see message at end of chapter.

Sec. 6. Section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 6, chapter 217, Laws of 1937 and RCW 66.28.010 are each amended to read as follows:

No manufacturer, importer, or wholesaler, or person financially interested, directly or indirectly, in such business, whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business, nor shall

any manufacturer or wholesaler own any of the property upon which such licensed persons conduct their business, nor shall any such licensed person, under any arrangement whatsoever, conduct his business upon property in which any manufacturer or wholesaler has any interest, nor shall any manufacturer or wholesaler advance moneys or moneys' worth to any such licensed person under any arrangement whatsoever, nor shall any such licensed person receive, under any arrangement whatsoever, any such advance of moneys or moneys' worth. No manufacturer, importer, or wholesaler shall be eligible to receive or hold a retail license under this title, nor shall such manufacturer or wholesaler sell at retail any liquor as herein defined: PROVIDED, That nothing in this section shall prohibit a licensed brewer or domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine of its own production at retail on the brewery or winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and RCW 66.24.210 and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to chapter 34.04 RCW.

Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or otherwise.

Sec. 7. Section 14, chapter 21, Laws of 1969 ex. sess. as amended by section 3, chapter 275, Laws of 1969 ex. sess. and RCW 66.28.025 are each amended to read as follows:

No manufacturer of wine, or person financially interested, directly, in such business, whether resident or nonresident, shall have any financial interest, direct or indirect, in the business of any licensed wine wholesaler, nor shall any manufacturer of wine own any of the property upon which such licensed persons conduct their business, nor shall any such licensed person under any arrangement whatsoever, conduct his business upon property in which any manufacturer of wine has any interest, nor shall any manufacturer of wine advance money or moneys' worth other than such credit allowances customarily extended in the ordinary course of such business between wholesalers and manufacturers on purchases of inventories to any such licensed person under any arrangement whatsoever, nor shall any such licensed person receive, under any arrangement whatsoever, any such advance of money or moneys' worth other than such credit allowances: PROVIDED, That the provisions of this section shall not ((apply to any)) require the divesting of any such financial interest or arrangement which was held by any licensed liquor importer, beer importer, beer wholesaler, wine wholesaler, domestic winery or domestic brewery ((which was licensed)) as of ((the date of passage of this 1969 amendatory act)) July 1, 1969: PROVIDED FURTHER, That in the event of the sale of such business licensed as a liquor importer, beer importer, beer wholesaler, wine wholesaler, domestic winery or domestic brewery the exclusion of the foregoing proviso shall not apply.

Sec. 8. Section 27-D added to chapter 62, Laws of 1933 ex. sess. by section 8, chapter 172, Laws of 1939 as amended by section 6, chapter 21, Laws of 1969 ex. sess. and RCW 66.28.030 are each amended to read as follows:

Every licensed brewer, domestic winery, manufacturer holding a certificate of approval, licensed wine importer and licensed beer importer shall be responsible

for the conduct of any licensed beer or wine wholesaler in selling, or contracting to sell, to retail licensees, beer or wine manufactured by such brewer, domestic winery, manufacturer holding a certificate of approval or imported by such beer or wine importer. Where the board finds that any licensed beer or wine wholesaler has violated any of the provisions of this title or of the regulations of the board in selling or contracting to sell beer or wine to retail licensees, the board may, in addition to any punishment inflicted or imposed upon such wholesaler, prohibit the sale of the brand or brands of beer or wine involved in such violation to any or all retail licensees within the trade territory usually served by such wholesaler for such period of time as the board may fix, irrespective of whether the brewer manufacturing such beer or the beer importer importing such beer or the domestic winery manufacturing such wine or the wine importer importing such wine or the certificate of approval holder manufacturing such beer or wine actually participated in such violation.

NEW SECTION. Sec. 9. There is added to chapter 62, Laws of 1933 ex. sess. and to chapter 66.28 RCW a new section to read as follows:

The legislature finds the furnishing of samples of liquor to the state liquor control board is an integral and essential part of the operation of the state liquor business. The legislature further finds that it is necessary to establish adequate standards for the accountability of the receipt, use and disposition of liquor samples. The board shall adopt appropriate regulations pursuant to chapter 34.04 RCW for the purpose of carrying out the provisions of this section.

Sec. 10. Section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 7, chapter 21, Laws of 1969 ex. sess. and RCW 66.28.040 are each amended to read as follows:

No brewer, wholesaler, distiller, winery, importer, rectifier, or other manufacturer of liquor shall, within the state, by himself, his clerk, servant, or agent, give to any person any liquor; but nothing in this section shall prevent the furnishing of samples of liquor to the board for the purpose of negotiating the sale of liquor to the state liquor control board, and nothing in this section shall prevent a brewer from serving beer without charge, on the brewery premises ~~((to employees and casual visitors)),~~ and nothing in this ~~((act))~~ section shall prevent a domestic winery from ~~((selling or))~~ serving wine ~~((of its own production))~~ without charge, on the winery premises ~~((to employees and casual visitors. Such wine so sold shall be subject to the tax imposed by RCW 66.24.210)).~~

NEW SECTION. Sec. 11. There is added to chapter 62, Laws of 1933 ex. sess. and to chapter 66.24 RCW a new section to read as follows:

The board may refund the tax on wine imposed by RCW 66.24.210, and the tax on beer imposed by RCW 66.24.290, when such taxpaid products have been deemed to be unsalable and are destroyed within the state in accordance with procedures established by the board.

NEW SECTION. Sec. 12. There is added to chapter 62, Laws of 1933 ex. sess. and to chapter 66.24 RCW a new section to read as follows:

There shall be a spirituous liquor retailer's license to be designated as class K; a special license to a nonprofit organization to sell spirituous liquor as defined in RCW 66.24.410 by the glass, including mixed drinks and cocktails compounded

or mixed on the premises only, to their members and invited guests at special occasions at a specified date and place when said special occasion is not open to the general public; fee twenty-five dollars per day. Sale, service, and consumption of spirituous liquor is to be confined to specified premises or designated areas only. Spirituous liquor so sold shall be purchased at a state liquor store or agency without discount at retail prices including all taxes. No more than two such licenses may be issued to any one non-profit organization during a calendar year.

NEW SECTION. Sec. 13. If any phrase, clause, subsection, or section of this 1975 amendatory act shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the legislature would have enacted this 1975 amendatory act without the phrase, clause, subsection, or section so held unconstitutional or invalid and the remainder of the act shall not be affected as a result of said part being held unconstitutional or invalid.

NEW SECTION. Sec. 14. This 1975 amendatory 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 July 1, 1975.

Passed the Senate May 27, 1975.

Passed the House May 23, 1975.

Approved by the Governor June 4, 1975, with the exception of section 5 which is vetoed.

Filed in Office of Secretary of State June 4, 1975.

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

"I am returning herewith without my approval as to one section Substitute Senate Bill No. 2423 entitled:

"AN ACT Relating to intoxicating liquor."

Section 5 of the bill includes a provision prohibiting hereafter the sale of liquor on any state college, university, or community college campus. I believe this is an unduly broad restriction that fails to take account of unique circumstances in individual communities.

The Liquor Control Board has operated capably without such restriction in determining where and under what circumstances liquor should be sold to adults. The question of whether liquor should be sold on campuses of state supported institutions of higher education should continue to be within the jurisdiction of the Board, which is in a better position to decide on the appropriate response in each individual case. If there is a potential problem of minors attempting to purchase liquor on a particular campus, I am certain the Board will weigh that factor in deciding ultimately whether the sale of liquor on that campus should be allowed. I am likewise certain that the Board will take into consideration individual community acceptance of the sale of liquor on a campus.

For these reasons I have determined to veto section 5. With that exception, the remainder of Substitute Senate Bill No. 2423 is approved."

CHAPTER 174

[Engrossed Substitute Senate Bill No. 2463]

VOCATIONAL EDUCATION—COMMISSION ESTABLISHED—
COORDINATING COUNCIL ABOLISHED

AN ACT Relating to vocational education; creating the commission for vocational education; transferring certain powers, duties, responsibilities, personnel, funds and equipment; amending section

4, chapter 285, Laws of 1971 ex. sess. and RCW 28A.09.120; amending section 28B.50.230, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.230; amending section 28B.50.240, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 285, Laws of 1971 ex. sess. and RCW 28A.09.100; amending section 53, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.246; repealing section 28B.50.160, chapter 223, Laws of 1969 ex. sess., section 54, chapter 18, Laws of 1970 ex. sess. and RCW 28B.50.160; repealing section 28B.50.170, chapter 223, Laws of 1969 ex. sess., section 28, chapter 283, Laws of 1969 ex. sess., section 20, chapter 62, Laws of 1973 and RCW 28B.50.170; repealing section 28B.50.180, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.180; repealing section 28B.50.200, chapter 223, Laws of 1969 ex. sess., section 21, chapter 62, Laws of 1973 and RCW 28B.50.200; repealing section 28B.50.220, chapter 223, Laws of 1969 ex. sess., section 55, chapter 18, Laws of 1970 ex. sess. and RCW 28B.50.220; repealing section 28B.50.770, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.770; adding new sections as a new title in the Revised Code of Washington, Title 28C, Vocational Education, together with certain RCW sections herein decodified and added thereto; and declaring an emergency and making an effective date.

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

NEW SECTION. Section 1. The purpose of this amendatory act is to provide for a comprehensive planning process and a decision making system for vocational education programs in the state of Washington and to establish administrative responsibility for the receipt and allocation of federal vocational funds.

It is the intent of this amendatory act that whenever possible, comprehensive and coordinated educational programs shall be provided at the secondary and postsecondary education levels and such programs shall include therein vocational, occupational, and technical offerings, both within the secondary and postsecondary education systems.

NEW SECTION. Sec. 2. As used in this amendatory act the following definitions shall apply:

- (1) "Commission" shall mean the commission for vocational education.
- (2) "Secondary education system" shall mean those educational courses and programs, within the jurisdiction of the superintendent of public instruction, being offered in the common schools of the state of Washington in the grades 7 through 12, or any part thereof, which are traditionally provided for the purpose of granting a recognized certificate of completion or a high school diploma: PROVIDED, That notwithstanding the provisions of this chapter and RCW 28B.50.140(1), existing vocational-technical institutes operating within the secondary school system shall continue to function within the common school system.
- (3) "Postsecondary education system" shall mean those educational courses and programs, not within the jurisdiction of the superintendent of public instruction, being offered beyond secondary education by institutions of higher education in the state of Washington to those who hold a certificate of completion or high school diploma which includes academic, vocational, technical or professional training traditionally leading to an associate, baccalaureate or higher degree or a certificate of achievement.
- (4) "Vocational education" shall mean a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations, homemaking, home and family life programs, and volunteer fire fighting training, which are not designated as professional or requiring a baccalaureate or higher degree.
- (5) "State plan" shall mean the Washington state plan for vocational education, adopted as required by Public Law 88-210 as amended, and other federal

congressional and administrative directives pertaining to vocational education, and shall be the single comprehensive plan which provides approval standards for vocational education operated in or by community colleges, common schools, area nongraded vocational-technical institutes, occupational skill centers, state institutions, private proprietary and parochial schools, on-the-job training facilities or any other training location where local, state or federal vocational funds are allocated: PROVIDED, That standards of, rules and regulations for, and supervision of indentured apprenticeship in the apprenticeable crafts shall continue to be governed by the director of labor and industries and the state apprenticeship council in accordance with chapter 49.04 RCW.

(6) "Vocational-technical institute" shall mean a specialized area nongraded vocational education facility established and operated for the purpose of offering comprehensive courses primarily oriented to the job market area in vocational education for persons sixteen years of age and older without regard to residence, pursuant to laws and rules and regulations pertaining to the maintenance, operation, and capital funding of vocational-technical institutes: PROVIDED, That service areas for common school vocational-technical institutes shall be defined specifically by the commission, recognizing areas traditionally served.

(7) "Advisory council" means the advisory council for vocational education established within this state pursuant to 20 USCA 1244B.

NEW SECTION. Sec. 3. There is hereby established a commission for vocational education comprised of seven members, each of which shall be a voting member. The chairman shall be a citizen member chosen by a majority of its members pursuant to its bylaws. Five citizen members shall be appointed by the governor and confirmed by the state senate. The superintendent of public instruction and the director of the state board for community college education shall serve as the remaining two members. In making citizen member appointments initially, and subsequently thereafter, the governor shall be cognizant of the desirability of appointing persons well versed regarding vocational and occupational needs of management, labor, and agriculture.

The initial citizen appointments shall be for periods of one, two, three, four, and five years. Thereafter such citizen members shall serve for terms of five years. No citizen member shall be eligible to serve who is also a member of a state or local educational agency, board, council or commission, or who is employed by a common school or institution of higher education.

Four members shall constitute a quorum, and no action shall be taken by less than four affirmative votes.

NEW SECTION. Sec. 4. The commission for vocational education shall have the following functions:

(1) Plan development. The commission shall be responsible for complying with federal directives to insure the development and maintenance of a state plan for vocational education but initial planning shall be accomplished by the secondary and postsecondary education systems. Prior to the adoption of the state plan, the commission shall request comments from the council on higher education and the advisory council for vocational education.

(2) State plan modification adjudication. Decisions on new programs and/or facilities for vocational education shall be made internally within the respective

secondary or postsecondary education system in accordance with the provisions of the state plan. The commission may review such decisions to insure compliance with the state plan and avoid unnecessary duplication of current or projected programs.

Any common school or community college district, or the superintendent of public instruction, or the state board for community college education, or other interested parties as authorized by the commission, shall be afforded the opportunity to comment upon any new programs or facilities proposed. The commission, subject to dispute resolution rules adopted by said commission, shall have the final determination on any disputes arising out of such program proposals.

In adjudicating disputes between the two secondary and postsecondary education systems regarding the state plan, the commission will use at least the following criteria: Recognition that secondary education is constitutionally the responsibility of the superintendent of public instruction and that by legislative action postsecondary education is the responsibility of institutions of higher education; adhere to the general policy set forth in the state plan; consider the particular vocational need of the community, region, or state and whether the common school or community college, or both, can best respond to those needs; encourage cooperation and coordination rather than competition and program conflict between secondary and post secondary education systems; consider the desires and preferences of the residents of the immediate program service area and of the representatives of the fields of management, labor, and agriculture which benefit from possible program offerings; and avoid unnecessary duplication of vocational education programs and facilities.

(3) Vocational education administration. The commission shall be the sole agency for the receipt and allocation of federal funds in accordance with the state plan. The supervision of the state plan shall be carried out by the commission; however, daily administration of the state plan shall be primarily the responsibility of the superintendent of public instruction and the state board for community college education: PROVIDED, That the commission shall review and approve state plan development proposals or special programs requiring personal service contracts, and activities beyond the program responsibilities of the superintendent of public instruction and the state board for community college education.

Under the state plan the commission shall make periodic compliance audits at least once a biennium of the vocational education programs individually and jointly conducted by the common schools and community colleges to insure compliance with the state plan.

The commission shall be the primary state liaison with the federal government for the state plan for vocational education.

NEW SECTION. Sec. 5. In addition to powers and duties under section 4 of this amendatory act, the commission shall make periodic reports to the governor and the legislature. The initial report shall be submitted, with the governor's comments, to the 1977 legislature by December 1, 1976 and shall include, but not be limited to, review of and recommendations on the following: (1) Vocational education program modification, including common informational data systems; (2) reorganization of the administration of vocational education; (3) an appropriate

level of expenditure for the state administration of vocational education programs; (4) appropriate charges for vocational and adult education programs in the secondary and postsecondary education systems; and (5) provisions for personnel standards for vocational education instructors.

Such recommendations, to the greatest extent possible, shall comply with the intent of this amendatory act and be consistent with federal requirements.

NEW SECTION. Sec. 6. The commission is authorized to promulgate such rules and regulations as are necessary to comply with the intent of this amendatory act in accordance with chapter 34.04 RCW, the administrative procedure act, and adopt such bylaws as deemed necessary to the business of the commission. Existing rules and regulations of any state agency relating to vocational education should be considered amended in accordance with the intent of this amendatory act. Initial rules and regulations of the commission, prior to their effective date, shall be submitted to the respective rules committees of the senate and house for review concurrently at such time as notice of intent to adopt is filed. The commission is further authorized to take whatever action is necessary to insure compliance with federal vocational education enactments and state legislative and administrative directives concerning vocational education. The commission is also authorized to delegate by commission resolution to the executive director those functions it deems necessary to the operation of the commission.

The commission shall meet, consult and cooperate with the office of the state superintendent of public instruction on all matters falling within his constitutional supervisory powers in advance of exercising any of the powers or duties granted to the commission by this chapter.

NEW SECTION. Sec. 7. Common school districts and community college districts shall cooperate in offering vocational education programs, particularly when establishing specialized facility support for such programs. Such cooperation shall also extend to noncredit vocational courses in common school community education programs and community college community service programs as the same are authorized in RCW 28A.58.247 and 28B.50.020.

Except as provided for by the rules and regulations of the commission, (1) common school vocational-technical institutes shall not offer new or expanded vocational programs outside their traditional service areas; (2) community colleges shall not offer new or expanded vocational programs outside their college districts. Common school vocational-technical institutes and community colleges desiring to offer new or expanded programs outside their respective service areas or community college districts shall provide reasonable notice, as determined by the commission, to the common school and community college districts affected thereby.

If such joint cooperation cannot be attained at the local level the superintendent of public instruction and the state board for community college education shall attempt to resolve the matter. Matters unresolved shall be referred to the commission for adjudication.

NEW SECTION. Sec. 8. Members of the commission will receive per diem in lieu of compensation, and travel expenses in accordance with standard rates for

part time boards, councils, and commissions as certified by the state budget director.

NEW SECTION. Sec. 9. The coordinating council for occupational education is hereby abolished effective midnight June 30, 1975, and its education responsibilities, personnel, property and equipment are transferred to the commission for vocational education unless otherwise provided for in this amendatory act.

NEW SECTION. Sec. 10. The commission may employ an executive director and such other personnel as may be necessary to carry out the purposes of this amendatory act. The commission in accordance with section 4 of this amendatory act shall keep its professional staff to the minimum number of persons necessary to fulfill its duties under this amendatory act and the performance of such other administrative responsibilities as the legislature may provide.

NEW SECTION. Sec. 11. The superintendent of public instruction may authorize common schools to contract with community colleges to provide adult high school completion programs if he determines that such programs effectively fulfill the purposes of secondary education: **PROVIDED**, That except as subject to the action of the superintendent of public instruction, adult high school completion programs conducted by the community colleges as authorized by RCW 28B.50.092 or 28B.50.535 shall remain in the community colleges.

NEW SECTION. Sec. 12. The governor is hereby authorized, with the advice of the office of program planning and fiscal management to determine to which of the following state agencies those functions of the coordinating council for occupational education not herein transferred to the commission for vocational education shall be transferred: The council on higher education; the department of social and health services; the department of labor and industries; the superintendent of public instruction; the state board for community colleges, or any educational administrative agency created during the forty-fourth legislative session. The governor has the authority to transfer such personnel, funds, and equipment to the agency he so determines as may be necessary to carry out those functions. The governor shall make a report to the legislature concerning such determinations as he has made by December 1, 1975. All remaining funds of the coordinating council not disposed of or otherwise provided for in this amendatory act shall remain within the jurisdiction of the commission.

Sec. 13. Section 4, chapter 285, Laws of 1971 ex. sess. and RCW 28A.09.120 are each amended to read as follows:

For the purposes of ~~((Title 28A RCW))~~ this title:

(1) ~~((The term "vocational education" shall mean a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in or upgrade themselves in gainful employment in recognized occupations and homemaking, which are not designated as professional or requiring a baccalaureate or higher degree.~~

~~(2))~~ The term "occupational exploration" shall include prevocational education. The term "occupational exploration" shall mean a series of educational experiences designed to (a) assist individuals in developing their understanding of,

appreciation for, aptitudes for, and abilities in recognized occupations; (b) develop an attitude of respect toward work and pride in workmanship; and (c) provide knowledge and experience to assist in the choice of an occupational program.

~~((3))~~ (2) The terms "industrial arts" and "practical arts" shall mean general education centered around the industrial and technical aspects of current living, offering orientation in and appreciation for production, consumption, and recreation through actual experiences with materials and goods and also providing exploratory experiences which are helpful in the choice of a vocation.

~~((4))~~ (3) The term "job market area" shall mean the geographic area for recruitment and placement of job entrants, usually determined by each industry or by a collective bargaining agreement.

Sec. 14. Section 28B.50.230, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.230 are each amended to read as follows:

(1) The ~~((coordinating council))~~ commission in preparing the state plan for vocational education shall give consideration to the following:

(a) Vocational education for persons attending high school;

(b) Vocational education for persons who have completed or left high school and who are available for full time study in preparation for entering the labor market;

(c) Vocational education for persons (other than persons who are receiving training allowances under the Manpower Development and Training Act of 1962, Public Law 87-415, the Area Redevelopment Act, Public Law 87-27, or the Trade Expansion Act of 1962, Public Law 87-794 or any successor statutes thereto) who have already entered the labor market and who need training or retraining to achieve stability or advancement in employment;

(d) Vocational education for persons who have academic, socio-economic, or other handicaps that prevent them from succeeding in the regular vocational education program;

(e) Construction of area vocational educational school facilities, as authorized by the state board for community colleges and the state board of education; and

(f) Ancillary services and activities to assure quality in all vocational education programs, such as teacher training and supervision, program evaluation, special demonstrations and experimental programs, development of instructional materials, and state administration and leadership, including periodic evaluation of state and local vocational education programs and services in the light of information regarding current and projected manpower needs and job opportunities.

(2) In determining the allocation of funds, the ~~((council))~~ commission shall comply with federal statute.

**Sec. 15. Section 28B.50.240, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 285, Laws of 1971 ex. sess. and RCW 28A.09.100 are each amended to read as follows:*

The state board of education shall have the power to authorize the school districts to offer vocational education programs in the elementary and secondary schools and the state board shall adopt rules and regulations to implement such programs and shall also adopt such rules and regulations for programs authorized

by RCW 28A.58.245 and ~~((28B.50.770))~~ for vocational-technical institutes as provided for by this amendatory act.

*Sec. 15. was vetoed, see message at end of chapter.

Sec. 16. Section 53, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.246 are each amended to read as follows:

The advisory council shall:

(1) Advise the ~~((coordinating council))~~ commission on vocational education on the development of and policy matters arising in the administration of the state plan for federally funded vocational education pursuant to RCW 28B.50.230, including the preparation of long range and annual program plans therefor;

(2) Evaluate such vocational education programs, services, and activities assisted under this title, and publish and distribute the results thereof;

(3) Prepare and submit through the ~~((coordinating council))~~ commission on vocational education to the federal commissioner of education and to the national advisory council on vocational education an annual evaluation report, accompanied by such additional comments of the ~~((coordinating council))~~ commission as the ~~((coordinating council))~~ commission deems appropriate, which (a) evaluates the effectiveness of federally funded vocational education programs, services, and activities carried out in the year under review in meeting the program objectives set forth in the long range program plan and the annual program plan, and (b) recommends such changes in such programs, services, and activities as may be warranted by the evaluations; and

(4) Obtain the services of an executive director and confidential secretary to such director, both of whom shall be exempt from the provisions of chapter 41.06 RCW, and such professional, technical, and clerical personnel as may be deemed necessary to enable it to carry out its functions under this section and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

NEW SECTION. Sec. 17. Sections 1 through 11 of this amendatory act and RCW 28A.09.070, 28A.09.080, 28A.09.090, 28A.09.100, 28A.09.110, 28A.09.120 as now or hereafter amended, 28A.09.200, 28B.50.221, 28B.50.230 as now or hereafter amended, 28B.50.245 and 28B.50.246 as now or hereafter amended, each of which RCW sections are hereby decodified, are added to the Revised Code of Washington as a new title thereof, Title 28C, Vocational Education.

NEW SECTION. Sec. 18. The following acts or parts of acts are each hereby repealed:

(1) Section 28B.50.160, chapter 223, Laws of 1969 ex. sess., section 54, chapter 18, Laws of 1970 ex. sess. and RCW 28B.50.160;

(2) Section 28B.50.170, chapter 223, Laws of 1969 ex. sess., section 28, chapter 283, Laws of 1969 ex. sess., section 20, chapter 62, Laws of 1973 and RCW 28B.50.170;

(3) Section 28B.50.180, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.180;

(4) Section 28B.50.200, chapter 223, Laws of 1969 ex. sess., section 21, chapter 62, Laws of 1973 and RCW 28B.50.200;

(5) Section 28B.50.220, chapter 223, Laws of 1969 ex. sess., section 55, chapter 18, Laws of 1970 ex. sess. and RCW 28B.50.220; and

(6) Section 28B.50.770, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.770.

NEW SECTION. Sec. 19. This amendatory 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 July 1, 1975.

NEW SECTION. Sec. 20. If any provision of this amendatory 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 May 27, 1975.

Passed the House May 24, 1975.

Approved by the Governor June 4, 1975, with the exception of section 15 which is vetoed.

Filed in Office of Secretary of State June 4, 1975.

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

"I am returning herewith without my approval as to one section Substitute Senate Bill No. 2463 entitled:

"AN ACT Relating to vocational education; creating the commission for vocational education; transferring certain powers, duties, responsibilities, personnel, funds and equipment."

Section 15 of the bill empowers the state board of education to adopt rules and regulations for vocational-technical institutes as authorized by the act. The entire thrust of this bill, and the purpose of the prolonged negotiations that went into its formulation, was to place the responsibility for vocational education in a single, new commission. The effect of this section is to divide again this responsibility and negate much of the efforts of those who have sought to resolve the problems that led to the enactment of this bill. Accordingly, I have determined to veto section 15.

With the exception of section 15, the remainder of Substitute Senate Bill No. 2463 is approved."

CHAPTER 175

[Engrossed Senate Bill No. 2047]

HOSPITAL AND NURSING HOME RECORDS—RETENTION

AN ACT Relating to the retention of hospital and nursing home records; adding a new section to chapter 70.41 RCW; and adding a new section to chapter 18.51 RCW.

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

NEW SECTION. Section 1. There is added to chapter 70.41 RCW a new section to read as follows:

Unless specified otherwise by the board, a hospital shall retain and preserve all medical records which relate directly to the care and treatment of a patient for a period of no less than ten years following the most recent discharge of the patient; except the records of minors, which shall be retained and preserved for a period of no less than three years following attainment of the age of eighteen years, or ten years following such discharge, whichever is longer.

If a hospital ceases operations, it shall make immediate arrangements, as approved by the department, for preservation of its records.

The board shall by regulation define the type of records and the information required to be included in the medical records to be retained and preserved under this section; which records may be retained in photographic form pursuant to chapter 5.46 RCW.

NEW SECTION. Sec. 2. There is added to chapter 18.51 RCW a new section to read as follows:

Unless specified otherwise by the board, a nursing home shall retain and preserve all records which relate directly to the care and treatment of a patient for a period of no less than ten years following the most recent discharge of the patient; except the records of minors, which shall be retained and preserved for a period of no less than three years following attainment of the age of eighteen years, or ten years following such discharge, whichever is longer.

If a nursing home ceases operations, it shall make immediate arrangements, as approved by the department, for preservation of its records.

The board shall by regulation define the type of records and the information required to be included in the records to be retained and preserved under this section; which records may be retained in photographic form pursuant to chapter 5.46 RCW.

Passed the Senate May 27, 1975.

Passed the House May 22, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 176

[Engrossed Senate Bill No. 2070]

CRIME VICTIMS COMPENSATION

AN ACT Relating to crime victims compensation; amending section 2, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.020; amending section 6, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.060; amending section 7, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.070; amending section 8, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.080; amending section 11, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.110; amending section 14, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.140; adding new sections to chapter 122, Laws of 1973 1st ex. sess. and to chapter 7.68 RCW; and declaring an emergency.

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

Section 1. Section 1. Section 2, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.020 are each amended to read as follows:

The following words and phrases as used in this chapter shall have the following meanings unless the context otherwise requires:

(1) "Department" means the department of labor and industries(♾):

(2) "Criminal act" means an act committed or attempted in this state which is punishable as a felony or gross misdemeanor under the laws of this state: PROVIDED, That the operation of a motor vehicle, motorcycle, train, boat, or aircraft in violation of law does not constitute a "criminal act" unless the injury or death was intentionally inflicted or the operation thereof was part of the commission of another criminal act as defined in this section: PROVIDED FURTHER: (a) That

neither an acquittal in a criminal prosecution nor the absence of any such prosecution shall be admissible in any claim or proceeding under this chapter as evidence of the noncriminal character of the acts giving rise to such claim or proceeding; (b) that evidence of a criminal conviction arising from acts which are the basis for a claim or proceeding under this chapter shall be admissible in such claim or proceeding for the limited purpose of proving the criminal character of the acts; (c) that acts which, but for the insanity or mental irresponsibility of the perpetrator, would constitute criminal conduct shall be deemed to be criminal conduct within the meaning of this chapter.

(3) "Victim" means a resident of the state who suffers bodily injury or death as a proximate result of a criminal act of another person, the victim's own good faith and reasonable effort to prevent a criminal act, or his good faith effort to apprehend a person reasonably suspected of engaging in a criminal act. For the purposes of receiving benefits pursuant to this chapter, "victim" shall be interchangeable with "employee" or "workman" as defined in chapter 51.08 RCW as now or hereafter amended.

(4) "Child", "accredited school", "dependent", "beneficiary", "average monthly wage", "director", "injury", "invalid", "permanent partial disability", and "permanent total disability" shall have the meanings assigned to them in chapter 51.08 RCW as now or hereafter amended.

(5) "Gainfully employed" means engaging on a regular and continuous basis in a lawful activity from which a person derives a livelihood.

(6) "Resident", for the purpose of eligibility for benefits under this chapter, means a person who has been in this state for thirty days or has clearly signified an intent to remain in this state for at least thirty days.

Sec. 2. Section 6, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.060 are each amended to read as follows:

For the purposes of applying for benefits under this chapter, the rights, privileges, responsibilities, duties, limitations and procedures contained in RCW 51.28.020, 51.28.030, 51.28.040 and 51.28.060 as now or hereafter amended shall apply: PROVIDED, That no compensation of any kind shall be available under this chapter if:

(1) An application for benefits is not received by the department within one hundred eighty days after the date of ((injury)) the criminal act or one hundred twenty days after the date of death of the victim, or the rights of dependents or beneficiaries accrued, if such is the case, or

(2) The criminal act is not reported by the victim or someone on his behalf to a local police department or sheriff's office within seventy-two hours of its occurrence or, if it could not reasonably have been reported within that period, within seventy-two hours of the time when a report could reasonably have been made.

Sec. 3. Section 7, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.070 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW (~~51.32.005;~~) 51.32.015, 51.32.030, 51.32.070, 51.32.073, 51.32.180, 51.32.190 and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, or his family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, and the rights, duties, responsibilities, limitations and procedures applicable to a workman as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person shall be entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation or incitement by the victim(~~(-was)~~);

(b) The result of an act or acts committed by a person (~~(residing)~~) living in the same household with the victim (~~(or)~~);

(c) The result of an act or acts committed by a person who is (~~(a)~~) at the time of the criminal act the spouse, child, parent, or sibling of the victim by the half or whole blood, adoption or marriage, ((when the person injured sustained his injury as a)) or the parent of the spouse of or sibling of the spouse of the victim by the half or whole blood, adoption, or marriage;

(d) The result of (~~(his)~~) the victim assisting, attempting, or committing a criminal act(~~(-or occurred)~~); or

(e) Sustained while the victim was (~~(resident)~~) confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services.

(4) The benefits established upon the death of a workman and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That in the event (~~(of)~~) the criminal act results in the death of a victim who was not gainfully employed at the time of (~~(death)~~) the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding (~~(injury);~~) the criminal act;

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived him or where such spouse has legal custody of all of his children, shall be limited to burial expenses as provided in RCW 51.32.050 as now or hereafter amended and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump

sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If no such spouse survives, then such burial expenses shall be paid, and each ~~((eligible))~~ surviving child of the victim at the time of the criminal act shall receive a lump sum payment of ~~((two))~~ three thousand ~~((five))~~ seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits shall be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter: PROVIDED, That in the event a victim ~~((who is))~~ becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of ~~((his in-~~jury, "wages", for the purpose of calculation of benefits, where required, shall be deemed to be)) the criminal act, such victim shall receive monthly during the period of such disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 as now or hereafter amended:

(a) If married at the time of the criminal act, twenty-nine percent of such average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of such average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of such average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of such average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of such average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of such average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of such average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of such average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of such average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of such average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of such average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of such average monthly wage.

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter,

and provisions relating to payment contained in that section shall equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 as now or hereafter amended for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter: PROVIDED, That no person shall be eligible for temporary total disability benefits under this chapter (~~unless~~) if such person was not gainfully employed at the time of ((his injury)) the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended shall apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workmen contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160 and 51.32.210 as now or hereafter amended shall be applicable to payment of benefits to, for or on behalf of victims under this chapter.

Sec. 4. Section 8, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.080 are each amended to read as follows:

The provisions of chapter 51.36 RCW as now or hereafter amended shall govern the provision of medical aid under this chapter except that:

(1) The provisions contained in RCW 51.36.030 and 51.36.040 as now or hereafter amended shall not apply to this chapter;

(2) The specific provisions of RCW 51.36.020 as now or hereafter amended relating to supplying emergency transportation shall not apply: PROVIDED, That when the injury to any victim is so serious as to require his being taken from the place of injury to a place of treatment, reasonable transportation costs to the nearest place of proper treatment shall be reimbursed from the fund established pursuant to RCW 7.68.090.

Sec. 5. Section 11, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.110 are each amended to read as follows:

The provisions contained in chapter 51.52 RCW as now or hereafter amended relating to appeals shall govern appeals under this chapter: PROVIDED, That no provision contained in chapter 51.52 RCW concerning employers as parties to any settlement, appeal or other action shall apply to this chapter: PROVIDED FURTHER, That appeals taken from a decision of the board of industrial insurance appeals under this chapter shall be governed by the provisions relating to judicial review of administrative decisions contained in RCW 34.04.130 and 34.04.140 as now or hereafter amended.

Sec. 6. Section 14, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.140 are each amended to read as follows:

Information contained in the claim files and records of victims, under the provisions of this chapter, shall be deemed confidential and shall not be open to public inspection (~~((other than))~~): PROVIDED, That, except as limited by state or federal statutes or regulations, such information may be provided to public employees in the performance of their official duties(~~(, but)~~): PROVIDED FURTHER, That except as otherwise limited by state or federal statutes or regulations a representative of a claimant, be it an individual or an organization, may review a claim file or receive specific information therefrom upon the presentation of the signed authorization of the claimant: PROVIDED FURTHER, That physicians treating or examining victims claiming benefits under this chapter or physicians giving medical advice to the department regarding any claim may, at the discretion of the department and as not otherwise limited by state or federal statutes or regulations, inspect the claim files and records of such victims, and other persons may, when rendering assistance to the department at any stage of the proceedings on any matter pertaining to the administration of this chapter, inspect the claim files and records of such victims at the discretion of the department and as not otherwise limited by state or federal statutes or regulations.

NEW SECTION. Sec. 7. There is added to chapter 122, Laws of 1973 1st ex. sess. and to chapter 7.68 RCW a new section to read as follows:

Notwithstanding any other provision of law, all law enforcement, criminal justice, or other governmental agencies, or hospital; any physician or other practitioner of the healing arts; or any other organization or person having possession or control of any investigative or other information pertaining to any alleged criminal act or victim concerning which a claim for benefits has been filed under this chapter, shall, upon request, make available to and allow the reproduction of any such information by the section of the department administering this chapter or other public employees in their performance of their official duties under this chapter.

No person or organization, public or private, shall incur any legal liability by reason of releasing any such information to the director of labor and industries or the section of the department which administers this chapter or other public employees in the performance of their official duties under this chapter.

NEW SECTION. Sec. 8. There is added to chapter 122, Laws of 1973 1st ex. sess. and to chapter 7.68 RCW a new section to read as follows:

(1) Whenever any payment under this chapter is made because of clerical error, mistake of identity, innocent misrepresentation by or on behalf of the recipient thereof mistakenly acted upon, or any other circumstance of a similar nature, all not induced by fraud, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient under this chapter: PROVIDED, That the department must make claim for such repayment or recoupment within one year of the making of any such payment or it will be deemed that any claim therefor has been waived: PROVIDED FURTHER, That the department may exercise its discretion to waive, in whole or in part, the amount of any such timely claim.

(2) Whenever any payment under this chapter has been made pursuant to an adjudication by the department, board, or any court and timely appeal therefrom

has been made and the final decision is that any such payment was made pursuant to an erroneous adjudication, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient under this chapter: PROVIDED, That the department may exercise its discretion to waive, in whole or in part, the amount thereof.

(3) Whenever any payment under this chapter has been induced by fraud the recipient thereof shall repay any such payment together with a penalty of fifty percent of the total of any such payments and the amount of such total sum may be recouped from any future payments due to the recipient under this chapter and the amount of the penalty shall be placed in the fund or funds established pursuant to RCW 7.68.090 as now or hereafter amended.

NEW SECTION. Sec. 9. There is added to chapter 122, Laws of 1973 1st ex. sess. and to chapter 7.68 RCW a new section to read as follows:

Notwithstanding the provisions of any of the sections, as now or hereafter amended, of Title 51 RCW which are made applicable to this chapter, the marital status of all victims shall be deemed to be fixed as of the date of the criminal act. All references to the child or children living or conceived of the victim in this chapter shall be deemed to refer to such child or children as of the date of the criminal act unless the context clearly indicates the contrary.

Payments for or on account of any such child or children shall cease when such child is no longer a "child" as defined in RCW 51.32.005, as now or hereafter amended, or on the death of any such child whichever occurs first.

Payments to the victim or surviving spouse for or on account of any such child or children shall be made only when the victim or surviving spouse has legal custody of any such child or children. Where the victim or surviving spouse does not have such legal custody any payments for or on account of any such child or children shall be made to the person having legal custody of such child or children and the amount of payments shall be subtracted from the payments which would have been due the victim or surviving spouse had legal custody not been transferred to another person.

NEW SECTION. Sec. 10. There is added to chapter 122, Laws of 1973 1st ex. sess. and to chapter 7.68 RCW a new section to read as follows:

The rights, privileges, responsibilities, duties, limitations and procedures contained in this chapter shall apply to those claims filed pursuant to RCW 7.68.160. In respect to such claims, the department shall proceed in the same manner and with the same authority as provided in this chapter with respect to those claims filed pursuant to RCW 7.68.060 as now or hereafter amended.

NEW SECTION. Sec. 11. This amendatory 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 Senate May 27, 1975.

Passed the House May 24, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 177

[Senate Bill No. 2106]

PUBLIC FACILITIES CONSTRUCTION AND RENOVATION—
ENERGY CONSUMPTION—LIFE-CYCLE COST ANALYSES

AN ACT Relating to energy consuming utilities; and adding a new chapter to Title 39 RCW.

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

NEW SECTION. Section 1. The legislature hereby finds:

(1) That major publicly owned or leased facilities have a significant impact on our state's consumption of energy;

(2) That energy conservation practices adopted for the design, construction, and utilization of such facilities will have a beneficial effect on our overall supply of energy;

(3) That the cost of the energy consumed by such facilities over the life of the facilities shall be considered in addition to the initial cost of constructing such facilities; and

(4) That the cost of energy is significant and major facility designs shall be based on the total life-cycle cost, including the initial construction cost, and the cost, over the economic life of a major facility, of the energy consumed, and of the operation and maintenance of a major facility as they affect energy consumption.

NEW SECTION. Sec. 2. The legislature declares that it is the public policy of this state to insure that energy conservation practices are employed in the design of major publicly owned or leased facilities. To this end the legislature authorizes and directs that public agencies analyze the cost of energy consumption of each major facility to be planned and constructed or renovated after the effective date of this act.

NEW SECTION. Sec. 3. For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Public agency" means every state office, officer, board, commission, committee, bureau, department, and all political subdivisions of the state.

(2) "Major facility" means any publicly owned or leased building having twenty-five thousand square feet or more of usable floor space.

(3) "Initial cost" means the monéys required for the capital construction or renovation of a major facility.

(4) "Renovation" means additions, alterations, or repairs within any twelve month period which exceed fifty percent of the value of a major facility and which will affect any energy system.

(5) "Economic life" means the projected or anticipated useful life of a major facility as expressed by a term of years.

(6) "Life-cycle cost" means the cost of a major facility including its initial cost, the cost of the energy consumed over its economic life, and the energy consumption related cost of its operation and maintenance.

(7) "Life-cycle cost analysis" includes, but is not limited to, the following elements:

- (a) The coordination and positioning of a major facility on its physical site;
- (b) The amount and type of fenestration employed in a major facility;
- (c) The amount of insulation incorporated into the design of a major facility;
- (d) The variable occupancy and operating conditions of a major facility; and
- (e) An energy-consumption analysis of a major facility.

(8) "Energy systems" means all utilities, including, but not limited to, heating, air-conditioning, ventilating, lighting, and the supplying of domestic hot water.

(9) "Energy-consumption analysis" means the evaluation of all energy systems and components by demand and type of energy including the internal energy load imposed on a major facility by its occupants, equipment, and components, and the external energy load imposed on a major facility by the climatic conditions of its location. An energy consumption analysis of the operation of energy systems of a major facility shall include, but not be limited to, the following elements:

- (a) The comparison of three or more system alternatives;
- (b) The simulation of each system over the entire range of operation of such facility for a year's operating period; and
- (c) The evaluation of the energy consumption of component equipment in each system considering the operation of such components at other than full or rated outputs.

The energy-consumption analysis shall be prepared by a professional engineer or licensed architect who may use computers or such other methods as are capable of producing predictable results.

NEW SECTION. Sec. 4. On and after the effective date of this act whenever a public agency determines that any major facility is to be constructed or renovated such agency shall cause to be included in the design phase of such construction or renovation a provision that requires a life-cycle cost analysis to be prepared for such facility. Such analysis shall be approved by the agency prior to the commencement of actual construction or renovation. A public agency may accept the facility design if the agency is satisfied that the life-cycle cost analysis provides for an efficient energy system or systems based on the economic life of the major facility.

NEW SECTION. Sec. 5. 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. 6. Sections 1 through 5 of this act shall constitute a new chapter in Title 39 RCW.

Passed the Senate May 28, 1975.

Passed the House May 8, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 178

[Engrossed Senate Bill No. 2146]
FIREMEN AND POLICE BENEFITS

AN ACT Relating to firemen and police pension benefits; amending section 38, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 190, Laws of 1974 ex. sess. and RCW 41.16.145; amending section 8, chapter 382, Laws of 1955 as last amended by section 73, chapter 154, Laws of 1973 1st ex. sess. and RCW 41.18.100; amending section 33, chapter 209, Laws of 1969 ex. sess. as last amended by section 2, chapter 190, Laws of 1974 ex. sess. and RCW 41.18.104; amending section 34, chapter 209, Laws of 1969 ex. sess. as last amended by section 3, chapter 190, Laws of 1974 ex. sess. and RCW 41.26.250; adding a new section to chapter 41.16 RCW; and declaring an emergency.

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

Section 1. Section 38, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 190, Laws of 1974 ex. sess. and RCW 41.16.145 are each amended to read as follows:

The amount of all benefits payable under the provisions of RCW 41.16.080, 41.16.120, 41.16.130 ~~((and))~~, 41.16.140 and 41.16.230 as now or hereafter amended, shall be increased annually as hereafter in this section provided. The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purposes of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the ~~((percentage))~~ increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: PROVIDED, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

Each year effective with the July payment all benefits specified herein, shall be increased by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative. The increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.16 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement.

For the purpose of this section the term "Consumer price index" shall mean, for any calendar year, the ~~((average))~~ consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor.

Sec. 2. Section 33, chapter 209, Laws of 1969 ex. sess. as last amended by section 2, chapter 190, Laws of 1974 ex. sess. and RCW 41.18.104 are each amended to read as follows:

The amount of all benefits payable under the provisions of RCW 41.18.040, 41.18.080 ~~((and))~~, 41.18.100 and 41.18.200 as now or hereafter amended, shall be increased annually as hereafter in this section provided. The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purpose of adjusting benefit allowances payable pursuant to the aforementioned

sections. The local board shall determine the ((percentage)) increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: PROVIDED, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

Each year effective with the July payment all benefits specified herein, shall be increased as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative. The increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.18 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement.

For the purpose of this section the term

"Consumer price index" shall mean, for any calendar year, the ((average)) consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor.

Sec. 3. Section 34, chapter 209, Laws of 1969 ex. sess. as last amended by section 3, chapter 190, Laws of 1974 ex. sess. and RCW 41.26.250 are each amended to read as follows:

All benefits presently payable pursuant to the provisions of RCW 41.20.050, 41.20.060 and 41.20.080 as such RCW sections existed prior to the effective date of the amendment of such RCW sections by sections 1, 2, 3, chapter 191, Laws of 1961 to persons who retired prior to the effective date of the said 1961 amendatory act, shall be increased annually as hereafter in this section provided. The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purpose of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the ((percentage)) increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: PROVIDED, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

Each year effective with the July payment all benefits specified herein, shall be increased as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative.

For the purpose of this section the term

"Consumer price index" shall mean, for any calendar year, the ((average)) consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor.

Sec. 4. Section 8, chapter 382, Laws of 1955 as last amended by section 73, chapter 154, Laws of 1973 1st ex. sess. and RCW 41.18.100 are each amended to read as follows:

In the event a fireman is killed in the performance of duty, or in the event a fireman retired on account of service connected disability shall die from any cause, his widow or her widower shall receive a monthly pension under one of the

following applicable provisions: (1) If a fireman is killed in the line of duty his widow or her widower shall receive a monthly pension equal to fifty percent of his or her basic salary at the time of his or her death; (2) if a fireman who has retired on account of a service connected disability dies, his widow or her widower shall receive a monthly pension equal to the amount of the monthly pension such retired fireman was receiving at the time of his or her death. If she or he at any time so elects in writing and the board after hearing finds it to be financially beneficial to the pension fund, he or she may receive in lieu of all future monthly pension and other benefits, including benefits to child or children, the sum of five thousand dollars in cash. If there be no widow or widower at the time of such fireman's death or upon the widow's or widower's death the monthly pension benefits hereinabove provided for shall be paid to and divided among his or her child or children share and share alike, until they reach the age of eighteen or are married, whichever occurs first. The widow's or widower's monthly pension benefit, including increased benefits to his or her children shall cease if and when he or she remarries(~~(: All pensions payable under the provisions of this section shall be subject to an annual cost of living increase which shall be equal to two percent of the pension granted the widow or widower at the time of the death of the fireman. This increase shall be effective and be paid starting with the January payment of each succeeding year))~~): PROVIDED, That no pension payable under the provisions of this section shall be less than that specified under RCW 41.18.200.

NEW SECTION. Sec. 5. There is added to chapter 41.16 RCW a new section to read as follows:

(1) The provisions of this section are procedural and remedial.

(2) The application and effect of this act shall be retroactive to and including May 6, 1974. Each benefit being paid on the effective date of this act shall then be adjusted as if this act had been in existence since May 6, 1974. Additionally, any amounts which would have been paid had this act been in effect since May 6, 1974, shall then be due as a one-time lump sum payment.

(3) The provisions of RCW 41.16.145 shall be construed and read to have granted the percentage increase provided by that section to those receiving benefits pursuant to RCW 41.16.230, until and including July 1, 1974, at which time those persons shall be regarded as eligible for the benefits granted by chapter 190, Laws of 1974 ex. sess., as provided in subsection (2) of this section. Any amounts now payable due to a failure to so construe and read RCW 41.16.145 are now due as a one-time lump sum payment.

NEW SECTION. Sec. 6. If any provision of this 1975 amendatory 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. 7. This 1975 amendatory 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 Senate May 27, 1975.

Passed the House May 19, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 179

[Second Substitute Senate Bill No. 2241] INDUSTRIAL INSURANCE BENEFITS

AN ACT Relating to industrial insurance; and amending section 51.32.050, chapter 23, Laws of 1961 as last amended by section 96, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.32.050.

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

Section 1. Section 51.32.050, chapter 23, Laws of 1961 as last amended to section 96, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.32.050 are each amended to read as follows:

(1) Where death results from the injury the expenses of burial not to exceed ~~((eight hundred))~~ one thousand dollars shall be paid.

(2) Where death results from the injury, a surviving spouse of a deceased workman eligible for benefits under this title shall receive monthly ~~((throughout his or her))~~ for life or until remarriage the following sums: (a) If there are no children of the deceased workman, sixty percent of the wages of the deceased workman but not less than one hundred eighty-five dollars. (b) If there is one child of the deceased workman and in the legal custody of such spouse, sixty-two percent of the wages of the deceased workman but not less than two hundred twenty-two dollars. (c) If there are two children of the deceased workman and in the legal custody of such spouse, sixty-four percent of the wages of the deceased workman but not less than two hundred fifty-three dollars. (d) If there are three children of the deceased workman and in the legal custody of such spouse, sixty-six percent of the wages of the deceased workman but not less than two hundred seventy-six dollars. (e) If there are four children of the deceased workman and in the legal custody of such spouse, sixty-eight percent of the wages of the deceased workman but not less than two hundred ninety-nine dollars. (f) If there are five or more children of the deceased workman and in the legal custody of such spouse, seventy percent of the wages of the deceased workman but not less than three hundred twenty-two dollars. (g) Where the surviving spouse does not have legal custody of any child or children of the deceased workman or where after the death of the workman legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children. The amount of such payments shall be five percent of the wages of the deceased workman for each such child but such payments shall not exceed twenty-five percent. Such payments on account of such child or children shall be subtracted from the amount to which

such surviving spouse would have been entitled had such surviving spouse had legal custody of all of the children and the surviving spouse shall receive the remainder after such payments on account of such child or children have been subtracted. Such payments on account of a child or children not in the legal custody of such surviving spouse shall be apportioned equally among such children.

Payments to the surviving spouse of the deceased workman shall cease at the end of the month in which remarriage occurs: PROVIDED, That the ((portion of the)) monthly payment made ((for the benefit of the)) to the child or children of the deceased workman shall ((not be affected by)) from the month following such remarriage be a sum equal to five percent of the wages of the deceased workman for one child and a sum equal to five percent for each additional child up to a maximum of five such children. Payments to such child or children shall be apportioned equally among such children. Such sum shall be in place of any payments theretofore made for the benefit of or on account of any such child or children. In no event shall the monthly payments provided in subsection (2) of this ((subsection)) section exceed seventy-five percent of the average monthly wage in the state as computed under RCW 51.08.018.

In addition to the monthly payments above provided for, a surviving spouse or child or children of such workman if there is no surviving spouse, or dependent parent or parents, if there is no surviving spouse or child or children of any such deceased workman shall be forthwith paid the sum of eight hundred dollars, any such children, or parents to share and share alike in said sum.

((Upon remarriage the surviving spouse shall receive, once and for all, a lump sum of seventy-five hundred dollars or fifty percent of the then remaining annuity value of the pension, whichever is the lesser, and the monthly payments to such surviving spouse shall cease at the end of the month in which remarriage occurs; but the monthly payments for the child or children shall continue as before.)) Upon remarriage of a surviving spouse the monthly payments for the child or children shall continue as provided in this section, but the monthly payments to such surviving spouse shall cease at the end of the month during which remarriage occurs, and the surviving spouse shall have an option of:

(i) He or she shall receive, once and for all, a lump sum of seventy-five hundred dollars or fifty percent of the then remaining annuity value of his or her pension, whichever is the lesser.

(ii) If a surviving spouse does not choose the option specified in subsection (2)(i) of this section, to accept the lump sum payment, the remarriage of the surviving spouse of a workman shall not bar him or her from exercising the option granted in subsection (2)(i) of this section during the life of the remarriage and shall not prevent subsequent monthly payments to him or to her if the remarriage has been terminated by death or has been dissolved or annulled by valid court decree provided he or she has not previously accepted the lump sum payment provided in this section: PROVIDED, HOWEVER, That if the surviving spouse during the remarriage should die without having previously received the lump sum payment provided herein his or her estate shall be entitled to receive the sum of seventy-five hundred dollars or fifty percent of the then remaining annuity value of his or her pension whichever is the lesser.

The effective date of an award of payments to a surviving spouse based upon termination of a remarriage by death, annulment, or dissolution shall be the date of the death, or the date the judicial decree of annulment or dissolution becomes final and when application for the payments has been received.

(3) If there is a child or children and no surviving spouse of the deceased workman or the surviving spouse is not eligible for benefits under this title, a sum equal to thirty-five percent of the ~~((average monthly))~~ wages of the deceased workman shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such children, share and share alike: PROVIDED, That benefits under this subsection or subsection (4) shall not exceed sixty-five percent of the ~~((monthly))~~ wages of the deceased workman at the time of his death or seventy-five percent of the average monthly wage in the state as defined in RCW 51.08.018, whichever is the lesser of the two sums.

(4) In the event a surviving spouse receiving monthly payments dies, ~~((leaving a))~~ the child or children~~((each))~~ of the deceased workman shall receive the same payment as provided in subsection (3) of this section.

(5) If the workman leaves no surviving spouse or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the workman during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed sixty-five percent of the ~~((monthly))~~ wages of the deceased workman at the time of the death or seventy-five percent of the average monthly wage in the state as defined in RCW 51.08.018, whichever is the lesser of the two sums. If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years except such payments shall continue until the dependent reaches age ~~((twenty-one))~~ twenty-three while permanently enrolled at a full time course in an accredited school. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) If the injured workman dies during the period of permanent total disability, whatever the cause of death, leaving a surviving spouse, or child, or children, the surviving spouse or child or children shall receive benefits as if death resulted from the injury as provided in subsections (2) through ~~((5))~~ (4) of this section. Upon remarriage or death of such surviving spouse the payments ~~((on account of the))~~ to such child or children shall ~~((continue as before to such child or children))~~ be made as provided in subsection (2) of this section when the surviving spouse of a deceased workman remarries.

Passed the Senate May 28, 1975.

Passed the House May 27, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 180

[Reengrossed Senate Bill No. 2306]

USURY—DEFENSE, ACTIONS—COMMERCIAL
OR BUSINESS PURPOSE TRANSACTIONS

AN ACT Relating to usury; amending section 1, chapter 142, Laws of 1969 ex. sess. as amended by section 2, chapter 97, Laws of 1970 ex. sess. and RCW 19.52.080.

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

Section 1. Section 1, chapter 142, Laws of 1969 ex. sess. as amended by section 2, chapter 97, Laws of 1970 ex. sess. and RCW 19.52.080 are each amended to read as follows:

Corporations, Massachusetts trusts, associations, trusts, general partnerships, joint ventures, limited partnerships, and persons ((engaged in the business of lending money or the development or improvement of real estate in the state of Washington)) may not plead the defense of usury nor maintain any action thereon or therefor if the transaction was exclusively for commercial or business purposes: PROVIDED, HOWEVER, That this section shall not apply ((only)) to a consumer transaction ((which involves an amount in excess of one hundred)) of any amount, or to a commercial or business transaction not exceeding fifty thousand dollars.

Consumer transactions, as used in this section, shall mean transactions primarily for personal, family, or household purposes.

Passed the Senate April 8, 1975.

Passed the House May 26, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 181

[Engrossed Senate Bill No. 2386]

SNOWMOBILES

AN ACT Relating to snowmobiles; amending section 3, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.030; amending section 8, chapter 29, Laws of 1971 ex. sess. as last amended by section 3, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.080; amending section 9, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.090; amending section 15, chapter 29, Laws of 1971 ex. sess. as amended by section 4, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.150; amending section 19, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.190; adding new sections to chapter 46.10 RCW; prescribing penalties; and making an appropriation.

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

Section 1. Section 3, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.030 are each amended to read as follows:

No registration shall be required under the provisions of this chapter for the following described snowmobiles:

(1) Snowmobiles owned and operated by the United States, another state, or a political subdivision thereof.

(2) Snowmobiles owned and operated by this state, or by any municipality or political subdivision thereof.

(3) A snowmobile owned by a resident of another state if that snowmobile is registered in accordance with the laws of the state in which its owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for snowmobiles registered in this state: PROVIDED, That any snowmobile which is validly registered in another state and which is physically located in this state for a period of more than ~~((sixty))~~ fifteen consecutive days shall be subject to registration under the provisions of this chapter.

~~((4) Snowmobiles operated exclusively on lands owned and under the control of the owner thereof.))~~

Sec. 2. Section 8, chapter 29, Laws of 1971 ex. sess. as last amended by section 3, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.080 are each amended to read as follows:

The moneys collected by the department as snowmobile registration fees shall be distributed in the following manner:

(1) Ten percent each year for the first two years after August 9, 1971, and five percent each year for each year thereafter shall be retained by the department to cover expenses incurred in the administration of this chapter.

(2) Twenty-five percent each year shall be distributed to the treasurers of those counties of this state having significant snowmobile use in such sums or upon such a formula as shall be determined by the director after consulting with and obtaining the advice of the Washington state association of counties, and shall be deposited in the county ~~((general))~~ parks and recreation fund and expended ~~((to defray the cost of administering this chapter))~~ for snowmobile purposes.

(3) For the first two years after August 9, 1971, fifteen percent each year shall be remitted to the state treasurer for deposit into the general fund and shall be credited to the commission and shall be expended for snow removal operations at other than developed recreational facilities. Thereafter twenty percent each year shall be so remitted for such purposes: PROVIDED, That the unused portion of the moneys allotted to the commission for snow removal operations at other than developed recreational facilities, as provided for in this section and in RCW 46.10.150, from the registration moneys and the gasoline fuel tax, as of March 1 of the second year of the biennium shall revert to the snowmobile development and operation fund of the commission, which fund is hereby created.

(4) Fifty percent each year shall be remitted to the state treasurer to be deposited in the general fund, and forty percent of such fifty percent shall remain in the general fund and shall be subject to legislative appropriation until the cumulative totals of such amounts subject to legislative appropriation deposited under this section and under RCW 46.10.150 as now or hereafter amended shall equal forty thousand dollars, or shall equal so much of the appropriation under section 7 of this 1975 amendatory act as is actually used if the entire appropriation of forty thousand dollars is not used. The remainder of such fifty percent shall be credited in equal amounts to the commission, the department of natural resources, and the department of game and shall be expended on the development or operation of snowmobile facilities, but not on the acquisition ~~((or operation))~~ thereof. The commission, the department of natural resources and the department of game shall, not later than ~~((March 1st))~~ July 15 of each year, prepare and submit to the

Washington state parks and recreation commission an annual report which shall indicate the purposes for which such amounts were expended.

Sec. 3. Section 15, chapter 29, Laws of 1971 ex. sess. as amended by section 4, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.150 are each amended to read as follows:

From time to time, but at least once each biennium, the director shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be a tax on snowmobile fuel, and the treasurer shall refund such amounts and place them in the general fund(~~(+)~~); twenty-five percent of such amounts shall be credited to the commission and shall be expended by it for snow removal operations at other than developed recreational facilities; seventy-five percent of such amounts shall be credited(~~(;)~~) as follows: Forty percent of such seventy-five percent to the general fund to be subject to legislative appropriation until the cumulative totals of such amounts subject to legislative appropriation under this section and under RCW 46.10.080(4) as now or hereafter amended shall equal forty thousand dollars, or shall equal so much of the appropriation under section 7 of this 1975 amendatory act as is actually used if the entire appropriation of forty thousand dollars is not used. The remainder of such seventy-five percent shall be credited in equal amounts, to the commission, department of natural resources, and the department of game, and shall be expended for the development and/or operation, but not acquisition, of snowmobile facilities.

NEW SECTION. Sec. 4. There is added to chapter 46.10 RCW a new section to read as follows:

Each snowmobile dealer registered pursuant to the provisions of RCW 46.10.050 shall register the snowmobile or, in the event the snowmobile is currently registered, transfer the registration to the new owner prior to delivering the snowmobile to that new owner subsequent to the sale thereof by the dealer. Applications for registration and transfer of registration of snowmobiles shall be made to agents of the department authorized as such in accordance with RCW 46.01.140 and 46.01.150 as now or hereafter amended.

Sec. 5. Section 9, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.090 are each amended to read as follows:

It shall be unlawful for any person to operate any snowmobile:

(1) At a rate of speed greater than reasonable and prudent under the existing conditions.

(2) While under the influence of intoxicating liquor or narcotics or habit forming drugs.

(3) In a manner so as to endanger the person or property of another.

(4) Without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others.

(5) Without an adequate braking device which may be operated either by hand or foot.

(6) Without an adequate and operating muffling device which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise, and, on snowmobiles manufactured after January 4, 1973, which shall effectively maintain such noise at a level of eighty-two decibels or below on

the "A" scale at one hundred feet under testing procedures as established by the Washington state patrol; except snowmobiles used in organized racing events in an area designated for that purpose may use a bypass or cutout device.

(7) Upon the paved portion or upon the shoulder or inside bank or slope of any public roadway or highway, or upon the median of any divided highway, except as provided in RCW 46.10.100 and 46.10.110.

(8) In any area or in such a manner so as to expose the underlying soil or vegetation, or to injure, damage, or destroy trees or growing crops.

(9) Without a current registration decal affixed thereon, if not exempted under RCW 46.10.030 as now or hereafter amended.

Sec. 6. Section 19, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.190 are each amended to read as follows:

(1) Except as provided in RCW 46.10.130, any person violating the provisions of this chapter shall be guilty of a misdemeanor: PROVIDED, That the penalty for failing to have a registration decal under RCW 46.10.090 as now or hereafter amended shall, upon conviction, be a fine of twenty-five dollars.

(2) In addition to the penalties provided in subsection (1) of this section, the operator and/or the owner of any snowmobile used with the permission of the owner shall be liable for three times the amount of any damage to trees, shrubs, growing crops, or other property injured as the result of travel by such snowmobile over the property involved.

NEW SECTION. Sec. 7. There is added to chapter 46.10 RCW a new section to read as follows:

In order to establish a pilot program of cooperation between snowmobile users, county governments, and the state parks and recreation commission, there is hereby appropriated to the Washington state parks and recreation commission, forty thousand dollars or so much thereof as may be needed from the general fund for the purchase, operation, and maintenance of a snow groomer for use in maintaining and improving snowmobile trails: PROVIDED, That such forty thousand dollars or so much thereof as is actually used shall be repaid to the general fund by June 30, 1977, from moneys available pursuant to RCW 46.10.080(4) and 46.10.150 as now or hereafter amended. The state parks and recreation commission shall be responsible for the pilot program and shall report the results and expenses to the standing parks and recreation committees prior to the 1977 legislative session.

Passed the Senate May 27, 1975.

Passed the House May 26, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 182

[Engrossed Substitute Senate Bill No. 2443]

SHORELINE MANAGEMENT

AN ACT Relating to shoreline management; amending section 3, chapter 286, Laws of 1971 ex. sess. as amended by section 1, chapter 203, Laws of 1973 1st ex. sess. and RCW 90.58.030; amending section 12, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.120; amending section 14, chapter

286, Laws of 1971 ex. sess. as amended by section 1, chapter 19, Laws of 1973 2nd ex. sess. and RCW 90.58.140; and amending section 18, chapter 286, Laws of 1971 ex. sess. as amended by section 2, chapter 203, Laws of 1973 1st ex. sess. and RCW 90.58.180.

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

Section 1. Section 3, chapter 286, Laws of 1971 ex. sess. as amended by section 1, chapter 203, Laws of 1973 1st ex. sess. and RCW 90.58.030 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971 or as it may naturally change thereafter: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

- (A) Nisqually Delta—from DeWolf Bight to Tatsolo Point,
- (B) Birch Bay—from Point Whitehorn to Birch Point,
- (C) Hood Canal—from Tala Point to Foulweather Bluff,
- (D) Skagit Bay and adjacent area—from Brown Point to Yokeko Point, and
- (E) Padilla Bay—from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those wetlands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all marshes, bogs, swamps, ((floodways;)) and river deltas((-and flood plains)) associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology: PROVIDED, That any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds one thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) ~~Construction of a barn or similar agricultural structure on wetlands)~~ Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: PROVIDED, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee or contract purchaser of a single family residence, the cost of which does not exceed two thousand five hundred dollars;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands.

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on the effective date of this 1975 amendatory act which were created, developed or utilized primarily as a part of an agricultural drainage or diking system.

Sec. 2. Section 12, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.120 are each amended to read as follows:

All rules (~~and~~), regulations, master programs, designations, and guidelines, issued by the department, shall be adopted or approved in accordance with the provisions of RCW 34.04.025 insofar as such provisions are not inconsistent with the provisions of this chapter. In addition:

(1) Prior to the approval or adoption by the department of a master program, or portion thereof, at least one public hearing shall be held in each county affected by a program or portion thereof for the purpose of obtaining the views and comments of the public. Notice of each such hearing shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in the county in which the hearing is to be held.

(2) All guidelines, regulations, designations or master programs adopted or approved under this chapter shall be available for public inspection at the office of the department or the appropriate county auditor and city clerk. The terms "adopt" and "approve" for purposes of this section, shall include modifications and rescission of guidelines.

Sec. 3. Section 14, chapter 286, Laws of 1971 ex. sess. as amended by section 1, chapter 19, Laws of 1973 2nd ex. sess. and RCW 90.58.140 are each amended to read as follows:

(1) No development shall be undertaken on the shorelines of the state except those which are consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, regulations or master program.

(2) No substantial development shall be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.

A permit shall be granted:

(a) From June 1, 1971 until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020; and (ii) after their adoption, the guidelines and regulations of the department; and (iii) so far as can be ascertained, the master program being developed for the area. In the event the department is of the opinion that any permit granted under this subsection is inconsistent with the policy declared in RCW 90.58.020 or is otherwise not authorized by this section, the department

may appeal the issuance of such permit within thirty days to the hearings board upon written notice to the local government and the permittee;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and the policy of RCW 90.58.020.

(3) Local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. Any such system shall include a requirement that all applications and permits shall be subject to the same public notice procedures as provided for applications for waste disposal permits for new operations under RCW 90.48.170. The administration of the system so established shall be performed exclusively by local government.

(4) Such system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until forty-five days from the date of final approval by the local government or, except in the case of any permit issued to the state of Washington, department of highways, for the construction and modification of the SR 90 (I-90) bridges across Lake Washington, until all review proceedings are terminated if such proceedings were initiated within forty-five days from the date of final approval by the local government.

(5) Any ruling on an application for a permit under authority of this section, whether it be an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general.

(6) Applicants for permits under this section shall have the burden of proving that a proposed substantial development is consistent with the criteria which must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW (~~90.58.160(1)~~) 90.58.180(1), the person requesting the review shall have the burden of proof.

(7) Any permit may be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a permit. In the event the department is of the opinion that such noncompliance exists, the department may appeal within thirty days to the hearings board for a rescission of such permit upon written notice to the local government and the permittee.

(8) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

(9) No permit shall be required for any development on shorelines of the state included within a preliminary or final plat approved by the applicable state agency or local government prior to April 1, 1971, if:

(a) The final plat was approved after April 13, 1961, or the preliminary plat was approved after April 30, 1969, or

(b) Sales of lots to purchasers with reference to the plat, or substantial development incident to platting or required by the plat, occurred prior to April 1, 1971, and

(c) The development to be made without a permit meets all requirements of the applicable state agency or local government, other than requirements imposed pursuant to this chapter, and

(d) The development does not involve construction of buildings, or involves construction on wetlands of buildings to serve only as community social or recreational facilities for the use of owners of platted lots and the buildings do not exceed a height of thirty-five feet above average grade level, and

(e) The development is completed within two years after the effective date of this chapter.

(10) The applicable state agency or local government is authorized to approve a final plat with respect to shorelines of the state included within a preliminary plat approved after April 30, 1969, and prior to April 1, 1971: PROVIDED, That any substantial development within the platted shorelines of the state is authorized by a permit granted pursuant to this section, or does not require a permit as provided in subsection (9) of this section, or does not require a permit because of substantial development occurred prior to June 1, 1971.

(11) Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval.

Sec. 4. Section 18, chapter 286, Laws of 1971 ex. sess. as amended by section 2, chapter 203, Laws of 1973 1st ex. sess. and RCW 90.58.180 are each amended to read as follows:

(1) Any person aggrieved by the granting or denying of a permit on shorelines of the state, or rescinding a permit pursuant to RCW (~~90.58.150~~) 90.58.140 may seek review from the shorelines hearings board by filing a request for the same within thirty days of receipt of the final order. Concurrently with the filing of any request for review with the board as provided in this section pertaining to a final order of a local government, the requestor shall file a copy of his request with the department and the attorney general. If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor: PROVIDED, That the failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor. The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within forty-five days from the date of the filing of said copies by the requestor.

(2) The department or the attorney general may obtain review of any final order granting a permit, or granting or denying an application for a permit issued by a local government by filing a written request with the shorelines appeals board and the appropriate local government within forty-five days from the date the final order was filed as provided in subsection (5) of RCW 90.58.140.

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases. Judicial review of such proceedings of the shorelines hearings board may be had as provided in chapter 34.04 RCW.

(4) Local government may appeal to the shorelines hearings board any rules, regulations, guidelines, designations, or master programs for shorelines of the state

adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

(a) In an appeal relating to a master program for shorelines, the board, after full consideration of the positions of the local government and the department, shall determine the validity of the master program. If the board determines that said program:

(i) is clearly erroneous in light of the policy of this chapter; or

(ii) constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

(iii) is arbitrary and capricious; or

(iv) was developed without fully considering and evaluating all proposed master programs submitted to the department by the local government; or

(v) was not adopted in accordance with required procedures;

the board shall enter a final decision declaring the program invalid, remanding the master program to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government, a new master program. Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the master program to be valid and enter a final decision to that effect.

(b) In an appeal relating to a master program for shorelines of state-wide significance the board shall approve the master program adopted by the department unless a local government shall, by clear and convincing evidence and argument, persuade the board that the master program approved by the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(c) In an appeal relating to rules, regulations, guidelines, master programs of state-wide significance, and designations, the standard of review provided in RCW 34.04.070 shall apply.

(5) Rules, regulations, designations, master programs, and guidelines shall be subject to review in superior court, if authorized pursuant to RCW 34.04.070: PROVIDED, That no review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection (4) of this section and the petition for court review is filed within three months after the date of final decision by the shorelines hearings board.

Passed the Senate May 27, 1975.

Passed the House May 24, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 183

[Engrossed Substitute Senate Bill No. 2574]

COMMERCIAL FISHING VESSELS, LICENSES, AND
GEAR—"CASE AREA"—STATE PURCHASE

AN ACT Relating to food fish and shellfish; amending section 3, chapter 112, Laws of 1949 and RCW 75.08.012; adding new sections to chapter 75.28 RCW; prescribing penalties; providing for the establishment of a revolving fund; and declaring an emergency.

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

Section 1. Section 3, chapter 112, Laws of 1949 and RCW 75.08.012 are each amended to read as follows:

It shall be the duty and purpose of the department of fisheries to preserve, protect, perpetuate and manage the food fish and shellfish in the waters of the state and the offshore waters thereof to the end that such food fish and shellfish shall not be taken, possessed, sold or disposed of at such times and in such manner as will impair the supply thereof. For the purpose of conservation, and in a manner consistent therewith, the department shall seek to maintain the economic well-being and stability of the commercial fishing industry in the state of Washington.

NEW SECTION. Sec. 2. There is added to chapter 75.28 RCW a new section to read as follows:

The legislature finds that the protection, welfare, and economic well-being of the commercial fishing industry is important to the people of this state. There presently exists an overabundance of commercial fishing gear in our state waters which causes great pressure on the fishing resources. This results in great economic waste to the state and prohibits conservation and harvesting programs from achieving their goals. This adverse situation has been compounded by the recent federal court decision, United States of America et al. v. State of Washington et al., Civil No. 9213, United States District Court for the Western District of Washington, February 12, 1974. As a result, large numbers of commercial fishermen face personal economic hardship and the state commercial fishing industry is confronted with economic difficulty. The public welfare requires that the state have the authority to purchase commercial fishing vessels, licenses, gear, and permits offered for sale, as appropriate, in a manner which will provide relief to the individual vessel owner, and which will effect a reduction in the amount of commercial fishing gear in use in the state so as to insure increased economic opportunity for those persons in the industry and to insure that sound scientific conservation and harvesting programs can be carried out. It is the intention of the legislature to provide relief to commercial fishermen adversely affected by the current economic situation in the state fishery and to preserve this valuable state industry and these natural resources.

NEW SECTION. Sec. 3. There is added to chapter 75.28 RCW a new section to read as follows:

As used in this 1975 amendatory act, unless the context indicates otherwise:

(1) "Case area" means those areas of the Western district of Washington within the watersheds of Puget Sound and the Olympic Peninsula north of Grays

Harbor and in the adjacent offshore waters which are within the jurisdiction of the state of Washington, as defined in United States of America et al. v. State of Washington et al., Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974, or any area in which fishing rights are affected by court decision in a manner consistent with the above-mentioned decision;

- (2) "Department" means the department of fisheries;
- (3) "Director" means the director of the department of fisheries.

NEW SECTION. Sec. 4. There is added to chapter 75.28 RCW a new section to read as follows:

The department is authorized to purchase commercial fishing vessels and appurtenant gear, and the appropriate current commercial fishing licenses and delivery permits issued by the state of Washington if the vessel, licensee or permit holder:

- (1) Was licensed to fish or deliver fish during 1974 within the case area; and
- (2) Was substantially restricted in its fishing season in 1974 by the department as a result of compliance with United States of America et al. v. State of Washington et al., Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974.

The department shall not purchase any vessel without also purchasing all appropriate current Washington commercial fishing licenses and delivery permits issued to such vessel or its owner: **PROVIDED**, That the department is authorized to purchase current licenses and delivery permits in the absence of the purchase of a vessel.

NEW SECTION. Sec. 5. There is added to chapter 75.28 RCW a new section to read as follows:

The purchase by the department of a vessel and appurtenant gear shall be based on a survey conducted by a qualified marine surveyor. A license or delivery permit shall be valued separately by the department.

The director may specify a maximum price to be paid by the department for any vessel, gear, license or delivery permit purchased pursuant to section 4 of this 1975 amendatory act. Any license or delivery permit so purchased shall be permanently retired by the department.

NEW SECTION. Sec. 6. There is added to chapter 75.28 RCW a new section to read as follows:

The department may arrange for the insurance and storage and for the resale or other disposition of all vessels and gear purchased pursuant to this 1975 amendatory act. Such vessels shall not be used by any owner or operator as a fishing vessel other than as a vessel used for angling or other personal use in waters within the state of Washington, nor shall such vessels be used by any owner or operator to deliver fish within the boundaries of the state of Washington. The department shall require that the purchasers or other users of vessels resold or otherwise disposed of by the department execute any and all suitable instruments to insure compliance with the requirements of this section. The director may commence suit or be sued on any such instrument in any state court of record or United States district court having jurisdiction.

NEW SECTION. Sec. 7. There is added to chapter 75.28 RCW a new section to read as follows:

Any person violating any of the provisions of this 1975 amendatory act, or of any of the rules or regulations of the director made pursuant thereto, or who aids or abets or assists in the violation thereof, shall be guilty of a gross misdemeanor, and upon a conviction thereof shall be punished by imprisonment for not less than thirty days or more than one year, or by a fine of not less than twenty-five dollars or more than one thousand dollars, or both. Upon conviction of any person of a violation of any provision of this 1975 amendatory act, or rule or regulation of the director, the judge or justice of the peace may, in addition to the penalty imposed by law, provide for the forfeiture of the vessel and licenses and/or permits to the state of Washington.

NEW SECTION. Sec. 8. There is added to chapter 75.28 RCW a new section to read as follows:

The director shall promulgate rules and regulations concerning the operation of such program in accordance with the provisions of chapter 34.04 RCW. The director may enlist the aid of such other state agencies to assist the department in the administration of the provisions of this 1975 amendatory act. To minimize the impact of this program on other ongoing state activities as well as on current staffing levels, the director shall have the authority to contract with persons or entities not employed by the state to assist in the administration of the provisions of this 1975 amendatory act.

The director shall appoint an advisory board composed of four individuals who are knowledgeable of the commercial fishing industry to assist the director, including the rendering of advice from time to time concerning the values of licenses and permits which may be purchased pursuant to the provisions of section 4 of this 1975 amendatory act, and to perform such other functions as deemed appropriate by the director. The members of such advisory board shall be reimbursed for subsistence and travel expenses pursuant to RCW 43.03.050 and 43.03.060 for each day or major portion thereof spent in the performance of their duty.

NEW SECTION. Sec. 9. There is added to chapter 75.28 RCW a new section to read as follows:

The provisions of this 1975 amendatory act shall become effective only upon receipt by the department from the federal government of funds in an amount sufficient to administer such provisions and to accomplish its purposes. If such funds are not received or authorized prior to July 1, 1976, this 1975 amendatory act shall expire on said date.

The director shall be the responsible state officer for the administration of, and the disbursement of all funds, goods, commodities, and services, which may be received by the state in connection with the provisions of this 1975 amendatory act. There is created within the state treasury a fund to be known as the "vessel, gear, license, and permit reduction fund", which shall be used for the purchase of vessels, licenses, permits, and fishing gear as provided in this 1975 amendatory act, and for the administration of the provisions of this 1975 amendatory act. This fund shall be credited with any federal or other funds received to carry out the purposes of this 1975 amendatory act and shall also be credited with all proceeds

from the sale or other disposition of any property purchased pursuant to section 4 of this 1975 amendatory act.

NEW SECTION. Sec. 10. There is added to chapter 75.28 RCW a new section to read as follows:

No application for participation in the program provided for in this 1975 amendatory act shall be accepted by the department later than June 30, 1977. The director shall provide for the expeditious completion of the program thereafter and shall notify the state legislature when such provisions might appropriately be declared null and void.

NEW SECTION. Sec. 11. This 1975 amendatory 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 Senate May 28, 1975.

Passed the House May 27, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 184

[Engrossed Senate Bill No. 2611]

VOTER REGISTRATION—TRANSFERS

AN ACT Relating to elections; amending section 2, chapter 153, Laws of 1973 and RCW 29.07.092; amending section 29.10.020, chapter 9, Laws of 1965 as amended by section 24, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.020; amending section 8, chapter 156, Laws of 1965 ex. sess. as amended by section 36, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.160; and declaring an emergency.

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

Section 1. Section 2, chapter 153, Laws of 1973 and RCW 29.07.092 are each amended to read as follows:

The county auditor shall acknowledge each new voter registration or transfer by providing or sending ((to)) the voter((, ~~by first class nonforwardable mail,~~)) a card identifying his current precinct and containing such other information as may be prescribed by the secretary of state.

Sec. 2. Section 29.10.020, chapter 9, Laws of 1965 as amended by section 24, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.020 are each amended to read as follows:

Any registered voter who changes his residence from one ((precinct)) address to another within the same county, shall have his registration transferred to his new address by sending to the county auditor a signed request stating his present address and precinct, and the address and precinct from which he was last registered, or by appearing in person before him to have his registration transferred, and signing such request, or in the manner provided by RCW 29.10.160, as now or hereafter amended.

Sec. 3. Section 8, chapter 156, Laws of 1965 ex. sess. as amended by section 36, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.160 are each amended to read as follows:

~~((At the time the county auditor inspects the permanent registration records in his possession, to determine whether or not any voter's record should be canceled for failure to vote as provided in section RCW 29.10.080, as now or hereafter amended, he))~~ After each primary and after each election, special or general, the county auditor shall ((also)) compare the voter registration record with the signature and address of each voter as it appears in the ((poll book)) precinct list of registered voters used at ((the most recent preceding state general)) each such primary and each such election. If the address of any voter, as written by the voter, in the ((poll book)) precinct list of registered voters does not agree with the address of the voter as stated on his permanent registration records, the registration officer shall((:

~~(1) Send a notice, by certified mail to addressee only, with return receipt requested, showing address where delivered, to the voter, using the address as given in the poll book and advising him that he must either have his registration transferred or register anew, as the case may be. Such notice shall also contain a prepaid postcard form addressed to the county auditor for the convenience of the voter to indicate what action the voter intends to take.~~

~~(2))~~ enter the new address and precinct name or number on the permanent registration record and notify the voter, by mail, that his registration has been transferred in the manner provided by RCW 29.10.060 as now or hereafter amended: PROVIDED, That if the voter believes that his registration record should not be changed, he shall so notify the county auditor who, in turn, shall promptly arrange for a hearing unless it is manifestly apparent that the voter's reasons are valid for keeping his record unchanged. If a hearing is necessary, any ruling issued by the registration officer shall be final, subject only to a petition for judicial review by the superior court under the provisions of chapter 34.04 RCW, as now or hereafter amended.

~~((3) If the notice mailed by the county auditor is either returned as undeliverable or the voter does not respond within thirty days from the date of mailing, the county auditor shall cancel the registration record concerned and notify the secretary of state of such cancellation. If the voter received the notice, as evidenced by the return receipt, the county auditor shall further notify such voter by first class mail that his registration has been canceled.))~~

NEW SECTION. Sec. 4. This 1975 amendatory 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.

NEW SECTION. Sec. 5. If any provision of this 1975 amendatory 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 May 27, 1975.

Passed the House May 23, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 185

[Engrossed Senate Bill No. 2634]

LEGISLATIVE MEMBERS-ELECT—EXPENSE ALLOWANCES

AN ACT Relating to state government; authorizing allowances for legislative members-elect; and adding a new section to chapter 44.04 RCW.

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

NEW SECTION. Section 1. There is added to chapter 44.04 RCW a new section to read as follows:

Each member-elect of the senate or house of representatives who attends any meeting of the legislature or any of its committees, upon the invitation of the committee on rules of his or her respective house, shall be entitled to receive per diem, mileage, and incidental expense allowances at the rates prescribed in chapter 44.04 RCW, as now or hereafter amended.

Passed the Senate May 27, 1975.

Passed the House May 23, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 186

[Engrossed Senate Bill No. 2698]

CIVIL SERVICE FOR SHERIFF'S OFFICE—HOME
RULE CHARTER COUNTIES, UNCLASSIFIED POSITIONS

AN ACT Relating to public employment; and amending section 7, chapter 1, Laws of 1959 and RCW 41.14.070.

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

Section 1. Section 7, chapter 1, Laws of 1959 and RCW 41.14.070 are each amended to read as follows:

The classified civil service and provisions of this chapter shall include all deputy sheriffs and other employees of the office of sheriff in each county except the following positions which are hereby designated the unclassified service:

(1) The county sheriff in every county;

(2) In each class A and class AA county; the positions of undersheriff, inspector, chief criminal deputy, chief civil deputy, jail superintendent, and one private secretary: PROVIDED, That the legislative authority of any county operating under a home rule charter may designate unclassified positions of administrative responsibility not to exceed twelve positions;

(3) In each county of the first class, second class, and third class; three principal positions comparable to undersheriff, a chief criminal deputy, and a chief civil deputy;

(4) In each of all other counties; one position to be appointed by the sheriff.

Passed the Senate April 25, 1975.

Passed the House May 27, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 187

[Engrossed Substitute Senate Bill No. 2727]

COMPENSATION OF PORT COMMISSIONERS

AN ACT Relating to port districts; adding new sections to chapter 53.12 RCW; and repealing section 4, chapter 348, Laws of 1955, section 1, chapter 72, Laws of 1957 and RCW 53.12.250.

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

NEW SECTION. Section 1. There is added to chapter 53.12 RCW a new section to read as follows:

Commissioners of a port district shall receive up to forty dollars per day for each day or portion thereof spent (a) in actual attendance at official meetings of the port district commission, or (b) in performance of other service in behalf of the district: **PROVIDED**, That no commissioner shall receive compensation for more than seventy-two days for any calendar year: **PROVIDED FURTHER**, That no commissioner of a port district having a population of less than one hundred thousand persons according to the most recent United States census shall receive compensation for more than forty-eight days for any calendar year. For any commissioner who has not elected to become a member of public employees retirement system before May 1, 1975, the compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state nor shall attendance at such meetings or other service on behalf of the district constitute service as defined in RCW 41.40.010(9): **PROVIDED**, That in the case of a port district when commissioners are receiving compensation and contributing to the public employees retirement system, these benefits shall continue in full force and effect notwithstanding the provisions of this act.

NEW SECTION. Sec. 2. There is added to chapter 53.12 RCW a new section to read as follows:

A commissioner of any port district may waive all or any portion of his compensation payable under section 1 of this act as to any month or months during his term of office, by a written waiver filed with the secretary of the commission. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which said compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

NEW SECTION. Sec. 3. Section 4, chapter 348, Laws of 1955, section 1, chapter 72, Laws of 1957 and RCW 53.12.250 are each repealed.

Passed the Senate May 27, 1975.

Passed the House May 23, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 188

[Engrossed Substitute Senate Bill No. 2737]
 LOCAL GOVERNMENT—BONDS—SERVICES AND
 UTILITIES, OPERATION AND SUPPORT—
 WATER DISTRICTS, VALIDATION

AN ACT Relating to local government; amending section 36.67.060, chapter 4, Laws of 1963 and RCW 36.67.060; amending section 14, chapter 72, Laws of 1967 and RCW 36.94.140; amending section 15, chapter 72, Laws of 1967 and RCW 36.94.150; amending section 21, chapter 72, Laws of 1967 and RCW 36.94.210; amending section 22, chapter 72, Laws of 1967 as amended by section 9, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.220; amending section 2, chapter 151, Laws of 1923 as amended by section 2, chapter 74, Laws of 1965 ex. sess. and RCW 39.44.020; amending section 3, chapter 18, Laws of 1959 and RCW 57.12.020; adding new sections to chapter 36.94 RCW; and adding new sections to chapter 57.06 RCW.

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

Section 1. Section 36.67.060, chapter 4, Laws of 1963 and RCW 36.67.060 are each amended to read as follows:

Bonds issued under this chapter shall be serial in form and maturity and interest shall be paid and the principal of the bonds retired by an annual tax levy in accordance with the provisions of chapter 39.44 RCW and by any other moneys lawfully available and pledged therefor.

Sec. 2. Section 14, chapter 72, Laws of 1967 and RCW 36.94.140 are each amended to read as follows:

Every county, in the operation of a system of sewerage and/or water, shall have full jurisdiction and authority to manage, regulate and control it and to fix, alter, regulate and control the rates and charges for the service to those to whom such county service is available, and to levy charges for connection to such system. The rates for availability of service and connection charges so charged must be uniform for the same class of customers or service.

In classifying customers served ((or)), service furnished or made available by such system of sewerage and/or water, or the connection charges, the board may consider any or all of the following factors:

- (1) The difference in cost of service to the various customers within or without the area;
- (2) The difference in cost of maintenance, operation, repair and replacement of the various parts of the systems;
- (3) The different character of the service furnished various customers;
- (4) The quantity and quality of the sewage and/or water delivered and the time of its delivery;
- (5) Capital contributions made to the system or systems, including, but not limited to, assessments; and
- (6) Any other matters which present a reasonable difference as a ground for distinction.

Such rates shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for the efficient and proper operation of the system.

Sec. 3. Section 15, chapter 72, Laws of 1967 and RCW 36.94.150 are each amended to read as follows:

All counties operating a system of sewerage and/or water shall have a lien for delinquent connection charges and charges for the availability of sewerage and/or water service, together with interest fixed by resolution at eight percent per annum from the date due until paid. Penalties of not more than ten percent of the amount due may be imposed in case of failure to pay the charges at times fixed by resolution. The lien shall be for all charges, interest, and penalties and shall attach to the premises to which the services were ~~((furnished))~~ available. The lien shall be superior to all other liens and encumbrances, except general taxes and local and special assessments of the county.

The county department established in RCW 36.94.120 shall certify periodically the delinquencies to the treasurer of the county at which time the lien shall attach. ~~((Liens created by this section shall not have priority over liens or encumbrances perfected before the day of the certification to the treasurer of the particular delinquency for which the lien attaches pursuant to this section.))~~

Upon the expiration of sixty days after the attachment of the lien, the county may bring suit in foreclosure by civil action in the superior court of the county where the property is located. In addition to the costs and disbursements provided by statute, the court may allow the county a reasonable attorney's fee. The lien shall be foreclosed in the same manner as the foreclosure of real property tax liens.

Sec. 4. Section 21, chapter 72, Laws of 1967 and RCW 36.94.210 are each amended to read as follows:

The board of county commissioners of any county in adopting and establishing a system of sewerage and/or water may set aside into a special fund and pledge to the payment of the principal and interest due on any county revenue bonds or general obligation bonds any sums or amounts which may accrue from the collection of rates and charges for the private and public use of the system or systems.

Sec. 5. Section 22, chapter 72, Laws of 1967 as amended by section 9, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.220 are each amended to read as follows:

A county shall have the power to establish utility local improvement districts within the area of a sewerage and/or water general plan and to levy special assessments under a mode of annual installments extending over a period not exceeding twenty years on all property specially benefited by any local improvement on the basis of the special benefits to pay in whole or in part the damages or costs of any improvements ordered in such county. Utility local improvement districts may include territory within a city or town only with the written consent of the city or town, but if the local district is formed before such area is included within the city or town, no such consent shall be necessary. The levying, collection and enforcement of all public assessments hereby authorized shall be in the manner now and hereafter provided by law for the levying, collection and enforcement of local improvement assessments by cities of the first class, insofar as the same shall not be inconsistent with the provisions of this chapter. The duties devolving upon the city treasurer under such laws are imposed upon the county treasurer for the

purposes of this chapter. The mode of assessment shall be in the manner to be determined by the board of county commissioners by resolution. ~~((It must be specified in any petition for the establishment of a utility local improvement district and in the sewerage and/or water general plan or amendment thereto that the assessments shall be for the sole purpose of payment into the revenue bond fund for the payment of revenue bonds.))~~ Assessments in any utility local improvement district may be made on the basis of special benefits up to but not in excess of the total cost of any sewerage and/or water improvement ~~((payable by issuance of revenue bonds. No warrants or bonds shall be issued in any such utility local improvement district, but the collection of interest and principal on all assessments in such utility improvement district, when collected, shall be paid into the applicable revenue bond fund))~~. In utility local improvement districts, assessments shall be deposited into the revenue bond fund or general obligation bond fund established for the payment of bonds issued to pay such costs which bond payments are secured in part by the pledge of assessments.

Sec. 6. Section 2, chapter 151, Laws of 1923 as amended by section 2, chapter 74, Laws of 1965 ex. sess. and RCW 39.44.020 are each amended to read as follows:

The officials now or hereafter charged by law with the duty of levying taxes for the payment of said bonds and interest shall, in the manner provided by law, make an annual levy sufficient together with other moneys lawfully available and pledged therefor to meet the payments of principal and interest on said bonds maturing as herein provided.

NEW SECTION. Sec. 7. Subject to the provisions of sections 7 through 11 of this 1975 amendatory act a municipal corporation may transfer to the county within which all of its territory lies, all or part of the property constituting its system of sewerage, system of water or combined water and sewerage system, together with any of its other real or personal property used or useful in connection with the operation, maintenance, repair, replacement, extension, or financing of that system, and the county may acquire such property on such terms as may be mutually agreed upon by the governing body of the municipal corporation and the legislative authority of the county, and approved by the superior court for such county.

NEW SECTION. Sec. 8. In consideration of a transfer of property by a municipal corporation to a county in the manner provided in sections 7 through 11 of this 1975 amendatory act, a county may assume and agree to pay or provide for the payment of all or part of the indebtedness of a municipal corporation including the payment and retirement of outstanding general obligation and revenue bonds issued by a municipal corporation. Until the indebtedness of a municipal corporation thus assumed by a county has been discharged, all property within the municipal corporation and the owners and occupants of that property, shall continue to be liable for taxes, special assessments, and other charges legally pledged to pay such indebtedness. The county may assume the obligation of causing the payment of such indebtedness, collecting such taxes, assessments, and charges and observing and performing the other contractual obligations of the municipal corporation. The legislative authority of the county may act in the same

manner as the governing body of the municipal corporation for the purpose of certifying the amount of any property tax to be levied and collected therein, and may cause service and other charges and assessments to be collected from such property or owners or occupants thereof, enforce such collection and perform all other acts necessary to insure performance of the contractual obligations of the municipal corporation in the same manner and by the same means as if the property of the municipal corporation had not been acquired by the county.

When a county assumes the obligation of paying indebtedness of a municipal corporation and if property taxes or assessments have been levied and service and other charges have accrued for such purpose but have not been collected by the municipal corporation prior to such assumption, the same when collected shall belong and be paid to the county and be used by such county so far as necessary for payment of the indebtedness of the municipal corporation existing and unpaid on the date such county assumed that indebtedness. Any funds received by the county which have been collected for the purpose of paying any bonded or other indebtedness of the municipal corporation shall be used for the purpose for which they were collected and for no other purpose until such indebtedness has been paid and retired or adequate provision has been made for such payment and retirement. No transfer of property as provided in this amendatory act shall derogate from the claims or rights of the creditors of the municipal corporation or impair the ability of the municipal corporation to respond to its debts and obligations.

NEW SECTION. Sec. 9. The governing body of a municipal corporation proposing to transfer all or part of its property to a county in the manner provided by sections 7 through 11 of this 1975 amendatory act and the legislative authority of a county proposing to accept such property, and to assume if it so agrees any indebtedness of the municipal corporation in consideration of such transfer, shall adopt resolutions or ordinances authorizing respectively the execution of a written agreement setting forth the terms and conditions upon which they have agreed and finding the transfer and acquisition of property pursuant to such agreement to be in the public interest and conducive to the public health, safety, welfare, or convenience. Such written agreement may include provisions, by way of description and not by way of limitation, for the rights, powers, duties, and obligations of such municipal corporation and county with regard to the use and ownership of property, the providing of services, the maintenance and operation of facilities, the allocation of costs, the financing and construction of new facilities, the application and use of assets, the disposition of liabilities and indebtedness, the performance of contractual obligations, and any other matters relating to the proposed transfer of property, which may be preceded by an interim period of operation by the county of the property and facilities subsequently to be transferred to that county. The agreement may provide for a period of time during which the municipal corporation may continue to exercise certain rights, privileges, powers, and functions authorized to it by law including the ability to promulgate rules and regulations, to levy and collect special assessments, rates, charges, service charges and connection fees, and to adopt and carry out the provisions of a comprehensive plan, and amendments thereto, for a system of improvements and to issue general obligation bonds or revenue bonds in the manner provided by law, or the agreement

may provide for the exercise for a period of time of all or some of such rights, privileges, powers, and functions by the county. The agreement may provide that either party thereto may authorize, issue and sell, in the manner provided by law, revenue bonds to provide funds for new water or sewer improvements or to refund or advance refund any water revenue, sewer revenue or combined water and sewer revenue bonds outstanding of either or both such parties. The agreement may provide that either party thereto may authorize and issue, in the manner provided by law, general obligation or revenue bonds of like amounts, terms, conditions and covenants as the outstanding bonds of either or both such parties and such new bonds may be substituted or exchanged for such outstanding bonds to the extent permitted by law.

NEW SECTION. Sec. 10. When a municipal corporation and a county have entered into a written agreement providing for the transfer to such county of all or part of the property of such municipal corporation, proceedings may be initiated in the superior court for that county by the filing of a petition to which there shall be attached copies of the agreement of the parties and of the resolutions of the governing body of the municipal corporation and the legislative authority of the county authorizing its execution. Such petition shall ask that the court approve and direct the proposed transfer of property, and any assumption of indebtedness agreed to in consideration thereof by the county, after finding such transfer and acquisition of property to be in the public interest and conducive to the public health, safety, welfare, or convenience. Such petition shall be signed by the members of the legislative authority of the county or chief administrative officer of the municipal corporation and the chairman of the legislative authority of the county, respectively, upon authorization by the governing body of the municipal corporation and the legislative authority of the county.

Within thirty days after the filing of the petition of the parties with copies of their agreement and the resolutions authorizing its execution attached thereto, the court shall by order fix a date for a hearing on the petition not less than twenty nor more than ninety days after the entry of such order which also shall prescribe the form and manner of notice of such hearing to be given. After considering the petition and such evidence as may be presented at the hearing thereon, the court may determine by decree that the proposed transfer of property is in the public interest and conducive to the public health, safety, welfare, or convenience, approve the agreement of the parties and direct that such transfer be accomplished in accordance with that agreement at the time and in the manner prescribed by the court decree.

NEW SECTION. Sec. 11. In the event the agreement of the parties provides for the transfer to the county of all the property of the municipal corporation or all such property except bond redemption funds in the possession of the county treasurer from which outstanding bonds of the municipal corporation are payable, and the agreement also provides for the assumption and payment by the county of all the indebtedness of the municipal corporation including the payment and retirement of all its outstanding bonds, and if the petition of the parties so requests, the court in the decree approving and directing the transfer of property, or in a subsequent decree, may dissolve the municipal corporation effective as of the

time of transfer of property or at such time thereafter as the court may determine and establish.

NEW SECTION. Sec. 12. The provisions of sections 7 through 11 of this 1975 amendatory act shall be deemed to provide an alternative method for the doing of the things therein authorized and shall not be construed as imposing any additional conditions upon the exercise of any other powers vested in municipal corporations or counties.

NEW SECTION. Sec. 13. If any provision of this 1975 amendatory 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 shall not be affected.

Sec. 14. Section 3, chapter 18, Laws of 1959 and RCW 57.12.020 are each amended to read as follows:

Nominations for the first board of commissioners to be elected at the election for the formation of the water district shall be by petition of at least twenty-five percent of the qualified electors of the district, or twenty-five of the qualified electors of the district, whichever is lesser, filed in the auditor's office of the county in which the district is located, at least thirty days prior to the election. Thereafter, candidates for the office of water commissioners shall file declarations of candidacy and their election shall be conducted as provided by the general election laws. A vacancy on the board shall be filled by appointment by the remaining commissioners until the next regular election for commissioners: **PROVIDED**, That if there is a vacancy of the entire board a new board may be appointed by the board of county commissioners.

Any person residing in the district who is a qualified voter under the laws of the state may vote at any district election.

NEW SECTION. Sec. 15. There is added to chapter 57.06 RCW a new section to read as follows:

Each and all of the respective areas of land heretofore attempted to be organized into water districts under the provisions of chapter 114, Laws of 1929, and amendments thereto, are hereby validated and declared to be duly existing water districts, having the respective boundaries set forth in their organization proceedings as shown by the files in the office of the board of county commissioners of the county in question and of such water districts.

NEW SECTION. Sec. 16. There is added to chapter 57.06 RCW a new section to read as follows:

All debts, contracts, and obligations heretofore made or incurred by or in favor of any such water district, and all bonds or other obligations executed by such districts in connection with or in pursuance of such attempted organization, and any and all assessments or levies, and all other things and proceedings done or taken by such districts or by their respective officers, including by persons acting as commissioners nominated by petition of at least twenty-five percent of the qualified electors of the district, and elected and qualified as otherwise provided by law, acting under or in pursuance of such attempted organization, are hereby declared legal and valid and of full force and effect.

NEW SECTION. Sec. 17. There is added to chapter 57.06 RCW a new section to read as follows:

The holding and exercise of the office of commissioner by persons now serving as members of the first board of commissioners under or in pursuance of such attempted organization, nominated by petition of at least twenty-five percent of the qualified electors of the district, and elected and qualified as otherwise provided by law, is hereby declared legal and valid and of full force and effect.

NEW SECTION. Sec. 18. Sections 15 through 17 of this 1975 amendatory act shall apply only to such districts attempted to be organized under chapter 114, Laws of 1929, and amendments thereto, which have maintained their organization as such since the date of such attempted organization, establishment, or creation, or which have been merged into another municipal corporation.

NEW SECTION. Sec. 19. Sections 7 through 13 of this 1975 amendatory act shall be added to chapter 36.94 RCW.

Passed the Senate May 28, 1975.

Passed the House May 24, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 189

[Engrossed Substitute Senate Bill No. 2833]
RAILROAD GRADE CROSSING PROTECTIVE
DEVICES—FINANCING

AN ACT Relating to railroad grade crossing protective devices; amending section 2, chapter 134, Laws of 1969 as amended by section 1, chapter 77, Laws of 1973 1st ex. sess. and RCW 81.53.271; amending section 3, chapter 134, Laws of 1969 as amended by section 4, chapter 115, Laws of 1973 and RCW 81.53.281; adding a new section to chapter 134, Laws of 1969 and to chapter 81.56 RCW; prescribing an effective date; and declaring an emergency.

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

Section 1. Section 2, chapter 134, Laws of 1969 as amended by section 1, chapter 77, Laws of 1973 1st ex. sess. and RCW 81.53.271 are each amended to read as follows:

The petition shall set forth by description the location of the crossing or crossings, the type of signal or other warning device to be installed, the necessity from the standpoint of public safety for such installation, the approximate cost of installation, and the approximate annual cost of maintenance. If the commission directs the installation of a grade crossing protective device, the cost of which is eligible for federal aid matching funds of at least sixty percent of the installation costs and such federal funds are used, both installation and maintenance costs of the device shall be apportioned in accordance with the provisions of section 3 of this 1975 amendatory act. Otherwise if installation is directed by the commission, it shall apportion the cost of installation and maintenance as provided in this section:

Installation: (1) Sixty percent to the grade crossing protective fund, created by RCW 81.53.281;

(2) Thirty percent to the city, town, county or state; and

(3) Ten percent to the railroad:

PROVIDED, That, if the proposed installation is located at a new crossing requested by a city, town, county or state, forty percent of the cost shall be apportioned to the city, town, county or state, and none to the railroad. If the proposed installation is located at a new crossing requested by a railroad, then the entire cost shall be apportioned to the railroad. In the event the city, town, county, or state should concurrently petition the commission and secure an order authorizing the closure of an existing crossing or crossings in proximity to the crossing for which installation of signals or other warning devices shall have been directed, the apportionment to the petitioning city, town, county, or state shall be reduced by ten percent of the total cost for each crossing ordered closed and the apportionment from the grade crossing protective fund increased accordingly. This exception shall not be construed to permit a charge to the grade crossing protective fund in an amount greater than the total cost otherwise apportionable to the city, town, county, or state. No reduction shall be applied where one crossing is closed and another opened in lieu thereof, nor to crossings of a private nature.

Maintenance: (1) Twenty-five percent to the grade crossing protective fund, created by RCW 81.53.281; and

(2) Seventy-five percent to the railroad:

PROVIDED, That if the proposed installation is located at a new crossing requested by a railroad, then the entire cost shall be apportioned to the railroad.

Sec. 2. Section 3, chapter 134, Laws of 1969 as amended by section 4, chapter 115, Laws of 1973 and RCW 81.53.281 are each amended to read as follows:

There is hereby created in the state treasury a "grade crossing protective fund," to which shall be transferred all moneys appropriated for the purpose of carrying out the provisions of RCW 81.53.261, 81.53.271, 81.53.281 and 81.53.291. The amount of any transfer from the motor vehicle fund to the grade crossing protective fund and the amount of any appropriation (exclusive of any reappropriation of funds appropriated in the prior biennium) from the grade crossing protective fund for the installation of grade crossing protective devices in any biennium shall be reduced by an amount equal to sixty percent of the cost of the installation of any such device (installed and apportioned at the direction of the commission pursuant to RCW 81.53.271), and an amount equal to such reduction shall forthwith be transferred back to the motor vehicle fund, whenever the cost of installation is paid in part from federal aid matching funds and the total cost of installation is apportioned in accordance with the provisions of section 3 of this 1975 amendatory act: PROVIDED, That not more than twenty-five percent of the transfer from the motor vehicle fund and the appropriation from the grade crossing protective fund for installation purposes in any biennium shall be reduced as provided in this section as a result of the installation of grade crossing protective devices on any highway, road or street on the federal aid system: PROVIDED FURTHER, That whenever the unobligated balance in the grade crossing protective fund available for the installation of grade crossing protective devices is reduced to \$100,000 in any biennium, the above provisions for reducing the appropriation from said fund and the transfers back to the motor vehicle fund shall be suspended and the \$100,000 remaining in the grade crossing protective

fund shall remain available for expenditure as authorized by appropriation. At the time the commission makes each allocation of cost to said grade crossing protective fund, it shall certify that such cost shall be payable out of said fund. Upon completion of the installation of any such signal or other protective device, the railroad shall present its claim for reimbursement for the cost of installation from said fund of the amount allocated thereto by the commission. The annual cost of maintenance shall be presented and paid in a like manner. The commission is hereby authorized to recover administrative costs from said fund in an amount not to exceed three percent of the direct appropriation provided for any biennium, and in the event administrative costs exceed three percent of the appropriation, the excess shall be chargeable to regulatory fees paid by railroads pursuant to RCW 81.24.010.

NEW SECTION. Sec. 3. There is added to chapter 134, Laws of 1969 and chapter 81.53 RCW a new section to read as follows:

Whenever federal funds are available and are used to pay a portion of the cost of installing a grade crossing protective device at a railroad crossing of any state highway, city or town street, or county road at the then prevailing federal aid matching rate, the state or local authority having jurisdiction of such highway, street, or road shall pay the remaining cost of such installation. The railroad whose road is crossed by the highway, street, or road shall thereafter pay the entire cost of maintaining the device: PROVIDED, That if such device is installed at the direction of the commission pursuant to RCW 81.53.271 and results in a reduction in the amount of the appropriation to the grade crossing protective fund pursuant to section 2 of this 1975 amendatory act, then the cost of maintaining the device shall be apportioned by the commission:

- (1) twenty-five percent to the grade crossing protective fund, created by RCW 81.53.281, and
- (2) seventy-five percent to the railroad.

NEW SECTION. Sec. 4. This 1975 amendatory 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 July 1, 1975.

Passed the Senate May 27, 1975.
Passed the House May 24, 1975.
Approved by the Governor June 4, 1975.
Filed in Office of Secretary of State June 4, 1975.

CHAPTER 190
[Engrossed Senate Bill No. 2913]
PHYSICIAN'S ASSISTANTS—
MEDICAL PRACTICE INVESTIGATOR

AN ACT Relating to physician's assistants; amending section 1, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.010; amending section 4, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.040; and adding a new section.

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

Section 1. Section 1, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.010 are each amended to read as follows:

(1) "Physician's assistant" means:

(a) A person who is enrolled in, or who has satisfactorily completed, a board approved training program designed to prepare persons to practice medicine to a limited extent; or

(b) A person who is a university medical graduate of a foreign medical school or college.

(2) "Board" means the board of medical examiners(;;).

(3) "Practice medicine" shall have the meaning defined in RCW 18.71.010.

Sec. 2. Section 4, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.040 are each amended to read as follows:

No physician practicing in this state shall utilize the services of a physician's assistant without the approval of the board.

Any physician licensed in this state may apply to the board for permission to use the services of a physician's assistant. The application shall be accompanied by a fee of fifty dollars, shall detail the manner and extent to which the physician's assistant would be used and supervised, shall detail the education, training, and experience of the physician's assistant and shall provide such other information in such form as the board may require.

The board may approve or reject such applications. In addition, the board may modify the proposed utilization of the physician's assistant, and approve the application as modified. No such approval shall extend for more than one year, but approval once granted may be renewed annually upon payment of a fee of ten dollars. Whenever it appears to the board that a physician's assistant is being utilized in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of an approval, a hearing shall be conducted in accordance with RCW 18.71.140.

NEW SECTION. Sec. 3. There shall be appointed by the director of the department of motor vehicles an agent whose title shall be "medical practice investigator", who shall have the duty and shall be authorized to enter the clinic, office, or premises where a physician's assistant is employed for the purpose of inspecting the registration and utilization of any physician's assistant employed therein. Said investigator may serve and execute any notice or process issued under the authority of this chapter and shall perform any other duty prescribed by the director or the board, including assisting other agencies in enforcing the provisions of the law regulating the practice of medicine: PROVIDED, That funds must be included in the department's 1975-77 operational budget for this program.

Passed the Senate May 27, 1975.

Passed the House May 23, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 191
[Senate Bill No. 2957]
DRIVER'S LICENSE FEES

AN ACT Relating to driver's license fees; amending section 51, chapter 145, Laws of 1967 ex. sess. as amended by section 2, chapter 155, Laws of 1969 ex. sess. and RCW 46.20.115; amending section 46.20.120, chapter 12, Laws of 1961 as last amended by section 4, chapter 167, Laws of 1967 and RCW 46.20.120; amending section 11, chapter 121, Laws of 1965 ex. sess. as amended by section 6, chapter 99, Laws of 1969 and RCW 46.20.161; amending section 17, chapter 121, Laws of 1965 ex. sess. as last amended by section 7, chapter 99, Laws of 1969 and RCW 46.20.181; and amending section 46.20.200, chapter 12, Laws of 1961 as amended by section 16, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.200.

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

Section 1. Section 51, chapter 145, Laws of 1967 ex. sess. as amended by section 2, chapter 155, Laws of 1969 ex. sess. and RCW 46.20.115 are each amended to read as follows:

The department of motor vehicles shall issue a driver's license containing a photograph of the applicant for an additional fee of ~~((fifty cents))~~ one dollar. Such fee shall be deposited in the highway safety fund. The department shall not adopt any photographic processes incompatible with its pre-bill system of issuing driver's licenses.

Sec. 2 Section 46.20.120, chapter 12, Laws of 1961 as last amended by section 4, chapter 167, Laws of 1967 and RCW 46.20.120 are each amended to read as follows:

No new driver's license shall be issued and no previously issued license shall be renewed until the applicant therefor has successfully passed a driver licensing examination: PROVIDED, That the department may waive all or any part of the examination of any person applying for the renewal of a driver's license or the issuance of a minor driver's license when the applicant previously held a juvenile driver's license or the issuance of an adult driver's license when the applicant previously held a minor driver's license issued under the laws of this state, except when the department determines that an applicant for a driver's license is not qualified to hold a driver's license under this title. For a new license examination a fee of ~~((two))~~ three dollars shall be paid by each applicant, in addition to the fee charged for issuance of his license. A new license shall be one issued to a driver who has not been previously licensed in this state or to a driver whose last previous Washington license has expired.

Any person who is without the state at the time his driver's license expires or who is unable to renew his license due to any incapacity may renew the license within sixty days after his return to this state or within sixty days after the termination of any such incapacity without the payment of a new license examination fee. In such case the department may waive all or any part of the examination as in the case of renewal of driver licenses.

The department shall provide for giving examinations at places and times reasonably available to the people of this state.

Sec. 3. Section 11, chapter 121, Laws of 1965 ex. sess. as amended by section 6, chapter 99, Laws of 1969 and RCW 46.20.161 are each amended to read as follows: °

The department shall upon receipt of a fee of ~~((five))~~ six dollars issue to every applicant qualifying therefor a driver's license, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

Sec. 4. Section 17, chapter 121, Laws of 1965 ex. sess. as last amended by section 7, chapter 99, Laws of 1969 and RCW 46.20.181 are each amended to read as follows:

Every driver's license shall expire on the second anniversary of the licensee's birthdate following the issuance of such license. Every such license shall be renewable on or before its expiration upon application prescribed by the department and the payment of a fee of ~~((five))~~ six dollars.

Sec. 5. Section 46.20.200, chapter 12, Laws of 1961 as amended by section 16, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.200 are each amended to read as follows:

In the event that an instruction permit or a driver's license shall be lost or destroyed, the person to whom the same was issued may obtain a duplicate thereof upon furnishing proof of such fact satisfactory to the department without reexamination upon payment of a fee of two dollars and fifty cents to the department.

Passed the Senate May 21, 1975.

Passed the House May 27, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 192

[Senate Bill No. 2292]

SCHOOL DISTRICTS—PROFESSIONAL PERSONNEL—TRAINING

AN ACT Relating to professional personnel in school districts; amending section 28A.70.110, chapter 223, Laws of 1969 ex. sess. as amended by section 144, chapter 176, Laws of 1969 ex. sess. and RCW 28A.70.110; and amending section 28A.71.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 31, chapter 282, Laws of 1971 ex. sess. and RCW 28A.71.100.

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

Section 1. Section 28A.70.110, chapter 223, Laws of 1969 ex. sess. as amended by section 144, chapter 176, Laws of 1969 ex. sess. and RCW 28A.70.110 are each amended to read as follows:

The fee for any ~~((teaching))~~ certificate, or any renewal thereof, issued by the authority of the state of Washington, and authorizing the holder to teach or perform other professional duties in the public schools of the state shall be not less than one dollar or such reasonable fee therefor as the state board of education by

rule or regulation shall deem necessary therefor. The fee must accompany the application and cannot be refunded unless the application is withdrawn before it is finally considered. The intermediate school district superintendent, or other official authorized to receive such fee, shall within thirty days transmit the same to the treasurer of the county in which the office of the intermediate school district superintendent is located, to be by him placed to the credit ~~((of the institute fund))~~ of said school district or intermediate school district ~~((institute fund which shall be created by the intermediate school district board))~~: PROVIDED, That if any school district collecting fees for the certification of ~~((teachers))~~ professional staff does not hold ~~((an))~~ a professional training institute separate from the intermediate school district then all such moneys shall be placed to the credit of the intermediate school district ~~((institute fund))~~.

Such fees shall be used solely for the purpose of precertification professional preparation, program evaluation, and professional in-service training programs in accord with rules and regulations of the state board of education herein authorized.

Sec. 2. Section 28A.71.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 31, chapter 282, Laws of 1971 ex. sess. and RCW 28A.71.100 are each amended to read as follows:

The intermediate school district board may arrange each year for the holding of one or more teachers' institutes and/or workshops for professional staff preparation and in-service training in such manner and at such time as the board believes will be of benefit to the teachers and other professional staff of school districts within the intermediate school district and shall comply with rules and regulations of the state board of education pursuant to RCW 28A.70.110 as now or hereafter amended. The board may provide such additional means of teacher and other professional staff preparation and in-service training as it may deem necessary or appropriate and there shall be a proper charge against the intermediate school district ~~((institute funds and/or the intermediate school district))~~ general expense fund when approved by the intermediate school district board.

Intermediate school district boards of contiguous intermediate school districts, by mutual arrangements, may hold joint institutes and/or workshops, the expenses to be shared in proportion to the numbers of certificated personnel as shown by the last annual reports of the intermediate school districts holding such joint institutes or workshops.

In local school districts employing more than one hundred teachers and other professional staff, the school district superintendent may hold a teachers' institute of one or more days in such district, said institute when so held by the school district superintendent to be in all respects governed by the provisions of this code and state board of education rules and regulations relating to teachers' institutes held by intermediate school district superintendents.

NEW SECTION. Sec. 3. If any provision of this amendatory 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 May 30, 1975.

Passed the House May 29, 1975.

Approved by the Governor June 6, 1975.

Filed in Office of Secretary of State June 7, 1975.

CHAPTER 193

[Senate Bill No. 2501]

STATE AUDITOR—POST

AUDITS OF STATE DEPARTMENTS

AN ACT Relating to the state auditor; and amending section 43.09.310, chapter 8, Laws of 1965 as amended by section 2, chapter 170, Laws of 1971 ex. sess. and RCW 43.09.310.

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

Section 1. Section 43.09.310, chapter 8, Laws of 1965 as amended by section 2, chapter 170, Laws of 1971 ex. sess. and RCW 43.09.310 are each amended to read as follows:

The state auditor, through the division of departmental audits, shall make a post-audit of every state department at such reasonable periodic intervals as he shall determine but in each case an audit shall be conducted every two years: PROVIDED, That for any state department whose biennial appropriation is less than six hundred thousand dollars, such interval may exceed two years, but shall not exceed five years. A report of each post-audit upon completion thereof, shall be made in sextuplet, and one copy shall be transmitted to the governor, one to the director of the office of program planning and fiscal management, one to the attorney general, one to the state department audited, one to the legislative budget committee, and one shall be kept on file in the office of the state auditor.

Passed the Senate May 30, 1975.

Passed the House May 28, 1975.

Approved by the Governor June 6, 1975.

Filed in Office of Secretary of State June 7, 1975.

CHAPTER 194

[Engrossed Senate Bill No. 2862]

LEGAL HOLIDAYS—PORT DISTRICT,

MUNICIPAL LAW ENFORCEMENT

AND PUBLIC TRANSIT EMPLOYEES

AN ACT Relating to legal holidays; and amending section 1, chapter 51, Laws of 1927 as last amended by section 1, chapter 1, Laws of 1973 2nd ex. sess. and RCW 1.16.050.

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

Section 1. Section 1, chapter 51, Laws of 1927 as last amended by section 1, chapter 1, Laws of 1973 2nd ex. sess. and RCW 1.16.050 are each amended to read as follows:

The following are legal holidays: Sunday; the first day of January, commonly called New Year's Day; the twelfth day of February, being the anniversary of the birth of Abraham Lincoln; the third Monday of February, being celebrated as the anniversary of the birth of George Washington; the thirtieth day of May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the second Monday of October, to be known as Columbus Day; the eleventh day of November, to be known as Veterans' Day; the fourth Thursday in November, to be known as Thanksgiving Day; the twenty-fifth day of December, commonly called Christmas Day; the day on which any general election is held throughout the state; and any day designated by public proclamation of the chief executive of the state as a legal holiday.

If any of the above specified state legal holidays are also federal legal holidays but observed on different dates, only the state legal holidays shall be recognized as a paid legal holiday for employees of the state and its political subdivisions except that for port districts and the law enforcement and public transit employees of municipal corporations, either the federal or the state legal holiday, but in no case both, may be recognized as a paid legal holiday for employees.

Whenever any legal holiday, other than Sunday, falls upon a Sunday, the following Monday shall be a legal holiday.

Passed the Senate May 12, 1975.

Passed the House May 30, 1975.

Approved by the Governor June 6, 1975.

Filed in Office of Secretary of State June 7, 1975.

CHAPTER 195

[Substitute House Bill No. 409]

ELECTRICIANS—GENERAL OR SPECIALTY LICENSES

[Act prior to veto override: See chapter 92, supra.]

AN ACT Relating to electricians and electrical installations; amending section 1, chapter 30, Laws of 1969 as last amended by section 1, chapter 188, Laws of 1974 ex. sess. and RCW 19.28.120; amending section 2, chapter 188, Laws of 1974 ex. sess. and RCW 19.28.123; and amending section 4, chapter 188, Laws of 1974 ex. sess. and RCW 19.28.125.

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

Section 1. Section 1, chapter 30, Laws of 1969 as last amended by section 1, chapter 188, Laws of 1974 ex. sess. and RCW 19.28.120 are each amended to read as follows:

(1) It shall be unlawful for any person, firm, or corporation to engage in, conduct or carry on the business of installing wires or equipment to convey electric current, or installing apparatus to be operated by such current as it pertains to the electrical industry, without having an unrevoked, unsuspended and unexpired license so to do, issued by the director of labor and industries in accordance with the provisions of this chapter. All such licenses shall expire on the thirty-first day of December following the day of their issue. Application for such license shall be made in writing to the department of labor and industries, accompanied by the required fee, and shall state the name and address of the applicant, and in case of

firms, the names of the individuals composing the firm, and in case of corporations, the name of the managing officials thereof, and shall state the location of the place of business of the applicant and the name under which such business is conducted, and shall state the type of license sought, whether a general or specialty electrical license, and if the latter, the type of specialty. ((Such)) A general electrical license shall grant to the holder thereof the right to engage in, conduct((;)) or carry on, the business of installing wires or equipment to carry electric current, and installing apparatus, or install material to fasten, or insulate such wires or equipment, to be operated by such current, in any and all places in the state of Washington. A specialty electrical license shall grant to the holder thereof a limited right to engage in, conduct or carry on, the business of installing wires or equipment to carry electrical current, and installing apparatus, or to install material to fasten, or insulate such wires or equipment, to be operated by such current in the state of Washington as expressly allowed by such license. The application for such license shall be accompanied by a bond in the sum of three thousand dollars with the state of Washington named as obligee therein, with good and sufficient surety, to be approved by the attorney general. Said bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof, or withdrawal of the surety therefrom, shall ipso facto revoke and suspend the license issued to the principal until such time as a new bond of like tenor and effect shall have been filed and approved as herein provided. Upon approval of said bond by the attorney general, the director of labor and industries shall on the next business day thereafter deposit the fee accompanying said application in the fund to be known and designated as the "electrical license fund". Upon approval of said bond by the attorney general, he shall transmit the same to the state electrical inspection division, who shall file said bond in the office, and upon application furnish to any person, firm or corporation a certified copy thereof, under seal, upon the payment of a fee of two dollars. Said bond shall be conditioned that in any installation of wires or equipment to convey electrical current, and apparatus to be operated by such current, the principal therein will comply with the provisions of this chapter and in case such installation is in an incorporated city or town having an ordinance, building code, or regulations prescribing equal, a higher or better standard, manner or method of such installation that the principal will comply with the provisions of such ordinance, building code or regulations governing such installations as may be in effect at the time of entering into a contract for such installation. Said bond shall be conditioned further that the principal will pay for all labor, including employee benefits, and material furnished or used upon such work, taxes and contributions to the state of Washington, and all damages that may be sustained by any person, firm or corporation due to a failure of the principal to make such installation in accordance with the provisions of this chapter, or any ordinance, building code or regulation applicable thereto. In lieu of the surety bond required by this section the license applicant may file with the director a cash deposit or other negotiable security acceptable to the director: PROVIDED, HOWEVER, If the license applicant has filed a cash deposit, the director shall deposit such funds in a special trust savings

account in a commercial bank, mutual savings bank, or savings and loan association and shall pay annually to the depositor the interest derived from such account. The board of electrical examiners shall certify to the director of labor and industries all persons who are entitled to either a general or specialty electrical contractors' qualifying certificate((s)). The director of labor and industries shall issue ~~((the license))~~ general or specialty licenses to applicants meeting all of the requirements of this chapter. The provisions of this chapter relating to the licensing of any person, firm, or corporation, including the requirement of a bond with the state of Washington named as obligee therein and the collection of a fee therefor, shall be exclusive and no political subdivision of the state of Washington shall require or issue any licenses or bonds nor charge any fee for the same or a similar purpose: **PROVIDED,** That no person holding more than one specialty license under the provisions of this chapter shall be required to pay an annual fee for more than one such license or shall be required to post more than one three thousand dollar bond or an equivalent cash deposit or other negotiable security.

(2) ~~From and after ((July 1, 1974, no license shall be issued pursuant to the provisions of subsection (1) of this section, unless the applicant possesses an electrical contractor's qualifying certificate, or alternately, has in his regular employ at least one individual possessing an electrical contractor's qualifying certificate. To obtain such a certificate an individual shall pass an examination as set forth in RCW 19.28.123))~~ the effective date of this 1975 amendatory act to obtain a general or specialty contractor license the applicant must designate an individual who currently possesses an electrical qualifying certificate as a general electrical contractor or as to the specialty electrical contractor license for which application has been made. To obtain such a certificate an individual shall pass an examination as set forth in RCW 19.28.123 or, alternately, the applicant was a duly licensed electrical contractor at any time during 1974. As to those applicants who were duly licensed as electrical contractors by the state of Washington at any time during 1974 such applicants shall be entitled to receive a general electrical contractor qualifying certificate without examination.

Sec. 2. Section 2, chapter 188, Laws of 1974 ex. sess. and RCW 19.28.123 are each amended to read as follows:

There is hereby created a board of electrical examiners consisting of ~~((seven))~~ nine members to be appointed by the governor. It shall be the purpose and function of this board to establish ~~((and administer a written examination for an electrical contractor's qualifying certificate))~~ in addition to a general electrical contractors' license, such classifications of specialty electrical contractors' licenses as it deems appropriate with regard to individual sections pertaining to state adopted codes in chapter 19.28 RCW. In addition, it shall be the purpose and function of this board to establish and administer written examinations for general electrical contractors' qualifying certificates and the various specialty electrical contractors' qualifying certificates. ((The)) Examinations shall be designed to reasonably insure that general and specialty electrical contractor's qualifying certificate holders are competent to engage in and supervise the work covered by this statute and their respective licenses. The examinations shall include questions from the following categories to assure proper safety and protection for the general public: (1) Safety, (2) state electrical code, and (3) electrical theory. Meetings

of the board shall be held quarterly on the first Monday of February, May, August and November of each year. Each member of the board shall be paid a per diem of twenty-five dollars for each day or portion thereof that the board is in session and each member shall receive in addition thereto his necessary and reasonable transportation and other expenses as provided in chapter 43.03 RCW, which shall be paid out of the electrical license fund, upon vouchers approved by the director of labor and industries.

Sec. 3. Section 4, chapter 188, Laws of 1974 ex. sess. and RCW 19.28.125 are each amended to read as follows:

Each applicant, other than an individual, shall designate a supervisory employee or member of the firm to take the required examination. This person shall be designated as administrator under the license. No person may qualify as administrator ~~((under))~~ for more than one ~~((license))~~ contractor. If the relationship of the administrator with the applicant firm or corporation is terminated, the license is void within ninety days unless another administrator is qualified by the board. A ~~((license))~~ certification issued under this ~~((section))~~ chapter is valid for ~~((one year after))~~ the calendar year of issuance, unless revoked or suspended, and further is nontransferable~~((, and))~~. The certification may be renewed without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within thirty days: PROVIDED, That an individual holding any certification(s) under the provisions of this chapter shall not be required to pay annual fees for more than one certificate.

NEW SECTION. Sec. 4. If any provision of this 1975 amendatory 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. 5. This 1975 amendatory 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 1, 1975.

Passed the Senate May 15, 1975.

Approved by the Governor May 27, 1975, with the exception of section 1 which is vetoed.

Filed in Office of Secretary of State May 27, 1975.

Veto overridden by the House May 30, 1975.

Veto overridden by the Senate June 8, 1975.

Filed in Office of Secretary of State June 9, 1975.

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

"I am returning herewith without my approval as to one section Substitute House Bill No. 409 entitled:

"AN ACT Relating to electricians and electrical installations."

The purpose of the bill is to empower the board of electrical examiners to establish, in addition to a general electrical contractors' license, other classifications of specialty licenses, and to administer written examinations for general and specialty electrical contractors' qualifying certificates.

Section 1 of the bill contains a grandfather clause providing that any person licensed as an electrical contractor during 1974 will be entitled to receive a general electrical contractor license. As a first matter, I do not believe a grandfather clause

serves either the best interest of the industry or the public. The grandfather clause should not be necessary where different classes of examinations are to be administered to take into account those electrical contractors who may only be skilled in certain specialties. Second, I believe it is extremely unwise to grant, by the grandfather clause, a general electrical contractor's license to all those presently licensed regardless of whether they may be qualified to perform general electrical contracting work.

It is my belief and intent that a veto of section 1 will still leave the board of electrical examiners with sufficient flexibility to establish examinations in both general and specialty areas which take into account an applicant's past experience as a licensed electrical contractor under previous law so that qualified practitioners are not unfairly barred from their lifetime profession.

For the foregoing reasons, I have determined to veto section 1. With the sole exception of that section, I have approved the remainder of Substitute House Bill No. 409."

Note: Chief Clerk of House's letter informing the Secretary of State that the Legislature has overridden the Governor's partial veto is as follows:

The Honorable Bruce K. Chapman
Secretary of State
State of Washington

Dear Mr. Secretary:

I am returning herewith Substitute House Bill No. 409 entitled:

"AN ACT Relating to electricians and electrical installations"

Section 1 of this bill was vetoed by Governor Daniel J. Evans on May 27, 1975. The veto was overridden by the House of Representatives on May 30, 1975 and by the Senate on June 8, 1975.

Respectfully submitted,

DEAN R. FOSTER
Chief Clerk

CHAPTER 196

[Substitute House Bill No. 249]

SEASONAL VEHICLES—ADDITIONAL TONNAGE—QUARTERLY PERMITS

AN ACT Relating to motor vehicles; and adding a new section to chapter 46.44 RCW.

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

NEW SECTION. Section 1. There is added to chapter 46.44 RCW a new section to read as follows:

In the case of seasonal vehicles for which licensed tonnage has been purchased on a quarterly basis pursuant to RCW 46.16.135, then the additional tonnage provided for in RCW 46.44.037 and 46.44.095 may be purchased on a quarterly basis: PROVIDED, That the total additional tonnage purchased under each section or both sections combined is not less than six thousand pounds. The fee for such a quarterly permit shall be one-fourth the amount charged for a corresponding twelve month permit, and shall further be reduced by one-twelfth for each full calendar month of the quarter that shall have elapsed at the time the quarterly permit is purchased. In addition, a fee of five dollars shall be charged for each quarterly permit issued hereunder.

The quarterly periods covered by this section shall be calendar quarters expiring on March 31, June 30, September 30, and December 31.

"Seasonal vehicles" as used in this section shall mean vehicles or a combination of vehicles engaged exclusively in end or belly dump truck service, transportation of logs, transportation of specialized underwater exploration equipment for hydroelectric projects, transportation of unprocessed agricultural commodities from farm to place of first processing, and transportation of farm and orchard supplies.

Passed the House May 7, 1975.

Passed the Senate May 5, 1975.

Vetoed by the Governor May 15, 1975.

Filed in Office of Secretary of State June 11, 1975.

Full veto of the Governor overridden by the House May 30, 1975.

Full veto of the Governor overridden by the Senate June 8, 1975.

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

"I am returning herewith without my approval Substitute House Bill No. 249 entitled:

"AN ACT Relating to motor vehicles."

This bill makes certain changes in the laws relating to tonnage fees, and allows tonnage permits in addition to regular license fees to be paid quarterly, if the additional tonnage is over six thousand pounds.

The matter of truck weights and truck weight fees has been the subject of a comprehensive study by the Legislative Transportation Committee. The ultimate aim of such study is to devise an equitable system of transportation fees. The passage of this bill before completion and implementation of the study is premature and unwise, and the piecemeal approach will likely require further corrective action by the Legislature after the results of the study are known.

Moreover, the fiscal impact of the bill is a loss of approximately \$270,000 over the next biennium in addition to requiring increased expenditures by the Department of Highways. Given the very difficult financial state of the Department, enactment of this bill is even more untimely at this moment.

For the foregoing reasons, I have determined to veto Substitute House Bill No. 249."

Note: Chief Clerk of House's letter informing the Secretary of State that the Legislature has overridden the Governor's full veto is as follows:

The Honorable Bruce K. Chapman
Secretary of State
State of Washington

Dear Mr. Secretary:

I am returning herewith Substitute House Bill No. 249 entitled:

"AN ACT Relating to motor vehicles"

This bill was vetoed by Governor Daniel J. Evans on May 15, 1975. The veto was overridden by the House of Representatives on May 30, 1975 and by the Senate on June 8, 1975.

Respectfully submitted,

DEAN R. FOSTER
Chief Clerk

CHAPTER 197

[House Bill No. 162]

JUSTICES AND DISTRICT COURT JUDGES IN SECOND
CLASS OR LARGER COUNTIES—LAWYER REQUIREMENT—REPEALED

AN ACT Relating to justices of the peace; repealing section 3, chapter 14, Laws of 1973 1st ex. sess. and RCW 3.34.065; and declaring an emergency.

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

NEW SECTION. Section 1. Section 3, chapter 14, Laws of 1973 1st ex. sess. and RCW 3.34.065 are each hereby repealed.

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 March 14, 1975.

Passed the Senate May 30, 1975.

Approved by the Governor June 16, 1975.

Filed in Office of Secretary of State June 17, 1975.

CHAPTER 198

[House Bill No. 1026]

PREFERENCE IN PUBLIC EMPLOYMENT—WIDOWS,
WIDOWERS, SPOUSES OF VETERANS

AN ACT Relating to preference in public employment; and amending section 1, chapter 84, Laws of 1895 as last amended by section 107, chapter 154, Laws of 1973 1st ex. sess. and RCW 73.16.010.

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

Section 1. Section 1, chapter 84, Laws of 1895 as last amended by section 107, chapter 154, Laws of 1973 1st ex. sess. and RCW 73.16.010 are each amended to read as follows:

In every public department, and upon all public works of the state, and of any county thereof, honorably discharged soldiers, sailors, and marines who are veterans of any war of the United States, or of any military campaign for which a campaign ribbon shall have been awarded, and their ((spouses)) widows or widowers, shall be preferred for appointment and employment. Age, loss of limb, or other physical impairment, which does not in fact incapacitate, shall not be deemed to disqualify them, provided they possess the capacity necessary to discharge the duties of the position involved: PROVIDED, That spouses of honorably discharged veterans who have a service connected permanent and total disability shall also be preferred for appointment and employment.

Passed the House May 15, 1975.

Passed the Senate May 29, 1975.

Approved by the Governor June 16, 1975.

Filed in Office of Secretary of State June 17, 1975.

CHAPTER 199

[House Bill No. 49]

CIVIL COMMITMENT AND SUICIDE

AN ACT Relating to civil commitment and suicide; amending section 9, chapter 142, Laws of 1973 1st ex. sess. as amended by section 5, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.040; amending section 10, chapter 142, Laws of 1973 1st ex. sess. as amended by section 6, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.050; amending section 20, chapter 142, Laws of 1973 1st ex. sess. as amended by section 8, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.150; amending section 26, chapter 142, Laws of 1973 1st ex. sess. as amended by section 14, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.210; amending section 28, chapter 142, Laws of 1973 1st ex. sess. as amended by section 15, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.230; amending section 34, chapter 142, Laws of 1973 1st ex. sess. as amended by section 20, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.290; amending section 35, chapter 142, Laws of 1973 1st ex. sess. as amended by section 21, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.300; amending section 36, chapter 142, Laws of 1973 1st ex. sess. as amended by section 22, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.310; amending section 37, chapter 142, Laws of 1973 1st ex. sess. as amended by section 23, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.320; amending section 44, chapter 142, Laws of 1973 1st ex. sess. as amended by section 27, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.390; amending section 72.23.070, chapter 28, Laws of 1959 as last amended by section 3, chapter 145, Laws of 1974 ex. sess. and RCW 72.23.070; adding a new section to chapter 142, Laws of 1973 1st ex. sess. and to chapter 71.05 RCW; and repealing section 134, chapter 249, Laws of 1909 and RCW 9.80.020.

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

Section 1. Section 9, chapter 142, Laws of 1973 1st ex. sess. as amended by section 5, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.040 are each amended to read as follows:

Persons who are epileptics, mentally deficient, mentally retarded, impaired by chronic alcoholism or drug abuse, or senile shall not be detained for evaluation and treatment or judicially committed solely by reason of that condition unless such condition causes a person to be gravely disabled or as a result of a mental disorder such condition exists that constitutes a likelihood of serious harm to self or others: PROVIDED, That a person shall not be subject to the provisions of this chapter if proceedings have been initiated under the provisions of the Washington Uniform Alcoholism and Intoxication Treatment Act, chapter 70.96A RCW.

Sec. 2. Section 10, chapter 142, Laws of 1973 1st ex. sess. as amended by section 6, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.050 are each amended to read as follows:

Nothing in this chapter shall be construed to limit the right of any person to apply voluntarily to any public or private agency or practitioner for treatment of a mental disorder, either by direct application or by referral. Any person voluntarily admitted for inpatient treatment to any public or private agency shall be released immediately upon his request. Any person voluntarily admitted for inpatient treatment to any public or private agency shall orally be advised of the right to immediate release and further advised of such rights in writing as are secured to them pursuant to this chapter and their rights of access to attorneys, courts, and other legal redress. Their condition and status shall be reviewed at least once each one hundred eighty days for evaluation as to the need for further treatment and/or possible release, at which time they shall again be advised of their right to

release upon request: PROVIDED HOWEVER, That if the professional staff of any public or private agency regards a person voluntarily admitted who requests release as ~~((dangerous to himself or others or gravely disabled as defined by this act))~~ presenting, as a result of a mental disorder, an imminent likelihood of serious harm to himself or others, or is gravely disabled, they may detain such person for ~~((a reasonable length of time;))~~ sufficient time to notify the designated county mental health professional of such person's condition to enable such mental health professional to authorize such person being further held in custody or transported to an evaluation and treatment center pursuant to the provisions of this chapter, which shall in ordinary circumstances be no later than the next judicial day.

Sec. 3. Section 20, chapter 142, Laws of 1973 1st ex. sess. as amended by section 8, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.150 are each amended to read as follows:

(1) (a) When a mental health professional designated by the county receives information alleging that a person, as a result of a mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled, such mental health professional, after investigation and evaluation of the specific facts alleged, and of the reliability and credibility of the person or persons, if any, providing information to initiate detention, may summon such person to appear at an evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period; the summons shall state whether the required seventy-two hour evaluation and treatment services may be delivered on an outpatient or inpatient status. The mental health professional shall also designate, at the time of the summons, from a list provided by the court, an attorney who will be appointed, if any is to be appointed, and state the name, business address, and telephone number of this attorney in the summons.

(b) The summons shall state a date and time to appear not less than twenty-four hours after the service of the summons. The summons shall state the address of the evaluation and treatment facility to which such person is to report and the business address and phone number of the mental health professional designated by the county. The summons shall state that if the person named in the summons fails to appear at the evaluation and treatment facility at or before the date and time stated in the summons, such person may be involuntarily taken into custody. Accompanying the summons to such person shall be a copy of the petition for initial detention and a notice of rights.

(c) If such mental health professional decides to summon such person for up to a seventy-two hour evaluation and treatment period, the mental health professional must file in court the summons, the petition for initial detention, and all documentary evidence. The mental health professional shall then serve or cause to be served on such person, his guardian, and conservator, if any, a copy of the summons together with a notice of rights and a petition for initial detention. After service on such person the mental health professional shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility and the designated attorney. The mental health professional shall notify the court and the prosecuting attorney that a probable cause hearing

will be held within seventy-two hours of the date and time specified on the summons if such person is not released prior to the expiration of such period.

(d) If the person summoned appears on or before the date and time specified, the evaluation and treatment facility (~~shall~~) may admit such person as required by RCW 71.05.170 or may provide treatment on an outpatient basis. If the person summoned fails to appear on or before the date and time specified, the evaluation and treatment facility shall immediately notify the mental health professional designated by the county who may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility. Should the mental health professional notify a peace officer authorizing him to take a person into custody under the provisions of this subsection, he shall file with the court a copy of such authorization and a notice of detention. At the time such person is taken into custody there shall commence to be served on such person, his guardian, and conservator, if any, a copy of the original summons together with a notice of detention, a notice of rights, and a petition for initial detention.

(2) When a mental health professional designated by the county receives information alleging that a person, as the result of a mental disorder, presents an imminent likelihood of serious harm to himself or others, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the mental health professional may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in RCW 71.05.180.

(3) A peace officer may take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility pursuant to subsection (1)(d) of this section.

(4) A peace officer may, without prior notice of the proceedings provided for in subsection (1) of this section, take or cause such person to be taken into custody and immediately delivered to an evaluation and treatment facility:

(a) Only pursuant to subsections (1)(d) and (2) of this section; or

(b) When he has reasonable cause to believe that such person is suffering from a mental disorder and presents an imminent likelihood of serious harm to others or himself.

(5) Persons delivered to evaluation and treatment facilities by peace officers pursuant to subsection (4)(b) of this section may be held by the facility for a period of up to twelve hours: **PROVIDED**, That they are examined by a mental health professional within three hours of their arrival. Within twelve hours of their arrival, the designated county mental health professional must file a supplemental petition for detention, and commence service on the designated attorney for the detained person.

Sec. 4. Section 26, chapter 142, Laws of 1973 1st ex. sess. as amended by section 14, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.210 are each amended to read as follows:

Each person involuntarily admitted to an evaluation and treatment facility shall, within twenty-four hours of his admission, be examined and evaluated by a licensed physician and a mental health professional as defined in this chapter, and

shall receive such treatment and care as his condition requires including treatment on an outpatient basis for the period that he is detained, except that, beginning twenty-four hours prior to a court proceeding, the individual may refuse all but emergency life-saving treatment, and the individual shall be informed at an appropriate time of his right to such refusal of treatment. Such person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his professional designee, the person presents a likelihood of serious harm to himself or others, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

An evaluation and treatment center admitting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated county mental health professional and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 5. Section 28, chapter 142, Laws of 1973 1st ex. sess. as amended by section 15, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.230 are each amended to read as follows:

A person detained for seventy-two hour evaluation and treatment may be detained for not more than fourteen additional days of either involuntary intensive treatment or of a less restrictive alternative to involuntary intensive treatment if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that said condition is caused by mental disorder and either results in a likelihood of serious harm to the person detained or to others, or results in the detained person being gravely disabled and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for ~~((, but has not accepted;))~~ voluntary treatment and the professional staff of the facility has evidence that he has not in good faith volunteered; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department of social and health services; and

(4) The professional staff of the agency or facility or the mental health professional designated by the county has filed a petition for fourteen day involuntary detention or a less restrictive alternative with the court. The petition must be signed either by two physicians or by one physician and a mental health professional who have examined the person. If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm to

others or himself, or is gravely disabled and shall set forth the less restrictive alternative proposed by the facility; and

(5) A copy of the petition has been served on the detained person, his attorney and his guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The court has ordered a fourteen day involuntary treatment after a probable cause hearing has been held pursuant to RCW 71.05.240.

Sec. 6. Section 34, chapter 142, Laws of 1973 1st ex. sess. as amended by section 20, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.290 are each amended to read as follows:

(1) At any time during a person's fourteen day intensive treatment period, the professional person in charge of a treatment facility or his professional designee or the designated county mental health professional may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2) The petition shall summarize the facts which support the need for further confinement and shall be supported by affidavits signed by two examining physicians, or by one examining physician and examining mental health professional. The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter.

(3) If a person has been determined to be incompetent (~~((and the charges have been dismissed) without prejudice))~~ pursuant to RCW 10.77.090(3) (~~((or its successors))~~) as now existing or hereafter amended, then the professional person in charge of the treatment facility or his professional designee or the county designated mental health professional may directly file a petition for ninety day treatment under RCW 71.05.280((+))(3). No petition for initial detention or fourteen day detention is required before such a petition may be filed.

Sec. 7. Section 35, chapter 142, Laws of 1973 1st ex. sess. as amended by section 21, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.300 are each amended to read as follows:

The petition for ninety day treatment shall be filed with the clerk of the superior court. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall notify the designated county mental health professional. The designated county mental health professional shall immediately notify the person detained, his attorney, if any, and his guardian or conservator, if any, and the prosecuting attorney, ~~((shall))~~ and provide a copy of the petition to such persons as soon as possible.

At the time set for appearance the detained person shall be brought before the court, unless such appearance has been waived and the court shall advise him of his right to be represented by an attorney and of his right to a jury trial. If the

detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him. The court shall, if requested, appoint a reasonably available licensed physician, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person.

The court may, if requested, also appoint a professional person as defined in RCW 71.05.020(12) to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person.

The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.

Sec. 8. Section 36, chapter 142, Laws of 1973 1st ex. sess. as amended by section 22, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.310 are each amended to read as follows:

The court shall conduct a hearing on the petition for ninety day treatment within five judicial days of the first court appearance after the probable cause hearing unless the person named in the petition requests a jury trial, in which case trial shall commence within ten judicial days of the filing of the petition for ninety day treatment. The court may continue the hearing upon the written request of the person named in the petition or his attorney, which continuance shall not exceed ten additional judicial days. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW 71.05.~~((260))~~250.

During the proceeding, the person named in the petition shall continue to be treated until released by order of the superior court. If no order has been made within thirty days after the filing of the petition, not including extensions of time requested by the detained person or his attorney, the detained person shall be released.

Sec. 9. Section 37, chapter 142, Laws of 1973 1st ex. sess. as amended by section 23, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.320 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department of social and health services for a further period of intensive treatment not to exceed ninety days from the date of judgment.

If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department of social and health services or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment.

(2) Said person shall be released from involuntary treatment at the expiration of ninety days unless the superintendent or professional person in charge of the facility in which he is confined, or in the event of a less restrictive alternative, the designated mental health professional, files a new petition for involuntary treatment on the grounds that the committed person;

(a) Has threatened, attempted, or inflicted physical harm upon the person of another during the current period of court ordered treatment and, as a result of mental disorder presents a likelihood of serious harm to others; or

(b) Was taken into custody as a result of conduct in which he attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder a likelihood of serious harm to others; or

(c) Is in custody pursuant to RCW 71.05.~~((290))~~280(3) and as a result of mental disorder presents a substantial likelihood of repeating similar acts; or

(d) Continues to be gravely disabled.

If the conduct required to be proven in subsections (b) and (c) of this section was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to reprove that element. Such new petition for involuntary treatment shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this subsection are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment. At the end of the one hundred eighty day period of commitment, the committed person shall be released unless a petition for another one hundred eighty day period of continued treatment is filed and heard in the same manner as provided herein above. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment. No person committed as herein provided may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length.

Sec. 10. Section 44, chapter 142, Laws of 1973 1st ex. sess. as amended by section 27, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.390 are each amended to read as follows:

The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his guardian, must be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person, not employed by the facility, who does not have the medical responsibility for the patient's care

or who is not a designated county mental health professional or who is not involved in providing services under the community mental health services act, chapter 71.24 RCW;

(2) When the person receiving services, or his guardian, designates persons to whom information or records may be released, or if the person is a minor, when his parents make such designation;

(3) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled;

(4) For program evaluation and/or research: PROVIDED, That the secretary or social and health services adopts rules for the conduct of such evaluation and/or research. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/"

(5) To the courts as necessary to the administration of this chapter.

(6) To law enforcement officers (~~when requesting such information~~) or public health officers necessary to carry out the (~~provisions of RCW 9.41.070 and Public Law 90-618~~) responsibilities of their office: PROVIDED, That

(a) Only the fact and date of admission, the fact and date of discharge, and the last known address shall be disclosed upon request; and

(b) The law enforcement and public health officers shall be obligated to keep such information confidential in accordance with this chapter; and

(c) Additional information shall be disclosed only after giving notice to said person and his counsel and upon a showing of clear, cogent and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained: PROVIDED HOWEVER, That in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence.

(7) To the attorney of the detained person.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his attorney. In addition, the court may order the

subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

Sec. 11. Section 72.23.070, chapter 28, Laws of 1959 as last amended by section 3, chapter 145, Laws of 1974 ex. sess. and RCW 72.23.070 are each amended to read as follows:

Pursuant to rules and regulations established by the department, a public or private facility may receive any person who is a suitable person for care and treatment as mentally ill, or for observation as to the existence of mental illness, upon the receipt of a written application of the person, or others on his behalf, in accordance with the following requirements:

(1) In the case of a person eighteen years of age or over, the application shall be voluntarily made by the person;

(2) In the case of a person thirteen years of age or under, the application may be voluntarily made by his parents, or by the parent, conservator, guardian, or other person entitled to his custody. When such person is more than thirteen years of age, such application must be accompanied by the written consent, knowingly and voluntarily given, of the minor. All such voluntary applications to a public ((facility)) agency shall be reviewed by the county mental health professionals, who shall submit a written report and evaluation with recommendations to the superintendent of such facility to which such application is made stating whether treatment is necessary and proper on a voluntary basis and evaluating the reasons for voluntary commitment. Such person's condition and status shall be reviewed by the professional person in charge of the facility or his designee at least once each one hundred eighty days. A person under eighteen years of age received into a public facility as a voluntary patient shall not be retained after he reaches eighteen years of age, but such person, upon reaching eighteen years of age, may apply for admission into a public or private facility as a voluntary patient.

(3) No minor over thirteen years of age shall be involuntarily committed to a state or private facility for care and treatment as mentally disordered, or for observation as to the existence of mental disorder, except in accordance with the following requirements:

(a) The facility must be certified by the department of social and health services to provide evaluation and treatment to persons under eighteen years of age suffering from mental disorders: PROVIDED, That a physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility: PROVIDED FURTHER, That a facility which is part of, or a part of, or operated by, the department of social and health services or any federal agency will not require certification.

(b) A petition shall be filed with the juvenile court by the person's parent, parents, conservator, guardian, or by the juvenile court itself. The petition shall set forth the reasons why commitment is necessary and what alternative courses of treatment have been explored. The juvenile court shall then conduct a hearing, at which the person under eighteen years of age shall be represented by an attorney, to determine whether commitment is clearly in the best interests of the person sought to be committed, and that no less restrictive alternative exists: PROVIDED, That, if in the opinion of the designated county mental health professional a

minor presents an imminent likelihood of serious harm to himself or others, he may be temporarily detained for up to seventy-two hours by a licensed facility pending petition to the juvenile court for further commitment.

(c) If the juvenile court determines that commitment is clearly necessary, it will issue an order approving such petition. If the juvenile court determines that a less restrictive alternative is desirable, it may order that alternatives be followed.

(d) If a person under the age of eighteen years is committed to a state or private facility pursuant to this section, the juvenile court recommending commitment shall require a report from the facility every one hundred eighty days that sets forth such facts as the juvenile court may require. Upon receipt of the report, the juvenile court shall undertake a review of the status of such person to determine whether or not it is still clearly in the best interests of the patient that he remain in the facility. If the juvenile court determines that further commitment is not clearly in the best interests of the patient, it shall order release upon such conditions as it deems necessary.

(e) Every person under the age of eighteen shall ~~((specifically))~~ have all the rights provided for ~~((by RCW 71.05.370 and 71.05.480, except))~~ persons eighteen years of age or over under this chapter as now or hereafter amended except those rights specifically modified by this section: PROVIDED, That the juvenile court rather than the superior court shall be responsible for any proceedings. A voluntarily admitted minor over thirteen years of age shall have the right to release on the next judicial day from the date of request unless a petition is filed in juvenile court by the professional person in charge of the facility or his designee on the grounds that the juvenile is dangerous to himself or others or that it would be in the best interests of the juvenile that he remain in the facility. Furthermore, should the patient and his parent, parents, conservator, or guardian both request his release, he shall be immediately released unless the professional person in charge of the facility objects immediately in writing to the juvenile court on the grounds that the person is dangerous to himself or others and that it would not be in the patient's best interests to be released. Should this occur, the juvenile court shall hold a hearing on the issue within five judicial days and determine whether the person should be released.

(f) Nothing in this section shall prohibit the professional person in charge of the facility in which the person is being treated from releasing him at any time when, in the opinion of said professional person, further commitment would no longer be in the best interests of the patient.

Whenever a person is released by the professional person in charge of a facility under this section, said person shall, in writing, notify the juvenile court which committed the person for treatment.

(4) In the case of a person eighteen years of age or over for whom a conservator or guardian of the person has been appointed, such application shall be made by said conservator or guardian, when so authorized by proper court order in the conservatorship or guardianship proceedings.

NEW SECTION. Sec. 12. There is added to chapter 142, Laws of 1973 1st ex. sess. and to chapter 71.05 RCW a new section to read as follows:

When, in the judgment of the department of social and health services, the welfare of any person committed to or confined in any state juvenile correctional

institution or facility necessitates that such a person be transferred or moved for observation, diagnosis or treatment to any state institution or facility for the care of mentally ill juveniles the secretary, or his designee, is authorized to order and effect such move or transfer: PROVIDED, HOWEVER, That the secretary shall adopt and implement procedures to assure that persons so transferred shall, while detained or confined in such institution or facility for the care of mentally ill juveniles, be provided with substantially similar opportunities for parole or early release evaluation and determination as persons detained or confined in state juvenile correctional institutions or facilities: PROVIDED, FURTHER, That the secretary shall notify the original committing court of such transfer.

NEW SECTION. Sec. 13. Section 134, chapter 249, Laws of 1909 and RCW 9.80.020 are each repealed.

Passed the House June 8, 1975.

Passed the Senate June 7, 1975.

Approved by the Governor June 16, 1975.

Filed in Office of Secretary of State June 17, 1975.

CHAPTER 200

[Substitute House Bill No. 1078]

FOREST PRACTICES

AN ACT Relating to forest practices; amending section 3, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.030; amending section 5, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.050; amending section 6, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.060; amending section 7, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.070; amending section 8, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.080; amending section 9, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.090; amending section 10, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.100; amending section 14, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.140; amending section 17, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.170; amending section 22, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.220; amending section 24, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.240; amending section 32, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.910; amending section 30, chapter 137, Laws of 1974 ex. sess. and RCW 90.48.420; adding a new section to chapter 90.48 RCW; and declaring an emergency.

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

Section 1. Section 3, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.030 are each amended to read as follows:

(1) There is hereby created the forest practices board of the state of Washington as an agency of state government consisting of members as follows:

- (a) The commissioner of public lands or his designee;
- (b) The director of the department of commerce and economic development or his designee;
- (c) The director of the department of agriculture or his designee;
- (d) The director of the department of ecology or his designee;
- (e) An elected member of a county legislative authority appointed by the governor: PROVIDED, That such member's service on the board shall be conditioned on his continued service as an elected county official; and

(f) ~~(Four)~~ Six members of the general public appointed by the governor, one of whom shall be an owner of not more than five hundred acres of forest land, and one of whom shall be an independent logging contractor.

(2) The members of the initial board appointed by the governor shall be appointed so that the term of one member shall expire December 31, 1975, the term

of one member shall expire December 31, 1976, the term of one member shall expire December 31, 1977, ~~((and))~~ the terms of two members shall expire December 31, 1978, and the terms of two members shall expire December 31, 1979. Thereafter, each member shall be appointed for a term of four years. Vacancies on the board shall be filled in the same manner as the original appointments. Each member of the board shall continue in office until his successor is appointed and qualified. The commissioner of public lands or his designee shall be the chairman of the board.

(3) The board shall meet at such times and places as shall be designated by the chairman or upon the written request of the majority of the board. The principal office of the board shall be at the state capital.

(4) Members of the board, except public employees and elected officials, shall receive forty dollars per diem for each day or major portion thereof actually spent in attending to their duties as board members and in addition they shall be entitled to reimbursement for subsistence and actual travel expenses incurred in the performance of their duties in the same manner as provided for state officials generally in chapter 43.03 RCW as now or hereafter amended.

(5) The board may employ such clerical help and staff pursuant to chapter 41.06 RCW as is necessary to carry out its duties.

Sec. 2. Section 5, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.050 are each amended to read as follows:

(1) The board shall establish by rule which forest practices shall be included within each of the following classes:

Class I: Minimal or specific forest practices that have no direct potential for damaging a public resource that may be conducted without submitting an application~~((: PROVIDED, That no forest practice shall be within Class I if it has a direct potential for damaging a public resource:))~~ or a notification;

Class II: Forest practices ((for)) which ((the application must be approved or disapproved by the department within fourteen calendar days from the date the department receives the application:)) have a less than ordinary potential for damaging a public resource that may be conducted without submitting an application and may begin five calendar days, or such lesser time as the department may determine, after written notification by the operator, in the manner, content, and form as prescribed by the department, is received by the department. Class II shall not include forest practices:

(a) On lands platted after January 1, 1960, or being converted to another use;

(b) Which require approvals under the provisions of the Hydraulics Act, RCW 75.20.100;

(c) Within "shorelines of the state" as defined in RCW 90.58.030; or

(d) Excluded from Class II by the board;

Class III: Forest practices ((for which the)) other than those contained in Class I, II, or IV. A Class III application must be approved or disapproved by the department within ((thirty)) fourteen calendar days from the date the department receives the application;

Class IV: Forest practices other than those contained in Class I or II: (a) On lands platted after January 1, 1960, (b) on lands being converted to another use, (c) on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are

not to be reforested because of the likelihood of future conversion to urban development, and/or (d) which have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the State Environmental Policy Act, chapter 43.21C RCW. Such evaluation shall be made within ten days from the date the department receives the application: PROVIDED, That nothing herein shall be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action pursuant to a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted. A Class IV application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty calendar days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period.

Forest practices under Classes I, II, and III are exempt from the requirements for preparation of a detailed statement under the State Environmental Policy Act.

(2) No Class II ((or)), Class III, or Class IV forest practice shall be commenced or continued after January 1, 1975, unless the department has received a notification with regard to a Class II forest practice or approved an application with regard to a Class III or Class IV forest practice containing all information required by RCW 76.09.060 as now or hereafter amended: PROVIDED, That any person commencing a forest practice during 1974 may continue such forest practice until April 1, 1975, if such person has submitted an application to the department prior to January 1, 1975: PROVIDED, FURTHER, That in the event forest practices regulations necessary for the scheduled implementation of this chapter and RCW 90.48.420 have not been adopted in time to meet such schedules, the department shall have the authority to regulate forest practices and approve applications on such terms and conditions consistent with this chapter and RCW 90.48.420 and the purposes and policies of RCW 76.09.010 until applicable forest practices regulations are in effect.

(3) If a notification or application is delivered in person to the department by the operator or his agent, the department shall immediately provide a dated receipt thereof. In all other cases, the department shall immediately mail a dated receipt to the operator.

(4) Forest practices shall be conducted in accordance with the forest practices regulations, orders and directives as authorized by this chapter or the forest practices regulations, and the terms and conditions of any approved applications.

(5) The department of natural resources shall notify the applicant in writing of either its approval of the application or its disapproval of the application and the specific manner in which the application fails to comply with the provisions of this section or with the forest practices regulations. Except as provided otherwise in this section, if the department fails to either approve or disapprove an application or any portion thereof within the applicable time limit, ~~((then, on petition of the~~

~~applicant the chairman of the appeals board shall issue an order directing the department to approve or disapprove the application within five days or issue a temporary approval until the application is either finally approved or disapproved: PROVIDED, That the temporary approval shall be issued only if it meets the conditions set by the board for such temporary approvals)) the application shall be deemed approved and the operation may be commenced: PROVIDED, That this provision shall not apply to applications which are neither approved nor disapproved pursuant to the provisions of subsection (7) of this section: PROVIDED, FURTHER, That if seasonal field conditions prevent the department from being able to properly evaluate the application, the department may issue an approval conditional upon further review within sixty days: PROVIDED, FURTHER, That the department shall have until April 1, 1975, to approve or disapprove an application involving forest practices allowed to continue to April 1, 1975, under the provisions of subsection (2) of this section. Upon receipt of any notification or any satisfactorily completed application the department shall in any event no later than two business days after such receipt transmit a copy to the departments of ecology, game, and fisheries, and to the county in which the forest practice is to be commenced. Any comments by such agencies shall be directed to the department of natural resources.~~

~~((4))~~ (6) If the county believes that an application is inconsistent with this chapter, the forest practices regulations, or any local authority consistent with RCW 76.09.240 as now or hereafter amended, it may so notify the department and the applicant, specifying its objections.

~~((5))~~ (7) The department shall not approve portions of applications to which a county objects if:

(a) The department receives written notice from the county of such objections within ~~((seven business days for a Class H or))~~ fourteen business days ~~((for a Class HH application))~~ from the time of ~~((its))~~ transmittal of the application to the county, or one day before the department acts on the application, whichever is later; and

(b) The objections relate to lands either:

- (i) Platted after January 1, 1960; or
- (ii) Being converted to another use.

The department shall either disapprove those portions of such application or appeal the county objections to the appeals board. If the objections related to subparagraphs (b) (i) and (ii) of this subsection are based on local authority consistent with RCW 76.09.240 as now or hereafter amended, the department shall disapprove the application until such time as the county consents to its approval or such disapproval is reversed on appeal. The applicant shall be a party to all department appeals of county objections. Unless the county either consents or has waived its rights under this subsection, the department shall not approve portions of an application affecting such lands until the minimum time for county objections has expired.

~~((6))~~ (8) In addition to any rights under the above paragraph, the county may appeal any department approval of an application with respect to any lands within its jurisdiction. The appeals board may suspend the department's approval in

whole or in part pending such appeal where there exists potential for immediate and material damage to a public resource.

~~((7))~~ (9) Appeals under this section shall be made to the appeals board in the manner and time provided in RCW 76.09.220(9). In such appeals there shall be no presumption of correctness of either the county or the department position.

~~((8))~~ (10) The department shall, within four business days notify the county of all notifications, approvals, and disapprovals of an application affecting lands within the county, except to the extent the county has waived its right to such notice.

~~((9))~~ (11) A county may waive in whole or in part its rights under this section, and may withdraw or modify any such waiver, at any time by written notice to the department.

Sec. 3. Section 6, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.060 are each amended to read as follows:

(1) The department shall prescribe the form and contents of the notification and application. The forest practices regulations shall specify by whom and under what conditions the notification and application shall be signed. The application or notification shall be delivered in person or sent by certified mail to the department. The information required may include, but shall not be limited to:

- (a) Name and address of the forest land owner, timber owner, and operator;
- (b) Description of the proposed forest practice or practices to be conducted;
- (c) Legal description of the land on which the forest practices are to be conducted;
- (d) Planimetric and topographic maps showing location and size of all lakes and streams and other public waters in and immediately adjacent to the operating area and showing all existing and proposed roads and major tractor roads;
- (e) Description of the silvicultural, harvesting, or other forest practice methods to be used, including the type of equipment to be used and materials to be applied;
- (f) Proposed plan for reforestation and for any revegetation necessary to reduce erosion potential from roadsides and yarding roads, as required by the forest practices regulations;
- (g) Soil, geological, and hydrological data with respect to forest practices;
- (h) The expected dates of commencement and completion of all forest practices specified in the application;
- (i) Provisions for continuing maintenance of roads and other construction or other measures necessary to afford protection to public resources; and
- (j) An affirmation that the statements contained in the notification or application are true.

(2) At the option of the applicant, the application or notification may be submitted to cover a single forest practice or any number of forest practices within reasonable geographic or political boundaries as specified by the department. Long range plans may be submitted to the department for review and consultation.

(3) The application shall indicate whether any land covered by the application will be converted or is intended to be converted to a use other than commercial

timber production within three years after completion of the forest practices described in it. (a) If the application states that any such land will be or is intended to be so converted:

(i) The reforestation requirements of this chapter and of the forest practices regulations shall not apply if the land is in fact so converted unless applicable alternatives or limitations are provided in forest practices regulations issued under RCW 76.09.070 as now or hereafter amended;

(ii) Completion of such forest practice operations shall be deemed conversion of the lands to another use for purposes of chapters 84.28, 84.33, and 84.34 RCW unless the conversion is to a use permitted under a current use tax agreement permitted under chapter 84.34 RCW;

(iii) The forest practices described in the application are subject to applicable county, city and regional governmental authority permitted under RCW 76.09.240 as now or hereafter amended as well as the forest practices regulations.

(b) If the application does not state that any land covered by the application will be or is intended to be so converted:

(i) For six years after the date of the application the county or city and regional governmental entities may deny any or all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of land subject to the application;

(ii) Failure to comply with the reforestation requirements contained in any final order or decision shall constitute a removal from classification under the provisions of RCW 84.28.065, a removal of designation under the provisions of RCW 84.33.140, and a change of use under the provisions of RCW 84.34.080, and, if applicable, shall subject such lands to the payments and/or penalties resulting from such removals or changes; and

(iii) Conversion to a use other than commercial timber operations within three years after completion of the forest practices without the consent of the county or municipality shall constitute a violation of each of the county, municipal and regional authorities to which the forest practice operations would have been subject if the application had so stated.

~~((4))~~ (c) The application shall be either signed by the ~~((forest))~~ land owner or accompanied by a statement signed by the ~~((forest))~~ land owner indicating his intent with respect to conversion and acknowledging that he is familiar with the effects of this subsection.

~~((5))~~ (4) Whenever an approved application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a ~~((greater than ordinary))~~ potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department ~~((five))~~ two days before the commencement of actual operations.

~~((6))~~ (5) Before ~~((commencing))~~ the operator commences any forest practice in a manner or to an extent significantly different from that described in a previously approved application or notification, ~~((the applicant shall submit))~~ there shall be submitted to the department a new application or notification form in the manner set forth in this section.

~~((7))~~ (6) The notification to or the approval given by the department to an application to conduct a forest practice shall be effective for a term of one year from the date of approval or notification and shall not be renewed unless a new application is filed and approved or a new notification has been filed.

~~((8))~~ (7) Notwithstanding any other provision of this section, no prior application or notification shall be required for any emergency forest practice necessitated by fire, flood, windstorm, earthquake, or other emergency as defined by the board, but the operator shall submit an application or notification, whichever is applicable, to the department within forty-eight hours after commencement of such practice.

Sec. 4. Section 7, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.070 are each amended to read as follows:

After the completion of a logging operation, satisfactory reforestation as defined by the rules and regulations promulgated by the board shall be completed within three years: PROVIDED, That a longer period may be authorized if seed or seedlings are not available: PROVIDED FURTHER, That a period of up to five years may be allowed where a natural regeneration plan is approved by the department. Upon the completion of a reforestation operation a report on such operation shall be filed with the department of natural resources. Within ~~((six))~~ twelve months of receipt of such a report the department shall inspect the reforestation operation, and shall determine either that the reforestation operation has been properly completed or that further reforestation and inspection is necessary.

The forest practices regulations may provide alternatives to or limitations on the applicability of reforestation requirements with respect to forest lands being converted in whole or in part to another use which is compatible with timber growing. The forest practices regulations may identify classifications and/or areas of forest land that have the likelihood of future conversion to urban development within a ten year period. The reforestation requirements may be modified or eliminated on such lands: PROVIDED, That such identification and/or such conversion to urban development must be consistent with any local or regional land use plans or ordinances.

Sec. 5. Section 8, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.080 are each amended to read as follows:

(1) The department shall have the authority to serve upon an operator a stop work order which shall be a final order of the department if:

(a) There is any violation of the provisions of this chapter or the forest practices regulations; or

(b) There is a deviation from the approved application; or

(c) Immediate action is necessary to prevent continuation of or to avoid material damage to a public resource.

(2) The stop work order shall set forth:

(a) The specific nature, extent, and time of the violation, deviation, damage, or potential damage;

(b) An order to stop all work connected with the violation, deviation, damage, or potential damage;

(c) The specific course of action needed to correct such violation or deviation or to prevent damage and to correct and/or compensate for damage to public resources which has resulted from any violation, unauthorized deviation, or wilful or negligent disregard for potential damage to a public resource; and/or those courses of action necessary to prevent continuing damage to public resources where the damage is resulting from the forest practice activities but has not resulted from any violation, unauthorized deviation, or negligence; and

(d) The right of the operator to a hearing before the appeals board.

The department shall immediately file a copy of such order with the appeals board and mail a copy thereof to the timber owner and forest land owner at the addresses shown on the application. The operator, timber owner, or forest land owner may commence an appeal to the appeals board within fifteen days after service upon the operator. If such appeal is commenced, a hearing shall be held not more than twenty days after copies of the notice of appeal were filed with the appeals board. Such proceeding shall be a contested case within the meaning of chapter 34.04 RCW. The operator shall comply with the order of the department immediately upon being served, but the appeals board if requested shall have authority to continue or discontinue in whole or in part the order of the department under such conditions as it may impose pending the outcome of the proceeding.

Sec. 6. Section 9, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.090 are each amended to read as follows:

If a violation, a deviation, material damage or potential for material damage to a public resource has occurred and the department determines that a stop work order is unnecessary, then the department shall issue and serve upon the operator or land owner a notice, which shall clearly set forth:

(1) (a) The specific nature, extent, and time of failure to comply with the approved application; or identifying the damage or potential damage; and/or

(b) The relevant provisions of this chapter or of the forest practice regulations relating thereto;

(2) The right of the operator or landowner to a hearing before the department; and

(3) The specific course of action ordered by the department to be followed by the operator to correct such failure to comply and to prevent, correct and/or compensate for material damage to public resources which resulted from ((forest practices)) any violation, unauthorized deviation, or wilful or negligent disregard for potential damage to a public resource; and/or those courses of action necessary to prevent continuing damage to public resources where the damage is resulting from the forest practice activities but has not resulted from any violation, unauthorized deviation, or negligence.

The department shall mail a copy thereof to the forest land owner and the timber owner at the addresses shown on the application, showing the date of service upon the operator. Such notice to comply shall become a final order of the department ((and)): PROVIDED, That no direct appeal to the appeals board will be allowed from such final order. Such operator shall undertake the course of action so ordered by the department unless, within fifteen days after the date of service of such notice to comply, the operator, forest land owner, or timber owner, shall request the department in writing to schedule a hearing. If so requested, the

department shall schedule a hearing on a date not more than twenty days after receiving such request. Within ten days after such hearing, the department shall issue a final order either withdrawing its notice to comply or clearly setting forth the specific course of action to be followed by such operator. Such operator shall undertake the course of action so ordered by the department unless within thirty days after the date of such final order, the operator, forest land owner, or timber owner appeals such final order to the appeals board.

No person shall be under any obligation under this section to prevent, correct, or compensate for any damage to public resources which occurs more than one year after the date of completion of the forest practices operations involved exclusive of reforestation, unless such forest practices were not conducted in accordance with forest practices rules and regulations: PROVIDED, That this provision shall not relieve the forest landowner from any obligation to comply with forest practices rules and regulations pertaining to providing continuing road maintenance. No action to recover damages shall be taken under this section more than two years after the date the damage involved occurs.

Sec. 7. Section 10, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.100 are each amended to read as follows:

If the department of ecology determines that a person has failed to comply with the forest practices regulations relating to water quality protection, and that the department of natural resources has not issued a stop work order or notice to comply, the department of ecology shall inform the department thereof. If the department of natural resources fails to take authorized enforcement action within twenty-four hours under RCW 76.09.080, 76.09.090, 76.09.120, or 76.09.130, ~~((and 76.09.170;))~~ the department of ecology may ~~((take such action, except that))~~ petition to the chairman of the appeals board, who shall, within forty-eight hours, either deny the petition or direct the department of natural resources to immediately issue a stop work order or notice to comply, or to impose a penalty. No civil or criminal penalties shall be imposed for past actions or omissions if such actions or omissions were conducted pursuant to an approval or directive of the department of natural resources.

Sec. 8. Section 14, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.140 are each amended to read as follows:

(1) The department of natural resources, through the attorney general, may take any necessary action to enforce any final order or final decision, or to enjoin any forest practices by any person for a one year period after such person has failed to comply with a final order or a final decision.

~~(2) ((The department of ecology, through the attorney general, may take any necessary action to enforce any final order of such department or any final decision of the pollution control hearings board relating to water quality protection; or to enjoin any forest practices relating to water quality protection by any person for a one year period after such person has failed to comply with a final order or final decision.~~

~~(3))~~ A county may bring injunctive, declaratory, or other actions for enforcement for forest practice activities within its jurisdiction in the superior court as provided by law against the department ~~((or the department of ecology)),~~ the forest land owner, timber owner or operator to enforce the forest practice regulations

or any final order of the department, or ~~((the department of ecology,))~~ the appeals board ~~((or the pollution control hearings board))~~: PROVIDED, That no civil or criminal penalties shall be imposed for past actions or omissions if such actions or omissions were conducted pursuant to an approval or directive of the department of natural resources ~~((or department of ecology))~~: AND PROVIDED FURTHER, That such actions shall not be commenced unless the department ~~((or the department of ecology))~~ fails to take appropriate action after ten days written notice to the ~~((respective))~~ department by the county of a violation of the forest practices regulations or final orders of the department ~~((or the department of ecology))~~ or the appeals board ~~((or the pollution control hearings board))~~.

Sec. 9. Section 17, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.170 are each amended to read as follows:

Every person who fails to comply with any provision of RCW 76.09.010 through 76.09.280 as now or hereafter amended or of the forest practices regulations shall be subject to a penalty in an amount of not more than ~~((one thousand))~~ five hundred dollars ~~((per day))~~ for every such violation. Each and every such violation shall be a separate and distinct offense. In case of a ~~((continuing violation))~~ failure to comply with a notice pursuant to RCW 76.09.090 as now or hereafter amended or a stop work order, every day's continuance shall be a separate and distinct violation. Every person who through an act of commission or omission procures, aids or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty herein provided for: PROVIDED, That no penalty shall be imposed under this section upon any governmental official, an employee of any governmental department, agency, or entity, or a member of any board or advisory committee created by this chapter for any act or omission in his duties in the administration of this chapter or of any regulation promulgated thereunder.

The penalty herein provided for shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department of natural resources ~~((or the department of ecology if water quality protection is involved,))~~ describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department ~~((imposing the penalty))~~ for the remission or mitigation of such penalty. Upon receipt of the application, that department may remit or mitigate the penalty upon whatever terms that department in its discretion deems proper, provided the department ~~((imposing the penalty))~~ deems such remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department of natural resources ~~((and the department of ecology))~~ shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such regulations as ~~((they))~~ it may deem proper.

Any person incurring any penalty hereunder may appeal the same to the forest practices appeals board ~~((or PROVIDED, That the appeal of any penalty imposed by the department of ecology relating to water quality protection shall be to the pollution control hearings board))~~.

Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department (~~(or the department of ecology)~~). When such an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the department (~~(or the department of ecology)~~) setting forth the disposition of the application.

Any penalty imposed hereunder shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When such an application for remission or mitigation is made, any penalty incurred hereunder shall become due and payable thirty days after receipt of notice setting forth the disposition of such application unless an appeal is filed from such disposition. Whenever an appeal of any penalty incurred hereunder is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final decision confirming the penalty in whole or in part.

If the amount of any penalty is not paid to the department (~~(or the department of ecology)~~) within thirty days after it becomes due and payable, the attorney general, upon the request of the (~~(respective director)~~) department, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided.

Sec. 10. Section 22, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.220 are each amended to read as follows:

(1) The appeals board shall operate on either a part time or a full time basis, as determined by the governor. If it is determined that the appeals board shall operate on a full time basis, each member shall receive an annual salary to be determined by the governor. If it is determined that the appeals board shall operate on a part time basis, each member shall receive compensation on the basis of seventy-five dollars for each day spent in performance of his duties: PROVIDED, That such compensation shall not exceed ten thousand dollars in a fiscal year. Each member shall receive reimbursement for travel and other expenses incurred in the discharge of his duties in accordance with the provisions of chapter 43.03 RCW.

(2) The appeals board may appoint, discharge, and fix the compensation of an executive secretary, a clerk, and such other clerical, professional, and technical assistants as may be necessary. As specified in RCW 41.06.073, such employment shall be in accordance with the rules of the state civil service law, chapter 41.06 RCW.

(3) The appeals board shall as soon as practicable after the initial appointment of the members thereof, meet and elect from among its members a chairman, and shall at least biennially thereafter meet and elect or reelect a chairman.

(4) The principal office of the appeals board shall be at the state capital, but it may sit or hold hearings at any other place in the state. A majority of the appeals board shall constitute a quorum for making orders or decisions, promulgating rules and regulations necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position on the board be

vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The appeals board shall perform all the powers and duties granted to it in this chapter or as otherwise provided by law.

(5) The appeals board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members and upon being filed at the appeals board's principal office, and shall be open to public inspection at all reasonable times.

(6) The appeals board shall either publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest, in such form as to assure reasonable distribution thereof.

(7) The appeals board shall maintain at its principal office a journal which shall contain all official actions of the appeals board, with the exception of findings and decisions, together with the vote of each member on such actions. The journal shall be available for public inspection at the principal office of the appeals board at all reasonable times.

(8) The forest practices appeals board shall have exclusive jurisdiction to hear appeals arising from an action or determination by the department (~~and the pollution control hearings board established by RCW 43.21B.010 shall have exclusive jurisdiction to hear appeals arising from an action or determination by the department of ecology~~).

(9) (a) Any person aggrieved by the approval or disapproval of an application to conduct a forest practice may seek review from the appeals board by filing a request for the same within thirty days of the approval or disapproval. Concurrently with the filing of any request for review with the board as provided in this section, the requestor shall file a copy of his request with the department and the attorney general. The attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with.

(b) The review proceedings authorized in subparagraph (a) of this subsection are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases.

Sec. 11. Section 24, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.240 are each amended to read as follows:

No county, city, municipality, or other local or regional governmental entity shall adopt or enforce any law, ordinance, or regulation pertaining to forest practices, except that to the extent otherwise permitted by law, such entities may exercise any:

(1) Land use planning or zoning authority: PROVIDED, That exercise of such authority may regulate forest practices only: (a) Where the application submitted under RCW 76.09.060 as now or hereafter amended indicates that the lands will be converted to a use other than commercial timber production; or (b) on lands which have been platted after January 1, 1960 (~~or (c) on tracts of forest land not otherwise covered under subsections (a) and (b) and less than twenty acres including road rights of way in contiguous ownership not classified, designated and taxed under chapter 84.34 RCW, chapter 84.33 RCW, or chapter 84.28 RCW~~);

PROVIDED, That no permit system solely for forest practices shall be allowed; that any additional or more stringent regulations shall not be inconsistent with the forest practices regulations enacted under this chapter; and such local regulations shall not unreasonably prevent timber harvesting;

(2) Taxing powers;

(3) Regulatory authority with respect to public health; and

(4) Authority granted by chapter 90.58 RCW, the "Shoreline Management Act of 1971", except that in relation to "shorelines" as defined in RCW 90.58.030, the following shall apply:

(a) The forest practice regulations adopted pursuant to this chapter shall be the sole rules applicable to the performance of forest practices, and enforcement thereof shall be solely as provided in chapter 76.09 RCW;

(b) As to that road construction which constitutes a substantial development, no permit shall be required under chapter 90.58 RCW for the construction of up to five hundred feet of one and only one road or segment of a road provided such road does not enter the shoreline more than once. Such exemption from said permit requirements shall be limited to a single road or road segment for each forest practice and such road construction shall be subject to the requirements of chapter 76.09 RCW and regulations adopted pursuant thereto and to the prohibitions or restrictions of any master program in effect under the provisions of chapter 90.58 RCW. Nothing in this subsection shall add to or diminish the authority of the shoreline management act regarding road construction except as specifically provided herein. The provisions of this subsection shall not relate to any road which crosses over or through a stream, lake, or other water body subject to chapter 90.58 RCW;

(c) Nothing in this section shall create, add to, or diminish the authority of local government to prohibit or restrict forest practices within the shorelines through master programs adopted and approved pursuant to chapter 90.58 RCW except as provided in (a) and (b) above.

Any powers granted by chapter 90.58 RCW pertaining to forest practices, as amended herein, are expressly limited to lands located within "shorelines of the state" as defined in RCW 90.58.030.

Sec. 12. Section 32, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.910 are each amended to read as follows:

Nothing in RCW 76.09.010 through 76.09.280 as now or hereafter amended shall modify any requirements to ~~((obtain permits))~~ comply with the Shoreline Management Act of 1971 except as limited by RCW 76.09.240 as now or hereafter amended, or ~~((any violations that may be found, under the Shoreline Management Act of 1971 (chapter 90.58 RCW);))~~ the Hydraulics Act (RCW 75.20.100), other state statutes in effect on January 1, 1975, and any local ordinances not inconsistent with RCW 76.09.240 as now or hereafter amended.

Sec. 13. Section 30, chapter 137, Laws of 1974 ex. sess. and RCW 90.48.420 are each amended to read as follows:

(1) The department of ecology, pursuant to powers vested in it previously by chapter 90.48 RCW and consistent with the policies of said chapter and RCW 90.54.020(3), shall be solely responsible for establishing water quality standards for waters of the state. On or before January 1, 1975, the department of ecology

shall examine existing regulations containing water quality standards and other applicable rules and regulations of said department pertaining to waters of the state affected by nonpoint sources of pollution arising from forest practices and, when it appears appropriate to the department of ecology, modify said regulations. In any such examination or modification the department of ecology shall consider such factors, among others, as uses of the receiving waters, diffusion, down-stream cooling, and reasonable transient and short-term effects resulting from forest practices.

Promulgation of forest practices regulations by the department of ecology and the forest practices board, shall be accomplished so that compliance with such forest practice regulations will achieve compliance with ~~((such water quality standards))~~ water pollution control laws.

(2) The department of ecology shall monitor water quality to determine whether revisions in such water quality standards or revisions in such forest practices regulations are necessary to accomplish the foregoing result, and either promulgate appropriate revisions to such water quality standards or propose appropriate revisions to such forest practices regulations or both.

(3) Notwithstanding any other provisions of chapter 90.48 RCW or of the rules and regulations promulgated thereunder, no permit system pertaining to nonpoint sources of pollution arising from forest practices shall be authorized, and no civil or criminal penalties shall be imposed with respect to any forest practices conducted in full compliance with the applicable provisions of RCW 76.09.010 through 76.09.280, forest practices regulations, and any approvals or directives of the department of natural resources thereunder.

(4) Prior to the department of ecology taking action under statutes or regulations relating to water quality, regarding violations of water quality standards arising from forest practices, the department of ecology shall notify the department of natural resources.

NEW SECTION. Sec. 14. There is added to chapter 90.48 RCW a new section to read as follows:

The Forest Practices Act, chapter 76.09 RCW, and the forest practices regulations adopted thereunder relating to water quality protection shall be utilized to satisfy the planning and program requirements of sections 208, 209, and 305 of the federal Water Pollution Control Act, as regards silvicultural activities, unless it is determined by the department of ecology that extraordinary conditions exist which make forest practices regulations unsuitable to satisfy such federal requirements.

NEW SECTION. Sec. 15. This 1975 amendatory 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 6, 1975.

Passed the Senate June 5, 1975.

Approved by the Governor June 16, 1975.

Filed in Office of Secretary of State June 17, 1975.

CHAPTER 201

[House Bill No. 95]

WASHINGTON WHOLESOME
EGGS AND EGG PRODUCTS ACT

AN ACT Relating to eggs and egg production; adding a new chapter to Title 69 RCW; repealing sections 1 through 4, chapter 193, Laws of 1955 and RCW 69.24.130 through 69.24.160; repealing section 5, chapter 193, Laws of 1955, section 1, chapter 54, Laws of 1961 and RCW 69.24.170; repealing sections 6 through 9, chapter 193, Laws of 1955 and RCW 69.24.180 through 69.24.210; repealing section 10, chapter 193, Laws of 1955, section 49, chapter 240, Laws of 1967 and RCW 69.24.220; repealing sections 11 through 13, chapter 193, Laws of 1955 and RCW 69.24.230 through 69.24.250; repealing section 14, chapter 193, Laws of 1955, section 50, chapter 240, Laws of 1967 and RCW 69.24.260; repealing sections 15 through 31, chapter 193, Laws of 1955 and RCW 69.24.270 through 69.24.430; repealing section 33, chapter 193, Laws of 1955 and RCW 69.24.450; repealing section 34, chapter 193, Laws of 1955 and RCW 69.24.900; repealing section 35, chapter 193, Laws of 1955 and RCW 69.24.910; providing for assessments; prescribing penalties; declaring an emergency; and setting an effective date.

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

NEW SECTION. Section 1. There is added to Title 69 RCW a new chapter to read as set forth in sections 2 through 39 of this act.

NEW SECTION. Sec. 2. Eggs and egg products are an important source of the state's total supply of food, and are used in food in various forms. They are consumed throughout the state and the major portion thereof moves in intrastate commerce. It is essential, in the public interest, that the health and welfare of consumers be protected by the adoption of measures prescribed herein for assuring that eggs and egg products distributed to them and used in products consumed by them are wholesome, otherwise not adulterated, and properly labeled and packaged. Lack of effective regulation for the handling or disposition of unwholesome, otherwise adulterated, or improperly labeled or packaged egg products and certain qualities of eggs is injurious to the public welfare and destroys markets for wholesome, unadulterated, and properly labeled and packaged eggs and egg products and results in sundry losses to producers and processors, as well as injury to consumers. Unwholesome, otherwise adulterated, or improperly labeled or packaged products can be sold at lower prices and compete unfairly with the wholesome, unadulterated, and properly labeled and packaged products, to the detriment of consumers and the public generally. It is hereby found that all egg products and the qualities of eggs which are regulated under this chapter are either in intrastate commerce, or substantially affect such commerce, and that regulation by the director, as contemplated by this chapter, is appropriate to protect the health and welfare of consumers.

NEW SECTION. Sec. 3. When used in this chapter the following terms shall have the indicated meanings, unless the context otherwise requires:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly authorized representative.

(3) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof, or assignee for the benefit of creditors.

(4) "Adulterated" applies to any egg or egg product under one or more of the following circumstances:

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(b) If it bears or contains any added poisonous or added deleterious substance (other than one which is: (i) A pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the director, make such article unfit for human food;

(c) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of RCW 69.04.392, as enacted or hereafter amended;

(d) If it bears or contains any food additive which is unsafe within the meaning of RCW 69.04.394, as enacted or hereafter amended;

(e) If it bears or contains any color additive which is unsafe within the meaning of RCW 69.04.396, as enacted or hereafter amended: PROVIDED, That an article which is not otherwise deemed adulterated under subsection (4)(c), (d), or (e) of this section shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive, in or on such article, is prohibited by regulations of the director in official plants;

(f) If it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human food;

(g) If it has been prepared, packaged, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(h) If it is an egg which has been subjected to incubation or the product of any egg which has been subjected to incubation;

(i) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(j) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to RCW 69.04.394; or

(k) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(5) "Capable of use as human food" shall apply to any egg or egg product unless it is denatured, or otherwise identified, as required by regulations prescribed by the director, to deter its use as human food.

(6) "Intrastate commerce" means any eggs or egg products in intrastate commerce, whether such eggs or egg products are intended for sale, held for sale, offered for sale, sold, stored, transported, or handled in this state in any manner and prepared for eventual distribution in this state, whether at wholesale or retail.

(7) "Container" or "package" includes any box, can, tin, plastic, or other receptacle, wrapper, or cover.

(8) "Immediate container" means any consumer package, or any other container in which egg products, not consumer-packaged, are packed.

(9) "Shipping container" means any container used in packaging a product packed in an immediate container.

(10) "Egg handler" or "dealer" means any person who produces, contracts for or obtains possession or control of any eggs for the purpose of sale to another dealer or retailer, or for processing and sale to a dealer, retailer or consumer: PROVIDED, That for the purpose of this chapter, "sell" or "sale" includes the following: Offer for sale, expose for sale, have in possession for sale, exchange, barter, trade, or as an inducement for the sale of another product.

(11) "Egg product" means any dried, frozen, or liquid eggs, with or without added ingredients, excepting products which contain eggs only in a relatively small proportion, or historically have not been, in the judgment of the director, considered by consumers as products of the egg food industry, and which may be exempted by the director under such conditions as he may prescribe to assure that the egg ingredients are not adulterated and such products are not represented as egg products.

(12) "Egg" means the shell egg of the domesticated chicken, turkey, duck, goose, or guinea, or any other specie of fowl.

(13) "Check" means an egg that has a broken shell or crack in the shell but has its shell membranes intact and contents not leaking.

(14) "Clean and sound shell egg" means any egg whose shell is free of adhering dirt or foreign material and is not cracked or broken.

(15) "Dirty egg" means an egg that has a shell that is unbroken and has adhering dirt or foreign material.

(16) "Incubator reject" means an egg that has been subjected to incubation and has been removed from incubation during the hatching operations as infertile or otherwise unhatchable.

(17) "Inedible" means eggs of the following descriptions: Black rots, yellow rots, white rots, mixed rots (addled eggs), sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, and eggs containing embryo chicks (at or beyond the blood ring stage).

(18) "Leaker" means an egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exposed or are exuding or free to exude through the shell.

(19) "Loss" means an egg that is unfit for human food because it is smashed or broken so that its contents are leaking; or overheated, frozen, or contaminated; or an incubator reject; or because it contains a bloody white, large meat spots, a large quantity of blood, or other foreign material.

(20) "Restricted egg" means any check, dirty egg, incubator reject, inedible, leaker, or loss.

(21) "Inspection" means the application of such inspection methods and techniques as are deemed necessary by the director to carry out the provisions of this chapter.

(22) "Inspector" means any employee or official of the department authorized to inspect eggs or egg products under the authority of this chapter.

(23) "Misbranded" shall apply to egg products which are not labeled and packaged in accordance with the requirements prescribed by regulations of the director under section 11 of this act.

(24) "Official certificate" means any certificate prescribed by regulations of the director for issuance by an inspector or other person performing official functions under this chapter.

(25) "Official device" means any device prescribed or authorized by the director for use in applying any official mark.

(26) "Official inspection legend" means any symbol prescribed by regulations of the director showing that egg products were inspected in accordance with this chapter.

(27) "Official mark" means the official inspection legend or any other symbol prescribed by regulations of the director to identify the status of any article under this chapter.

(28) "Official plant" means any plant which is licensed under the provisions of this chapter, at which inspection of the processing of egg products is maintained by the United States department of agriculture or by the state under cooperative agreements with the United States department of agriculture or by the state.

(29) "Official standards" means the standards of quality, grades, and weight classes for eggs, adopted under the provisions of this chapter.

(30) "Pasteurize" means the subjecting of each particle of egg products to heat or other treatments to destroy harmful, viable micro-organisms by such processes as may be prescribed by regulations of the director.

(31) "Pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" shall have the same meaning for purposes of this chapter as prescribed in chapter 69.04 RCW.

(32) "Plant" means any place of business where egg products are processed.

(33) "Processing" means manufacturing egg products, including breaking eggs or filtering, mixing, blending, pasteurizing, stabilizing, cooling, freezing, drying, or packaging egg products.

(34) "Retailer" means any person in intrastate commerce who sells eggs to a consumer.

(35) "At retail" means any transaction in intrastate commerce between a retailer and a consumer.

(36) "Consumer" means any person who purchases eggs for his or her own family use or consumption; or any restaurant, hotel, boarding house, bakery, or other institution or concern which purchases eggs for serving to guests or patrons thereof, or for its own use in cooking or baking.

(37) "Candling" means the examination of the interior of eggs by the use of transmitted light used in a partially dark room or place.

NEW SECTION. Sec. 4. The purpose of this chapter is to promote uniformity of state legislation and regulations with the federal egg products inspection act, 21

U.S.C. sec. 1031, et seq., and regulations adopted thereunder. In accord with such declared purpose, any regulations adopted under the federal egg products inspection act relating to eggs and egg products, as defined in section 3 (11) and (12) of this act, in effect on July 1, 1975, are hereby deemed to have been adopted under the provisions hereof. Further, to promote such uniformity, any regulations adopted hereafter under the provisions of the federal egg products inspection act relating to eggs and egg products, as defined in section 3 (11) and (12) of this act, and published in the federal register, shall be deemed to have been adopted under the provisions of this chapter in accord with chapter 34.04 RCW, as now or hereafter amended. The director may, however, within thirty days of the publication of the adoption of any such regulation under the federal egg products inspection act, give public notice that a hearing will be held to determine if such regulations shall not be applicable under the provisions of this chapter. Such hearing shall be in accord with the requirements of chapter 34.04 RCW, as now or hereafter amended.

The director, in addition to the foregoing, may adopt any rule and regulation necessary to carry out the purpose and provisions of this chapter.

NEW SECTION. Sec. 5. The adoption, amendment, modification, or revocation of any rules or regulations under the provisions of this chapter, or the holding of a hearing in regard to a license issued or which may be issued or denied under the provisions of this chapter, shall be subject to the applicable provisions of chapter 34.04 RCW, the administrative procedure act, as now or hereafter amended.

NEW SECTION. Sec. 6. No person shall act as an egg handler or dealer without first obtaining an annual license and permanent dealer's number from the department; such license shall expire on the thirtieth day of June following issuance. Application for a license shall be on a form prescribed by the director and accompanied by a ten dollar annual license fee. Duplicate copies of the license may be issued upon payment of five dollars. A copy of said license shall be posted at each location where such licensee operates. Such application shall include the full name of the applicant for the license and the location of each facility he intends to operate. If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership or the names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant and any other necessary information prescribed by the director. Upon the approval of the application and compliance with the provisions of this chapter, including the applicable regulations adopted hereunder by the department, the applicant shall be issued a license or renewal thereof. Such license and permanent egg handler or dealer's number shall be nontransferable.

NEW SECTION. Sec. 7. If the application for the renewal of an egg handler's or dealer's license is not filed before July 1st of any year, an additional fee of five dollars shall be assessed and added to the original fee and shall be paid by the

applicant before the renewal license shall be issued: **PROVIDED**, That such additional fee shall not be charged if the applicant furnishes an affidavit certifying that he has not acted as an egg handler or dealer subsequent to the expiration of his license.

NEW SECTION. Sec. 8. The department may deny, suspend, revoke, or issue a license or a conditional license if it determines that an applicant or licensee has committed any of the following acts:

(1) That the applicant or licensee is violating or has violated any of the provisions of this chapter or rules and regulations adopted thereunder.

(2) That the application contains any materially false or misleading statement or involves any misrepresentation by any officer, agent, or employee of the applicant.

(3) That the applicant or licensee has concealed or withheld any facts regarding any violation of this chapter by any officer, agent, or employee of the applicant or licensee.

NEW SECTION. Sec. 9. (1) For the purpose of preventing the entry into or movement in intrastate commerce of any egg product which is capable of use as human food and is misbranded or adulterated, the director shall, whenever processing operations are being conducted, unless under inspection by the United States department of agriculture, cause continuous inspection to be made, in accordance with the regulations promulgated under this chapter, of the processing of egg products, in each plant processing egg products for commerce, unless exempted under section 18 of this act. Without restricting the application of the preceding sentence to other kinds of establishments within its provisions, any food manufacturing establishment, institution, or restaurant which uses any eggs that do not meet the requirements of section 18(1)(a) of this act in the preparation of any articles for human food, shall be deemed to be a plant processing egg products, with respect to such operations.

(2) The director, at any time, shall cause such retention, segregation, and reinspection as he deems necessary of eggs and egg products capable of use as human food in each official plant.

(3) Eggs and egg products found to be adulterated at official plants shall be condemned, and if no appeal be taken from such determination or condemnation, such articles shall be destroyed for human food purposes under the supervision of an inspector: **PROVIDED**, That articles which may by reprocessing be made not adulterated need not be condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not adulterated. If an appeal be taken from such determination, the eggs or egg products shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the director determines that the appeal is frivolous. If the determination of condemnation is sustained, the eggs or egg products shall be destroyed for human food purposes under the supervision of an inspector.

(4) The director shall cause such other inspections to be made of the business premises, facilities, inventory, operations, and records of egg handlers, and the records and inventory of other persons required to keep records under section 15 of this act, as he deems appropriate (and in the case of shell egg packers, packing

eggs for the ultimate consumer, at least once each calendar quarter) to assure that only eggs fit for human food are used for such purpose, and otherwise to assure compliance by egg handlers and other persons with the requirements of section 15 of this act, except that the director shall cause such inspections to be made as he deems appropriate to assure compliance with such requirements at food manufacturing establishments, institutions, and restaurants, other than plants processing egg products. Representatives of the director shall be afforded access to all such places of business for purposes of making the inspections provided for in this chapter.

NEW SECTION. Sec. 10. (1) The operator of each official plant shall operate such plant in accordance with such sanitary practices and shall have such premises, facilities, and equipment as are required by regulations promulgated by the director to effectuate the purposes of this chapter, including requirements for segregation and disposition of restricted eggs.

(2) The director shall refuse to render inspection to any plant whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section.

NEW SECTION. Sec. 11. (1) Egg products inspected at any official plant under the authority of this chapter and found to be not adulterated shall be pasteurized before they leave the official plant, except as otherwise permitted by regulations of the director, and shall at the time they leave the official plant, bear in distinctly legible form on their shipping containers or immediate containers, or both, when required by regulations of the director, the official inspection legend and official plant number, of the plant where the products were processed, and such other information as the director may require by regulations to describe the products adequately and to assure that they will not have false or misleading labeling.

(2) No labeling or container shall be used for egg products at official plants if it is false or misleading or has not been approved as required by the regulations of the director. If the director has reason to believe that any labeling or the size or form of any container in use or proposed for use with respect to egg products at any official plant is false or misleading in any particular, he may direct that such use be withheld unless the labeling or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the labeling or container does not accept the determination of the director, such person may request a hearing, but the use of the labeling or container shall, if the director so directs, be withheld pending hearing and final determination by the director. Any such determination by the director shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person adversely affected thereby appeals to the superior court in the county in which such person has its principal place of business.

NEW SECTION. Sec. 12. (1) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in any business in intrastate commerce any restricted eggs, capable of use as human food, except as authorized by regulations of the director under such conditions as he may prescribe to assure that only eggs fit for human food are used for such purpose.

(2) No egg handler shall possess with intent to use, or use, any restricted eggs in the preparation of human food for intrastate commerce except that such eggs may be so possessed and used when authorized by regulations of the director under such conditions as he may prescribe to assure that only eggs fit for human food are used for such purpose.

(3) No person shall process any egg products for intrastate commerce at any plant except in compliance with the requirements of this chapter.

(4) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in intrastate commerce any egg products required to be inspected under this chapter unless they have been so inspected and are labeled and packaged in accordance with the requirements of section 11 of this act.

(5) No operator of any official plant shall allow any egg products to be moved from such plant if they are adulterated or misbranded and capable of use as human food.

(6) No person shall:

(a) Manufacture, cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the director;

(b) Forge or alter any official device, mark, or certificate;

(c) Without authorization from the director, use any official device, mark, or certificate, or simulation thereof, or detach, deface, or destroy any official device or mark; or use any labeling or container ordered to be withheld from use under section 11 of this act after final judicial affirmance of such order or expiration of the time for appeal if no appeal is taken under said section;

(d) Contrary to the regulations prescribed by the director, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(e) Knowingly possess, without promptly notifying the director or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label, or any eggs or egg products bearing any counterfeit, simulated, forged, or improperly altered official mark;

(f) Knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the director;

(g) Knowingly represent that any article has been inspected or exempted, under this chapter when in fact it has not been so inspected or exempted; and

(h) Refuse access, at any reasonable time, to any representative of the director, to any plant or other place of business subject to inspection under any provisions of this chapter.

(7) No person, while an official or employee of the state or local governmental agency, or thereafter, shall use to his own advantage, or reveal other than to the authorized representatives of the United States government or the state in their official capacity, or as ordered by a court in a judicial proceeding, any information acquired under the authority of this chapter concerning any matter which the originator or relator of such information claims to be entitled to protection as a trade secret.

NEW SECTION. Sec. 13. The director shall, whenever he determines that it would effectuate the purposes of this chapter, cooperate with any state, federal or other governmental agencies in carrying out any provisions of this chapter. In carrying out the provisions of this chapter, the director may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any such agency commissioned by him for such purpose.

NEW SECTION. Sec. 14. Inspection shall not be provided under this chapter at any plant for the processing of any egg products which are not intended for use as human food, but such articles, prior to their offer for sale or transportation in intrastate commerce, shall be denatured or identified as prescribed by regulations of the director to deter their use for human food. No person shall buy, sell, or transport or offer to buy or sell, or offer or receive for transportation, in intrastate commerce, any restricted eggs or egg products which are not intended for use as human food unless they are denatured or identified as required by the regulations of the director.

NEW SECTION. Sec. 15. For the purpose of enforcing the provisions of this chapter and the regulations promulgated thereunder, all persons engaged in the business of transporting, shipping, or receiving any eggs or egg products in intrastate commerce or in interstate commerce, or holding such articles so received, and all egg handlers, shall maintain such records showing, for such time and in such form and manner, as the director may prescribe, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, and disposition of all eggs and egg products handled by them, and shall, upon the request of the director, permit him at reasonable times to have access to and to copy all such records.

NEW SECTION. Sec. 16. (1) Any person who commits any offense prohibited by section 12 of this act shall upon conviction be guilty of a gross misdemeanor. When construing or enforcing the provisions of section 12 of this act, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

(2) No carrier or warehouseman shall be subject to the penalties of this chapter, other than the penalties for violation of section 15 of this act, or subsection (3) of this section, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier or warehouseman of eggs or egg products owned by another person unless the carrier or warehouseman has knowledge, or is in possession of facts which would cause a reasonable person to believe that such eggs or egg products were not eligible for transportation under, or were otherwise in violation of, this chapter, or unless the carrier or warehouseman refuses to furnish on request of a representative of the director the name and address of the person from whom he received such eggs or egg products and copies of all documents, if there be any, pertaining to the delivery of the eggs or egg products to, or by, such carrier or warehouseman.

(3) Notwithstanding any other provision of law any person who forcibly assaults, resists, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this chapter shall be

punished by a fine of not more than five thousand dollars or imprisonment in the state penitentiary for not more than three years, or both. Whoever, in the commission of any such act, uses a deadly or dangerous weapon, shall be punished by a fine of not more than ten thousand dollars or by imprisonment in the state penitentiary for not more than ten years, or both.

NEW SECTION. Sec. 17. Before any violation of this chapter, other than of section 16(3) of this act, is reported by the director to any prosecuting attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this chapter shall be construed as requiring the director to report for criminal prosecution violation of this chapter whenever he believes that the public interest will be adequately served and compliance with this chapter obtained by a suitable written notice of warning.

NEW SECTION. Sec. 18. (1) The director may, by regulation and under such conditions and procedures as he may prescribe, exempt from specific provisions of this chapter:

(a) The sale, transportation, possession, or use of eggs which contain no more restricted eggs than are allowed by the tolerance in the official state standards for consumer grades for shell eggs;

(b) The processing of egg products at any plant where the facilities and operating procedures meet such sanitary standards as may be prescribed by the director, and where the eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards of the state consumer grades for shell eggs, and the egg products processed at such plant;

(c) The sale of eggs by any poultry producer from his own flocks directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs in accordance with this subsection;

(d) The sale of eggs by shell egg packers on his own premises directly to household consumers for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs in accordance with this subsection.

(2) The director may modify or revoke any regulation granting exemption under this chapter whenever he deems such action appropriate to effectuate the purposes of this chapter.

NEW SECTION. Sec. 19. The director may limit the entry of eggs and egg products and other materials into official plants under such conditions as he may prescribe to assure that allowing the entry of such articles into such plants will be consistent with the purposes of this chapter.

NEW SECTION. Sec. 20. Whenever any eggs or egg products subject to this chapter are found by any authorized representative of the director upon any premises and there is reason to believe that they are or have been processed,

bought, sold, possessed, used, transported, or offered or received for sale or transportation in violation of this chapter, or that they are in any other way in violation of this chapter, or whenever any restricted eggs capable of use as human food are found by such a representative in the possession of any person not authorized to acquire such eggs under the regulations of the director, such articles may be embargoed by such representative for a reasonable period but not to exceed twenty days, pending action under section 21 of this act or notification of any federal or other governmental authorities having jurisdiction over such articles, and shall not be moved by any person from the place at which they are located when so detained until released by such representative. All official marks may be required by such representative to be removed from such articles before they are released unless it appears to the satisfaction of the director that the articles are eligible to retain such marks.

NEW SECTION. Sec. 21. When the director has embargoed any eggs or egg products, he shall petition the superior court of the county in which the eggs or egg products are located for an order affirming such embargo. Such court shall have jurisdiction for cause shown and after a prompt hearing to any claimant of eggs or egg products, shall issue an order which directs the removal of such embargo or the destruction or correction and release of such eggs and egg products. An order for destruction or the correction and release of such eggs and egg products shall contain such provision for the payment of pertinent court costs and fees and administrative expenses as is equitable and which the court deems appropriate in the circumstances. An order for correction and release may contain such provisions for a bond as the court finds indicated in the circumstance.

NEW SECTION. Sec. 22. The director need not petition the superior court as provided for in section 21 of this act if the owner or claimant of such eggs or egg products agrees in writing to the disposition of such eggs or egg products as the director may order.

NEW SECTION. Sec. 23. Two or more petitions under section 21 of this act which pend at the same time and which present the same issue and claimant hereunder may be consolidated for simultaneous determination by one court of competent jurisdiction, upon application to any court of jurisdiction by the director or claimant.

NEW SECTION. Sec. 24. The claimant in any proceeding by petition under section 21 of this act shall be entitled to receive a representative sample of the article subject to such proceedings upon application to the court of competent jurisdiction made at any time after such petition and prior to the hearing thereon.

NEW SECTION. Sec. 25. No state court shall allow the recovery of damages for administrative action for condemnation under the provisions of this chapter, if the court finds that there was probable cause for such action.

NEW SECTION. Sec. 26. There is hereby levied an assessment not to exceed two and one-half mills per dozen eggs entering intrastate commerce, as prescribed by rules and regulations issued by the director. Such assessment shall be applicable to all eggs entering intrastate commerce except as provided in sections 18 and 30. Such assessment shall be paid to the director on a monthly basis on or before

the tenth day following the month such eggs enter intrastate commerce. The director may require reports by egg handlers or dealers along with the payment of the assessment fee. Such reports may include any and all pertinent information necessary to carry out the purposes of this chapter. The director may, by regulations, require egg container manufacturers to report on a monthly basis all egg containers sold to any egg handler or dealer and bearing such egg handler or dealer's license number.

NEW SECTION. Sec. 27. Any egg handler or dealer may prepay the assessment provided for in section 26 of this act by purchasing Washington state egg seals from the director to be placed on egg containers showing that the proper assessment has been paid. Any carton manufacturer may apply to the director for a permit to place reasonable facsimiles of the Washington state egg seals to be imprinted on egg containers. The director shall, from time to time, prescribe rules and regulations governing the affixing of seals and he is authorized to cancel any such permit issued pursuant to this chapter, whenever he finds that a violation of the terms under which the permit has been granted has been violated.

NEW SECTION. Sec. 28. Every egg handler or dealer who pays assessments required under the provisions of this chapter on a monthly basis in lieu of seals shall be subject to audit by the director on an annual basis or more frequently if necessary. The cost to the director for performing such audit shall be chargeable to and payable by the egg handler or dealer subject to audit. Failure to pay assessments when due or refusal to pay for audit costs may be cause for a summary suspension of an egg handler's or dealer's license and a charge of one percent per month, or fraction thereof shall be added to the sum due the director, for each remittance not received by the director when due. The conditions and charges applicable to egg handlers and dealers set forth herein shall also be applicable to payments due the director for facsimiles of seals placed on egg containers.

NEW SECTION. Sec. 29. The proceeds from assessment fees paid to the director shall be retained for the inspection of eggs and carrying out the provisions of this chapter relating to eggs.

NEW SECTION. Sec. 30. The assessments provided in this chapter shall not apply to:

- (1) Sale and shipment to points outside of this state;
- (2) Sale to the United States government and its instrumentalities;
- (3) Sale to breaking plants for processing into egg products;
- (4) Sale between egg dealers.

NEW SECTION. Sec. 31. All moneys in the state egg account, created by RCW 69.24.450, at the time of the effective date of this act, shall be transferred to the director and shall be retained and expended for administering and carrying out the purposes of this chapter.

NEW SECTION. Sec. 32. All containers used by an egg handler or dealer to package eggs shall bear the name and address or the permanent number issued by the director to said egg handler or dealer. Such permanent number shall be displayed in a size and location prescribed by the director. It shall constitute a gross misdemeanor for any egg handler or dealer to reuse a container which bears the permanent number of another egg handler or dealer unless such number is totally

obliterated prior to reuse. The director may in addition require the obliteration of any or all markings that may be on any container which will be reused for eggs by an egg handler or dealer.

NEW SECTION. Sec. 33. In addition to any other records required to be kept and furnished the director under the provisions of this chapter, the director may require any person who sells to any retailer, or to any restaurant, hotel, boarding house, bakery, or any institution or concern which purchases eggs for serving to guests or patrons thereof or for its use in preparation of any food product for human consumption, candled or graded eggs other than those of his own production sold and delivered on the premises where produced, to furnish that retailer or other purchaser with an invoice covering each such sale, showing the exact grade or quality, and the size or weight of the eggs sold, according to the standards prescribed by the director, together with the name and address of the person by whom the eggs were sold. The person selling and the retailer or other purchaser shall keep a copy of said invoice on file at his place of business for a period of thirty days, during which time the copy shall be available for inspection at all reasonable times by the director: **PROVIDED**, That no retailer or other purchaser shall be guilty of a violation of this chapter if he can establish a guarantee from the person from whom the eggs were purchased to the effect that they, at the time of purchase, conformed to the information required by the director on such invoice: **PROVIDED FURTHER**, That if the retailer or other purchaser having labeled any such eggs in accordance with the invoice keeps them for such a time after they are purchased as to cause them to deteriorate to a lower grade or standard, and sells them under the label of the invoice grade or standard, he shall be guilty of a violation of this chapter.

No invoice shall be required on eggs when packed for sale to the United States department of defense, or a component thereof, if labeled with grades promulgated by the United States secretary of agriculture.

NEW SECTION. Sec. 34. The provisions of this chapter shall not apply to the sale of eggs by any egg producer with an annual egg production from a flock of three thousand or less hens.

NEW SECTION. Sec. 35. The enactment of this chapter shall not have the effect of terminating or in any way modifying any liability, civil or criminal, which shall already be in existence on the effective date of this act.

NEW SECTION. Sec. 36. Any person violating any provision of this chapter or regulations for which a penalty is not specifically provided for in this chapter, shall be guilty of a misdemeanor and guilty of a gross misdemeanor for any subsequent violation: **PROVIDED**, That any offense committed more than five years after a previous conviction shall be considered a first offense.

NEW SECTION. Sec. 37. The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other remedy at law.

NEW SECTION. Sec. 38. 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. 39. This act may be known and cited as the "Washington wholesome eggs and egg products act".

NEW SECTION. Sec. 40. The following acts or parts of acts are each hereby repealed:

(1) Sections 1 through 4, chapter 193, Laws of 1955 and RCW 69.24.130 through 69.24.160;

(2) Section 5, chapter 193, Laws of 1955, section 1, chapter 54, Laws of 1961 and RCW 69.24.170;

(3) Sections 6 through 9, chapter 193, Laws of 1955 and RCW 69.24.180 through 69.24.210;

(4) Section 10, chapter 193, Laws of 1955, section 49, chapter 240, Laws of 1967 and RCW 69.24.220;

(5) Sections 11 through 13, chapter 193, Laws of 1955 and RCW 69.24.230 through 69.24.250;

(6) Section 14, chapter 193, Laws of 1955, section 50, chapter 240, Laws of 1967 and RCW 69.24.260;

(7) Sections 15 through 31, chapter 193, Laws of 1955 and RCW 69.24.270 through 69.24.430;

(8) Section 33, chapter 193, Laws of 1955 and RCW 69.24.450;

(9) Section 34, chapter 193, Laws of 1955 and RCW 69.24.900; and

(10) Section 35, chapter 193, Laws of 1955 and RCW 69.24.910.

NEW SECTION. Sec. 41. 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 on July 1, 1975.

Passed the House May 30, 1975.

Passed the Senate May 27, 1975.

Approved by the Governor June 16, 1975.

Filed in Office of Secretary of State June 19, 1975.

CHAPTER 202

[House Bill No. 383]

SCHOOL DISTRICT PRELIMINARY

BUDGETS—EXPENDITURE DETAIL—SALARIES

AN ACT Relating to school district budgets; and amending section 28A.65.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 115, Laws of 1972 ex. sess. and RCW 28A.65.020.

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

Section 1. Section 28A.65.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 115, Laws of 1972 ex. sess. and RCW 28A.65.020 are each amended to read as follows:

The revenue section of the preliminary budget shall set forth the estimated receipts from all sources for the ensuing fiscal year, the estimated receipts for the fiscal year current at the time of preliminary budget preparation, the actual receipts for the last completed fiscal year, and the probable cash on hand available for ensuing fiscal year disbursements at the close of the said current fiscal year.

The estimated receipts from all sources for the ensuing fiscal year shall not include any revenue not anticipated to be received in cash during that fiscal year: PROVIDED, That school districts, pursuant to rules and regulations promulgated by the superintendent of public instruction, shall be granted permission to include as revenues in their preliminary budgets receivables collectible in future fiscal years limited to those payments made in odd-numbered years on or before July 10th from the distribution of the proceeds from the state property tax for the benefit of the common schools. Such permission shall not affect in any manner those requirements as set forth in RCW 28A.65.095 regarding petitions by school district boards to the superintendent of public instruction for permission to include receivables collectible in future fiscal years in final budgets.

The expenditure section of the preliminary budget shall set forth by detailed items or classes the estimated expenditures for the ensuing fiscal year, the appropriations for the fiscal year current at the time of preliminary budget preparation, and the expenditures for the last completed fiscal year. Each salary shall be set forth separately, together with the title or position of the recipient: PROVIDED, That in lieu thereof salaries may be set out in total amounts under each budget class (~~if a detailed schedule of such salaries and positions be attached to the budget and made a part thereof~~).

The estimated disbursements consistent with the provisions of RCW 28A.65-.170 for the ensuing fiscal year must not be greater than the total of the estimated cash receipts for the ensuing fiscal year, the probable net cash balance and investments at the close of the current fiscal year and the projected revenue from receivables collectible on future years approved by the superintendent of public instruction for inclusion in the preliminary budget.

Passed the House March 27, 1975.

Passed the Senate May 31, 1975.

Approved by the Governor June 16, 1975.

Filed in Office of Secretary of State June 19, 1975.

CHAPTER 203

[Substitute House Bill No. 479] JURORS—QUALIFICATIONS— CAUSES OF CHALLENGE

AN ACT Relating to the qualifications of jurors; amending section 1, chapter 57, Laws of 1911 as amended by section 3, chapter 292, Laws of 1971 ex. sess. and RCW 2.36.070; amending section 214, page 52, Laws of 1869 as last amended by section 210, Code of 1881 and RCW 4.44.160; and amending section 215, page 52, Laws of 1869 as last amended by section 211, Code of 1881 and RCW 4.44.170.

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

Section 1. Section 1, chapter 57, Laws of 1911 as amended by section 3, chapter 292, Laws of 1971 ex. sess. and RCW 2.36.070 are each amended to read as follows:

No person shall be competent to serve as a juror in the superior courts of the state of Washington unless he be

(1) an elector and taxpayer of the state,

(2) a resident of the county in which he is called for service for more than one year preceding such time,

(3) in full possession of his faculties and of sound mind: PROVIDED, That a person shall not be precluded from the list of prospective jurors because of loss of sight in any degree. Sound mind, as used in this section, shall mean the necessary mental process utilized in reasoning to a logical conclusion, and

(4) able to read and write the English language.

Sec. 2. Section 214, page 52, Laws of 1869 as last amended by section 210, Code of 1881 and RCW 4.44.160 are each amended to read as follows:

General causes of challenge are:

(1) A conviction for a felony.

(2) A want of any of the qualifications prescribed by law for a juror.

(3) Unsoundness of mind, or such defect in the faculties of the mind, or organs of the body, as renders him incapable of performing the duties of a juror in any action.

Sec. 3. Section 215, page 52, Laws of 1869 as last amended by section 211, Code of 1881 and RCW 4.44.170 are each amended to read as follows:

Particular causes of challenge are of ~~((two))~~ three kinds:

(1) For such a bias as when the existence of the facts is ascertained, in judgment of law disqualifies the juror, and which is known in this code as implied bias.

(2) For the existence of a state of mind on the part of the juror in reference to the action, or to either party, which satisfies the ~~((trier in the exercise of a sound discretion;))~~ court that ~~((he))~~ the challenged person cannot try the issue impartially and without prejudice to the substantial rights of the party challenging, and which is known in this code as actual bias.

(3) For the existence of a defect in the functions or organs of the body which satisfies the court that the challenged person is incapable of performing the duties of a juror in the particular action without prejudice to the substantial rights of the party challenging.

Passed the House March 19, 1975.

Passed the Senate May 28, 1975.

Approved by the Governor June 16, 1975.

Filed in Office of Secretary of State June 19, 1975.

CHAPTER 204

[House Bill No. 606]

LIQUOR LICENSE

PREMISES—EMPLOYEES—AGE

AN ACT Relating to alcoholic beverage control; and adding a new section to chapter 62, Laws of 1933 ex. sess. and to chapter 66.44 RCW.

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

NEW SECTION. Section 1. There is added to chapter 62, Laws of 1973 ex. sess. and to chapter 66.44 RCW a new section to read as follows:

Notwithstanding provisions of RCW 66.44.310, employees of Class A, C, D and/or H licensees 18 years of age and over may take orders for, serve and sell liquor in any part of the licensed premises except cocktail lounges, bars, or other areas classified by the Washington State Liquor Control Board as off-limits to persons under 21 years of age: PROVIDED, That such employees may enter such restricted areas for the following purposes: To pick up liquor for service in other parts of the licensed premises, to perform clean up work, to set up and arrange tables, and to deliver supplies; PROVIDED FURTHER, That such employees shall remain in the areas off-limits to minors no longer than is necessary to carry out their aforementioned duties; PROVIDED FURTHER, That such employees shall not be permitted to perform activities or functions of a bartender.

Passed the House April 23, 1975.

Passed the Senate May 29, 1975.

Approved by the Governor June 16, 1975.

Filed in Office of Secretary of State June 19, 1975.

CHAPTER 205

[House Bill No. 825]

DEFERRED COMPENSATION OF SCHOOL EMPLOYEES—LIMITATIONS

AN ACT Relating to school districts; and amending section 1, chapter 11, Laws of 1974 ex. sess. and RCW 28A.58.740.

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

Section 1. Section 1, chapter 11, Laws of 1974 ex. sess. and RCW 28A.58.740 are each amended to read as follows:

In addition to any other powers and duties, any school district may contract with any classified or certificated employee to defer a portion of that employee's income, which deferred portion shall in no event exceed ~~((twenty-five percent of such income))~~ the appropriate internal revenue service exclusion allowance for such plans, and shall subsequently with the consent of the employee, deposit or invest in a credit union, savings and loan association, bank, mutual savings bank, or purchase life insurance, shares of an investment company, or a fixed and/or variable annuity contract, for the purpose of funding a deferred compensation program for the employee, from any life underwriter or registered representative duly licensed by this state who represents an insurance company or an investment company licensed to contract business in this state. In no event shall the total investments or payments, and the employee's nondeferred income for any year exceed the total annual salary, or compensation under the existing salary schedule or classification plan applicable to such employee in such year. Any income deferred under such a plan shall continue to be included as regular compensation, for the purpose of computing the retirement and pension benefits earned by any

employee, but any sum so deducted shall not be included in the computation of any taxes withheld on behalf of any such employee.

Passed the House May 1, 1975.
Passed the Senate May 31, 1975.
Approved by the Governor June 16, 1975.
Filed in Office of Secretary of State June 19, 1975.

CHAPTER 206

[House Bill No. 1035]

STATE ENVIRONMENTAL POLICY—
STATEMENTS—THERMAL SITING

AN ACT Relating to state government; amending section 12, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.150; and declaring an emergency.

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

Section 1. Section 12, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C-.150 are each amended to read as follows:

The requirements of RCW 43.21C.030(2)(c) pertaining to the preparation of a detailed statement by branches of government shall not apply when an adequate detailed statement ((is)) has been previously prepared pursuant to the national environmental policy act of 1969, in which event said prepared statement may be utilized in lieu of a separately prepared statement under RCW 43.21C.030(2)(c)((~~PROVIDED, That this section shall not apply to actions of the thermal power plant site evaluation council or to thermal power plant sites subject to the thermal power plant siting council under chapter 45, Laws of 1970 ex. sess., as amended by chapter 110, Laws of 1974 1st ex. sess., and chapter 80.50 RCW as now or hereafter amended~~)).

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 1, 1975.
Passed the Senate May 31, 1975.
Approved by the Governor June 16, 1975.
Filed in Office of Secretary of State June 19, 1975.

CHAPTER 207

[House Bill No. 1051]

COMPENSATION FOR FISH AND
WILDLIFE LOSSES—DISPOSITION—
GAME SPECIAL WILDLIFE ACCOUNT

AN ACT Relating to compensation for fish and wildlife losses; amending section 77.12.320, chapter 36, Laws of 1955 as amended by section 1, chapter 67, Laws of 1974 ex. sess. and RCW 77.12.320; and adding a new section to chapter 77.12 RCW.

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

Section 1. Section 77.12.320, chapter 36, Laws of 1955 as amended by section 1, chapter 67, Laws of 1974 ex. sess. and RCW 77.12.320 are each amended to read as follows:

The commission may enter into agreements with persons, municipal subdivisions of this state, the United States, or any of its agencies or instrumentalities regarding all matters concerning propagation, protection and conservation of wild animals, wild birds and game fish and concerning hunting or fishing therefor.

The commission or the department may at any time on behalf of the state accept compensation for fish and wildlife losses or gifts or grants of personal property for use by the department: PROVIDED, That all compensation received heretofore or hereafter for fish and wildlife losses shall be deposited in the special wildlife account of the state game fund established in section 2 of this 1975 amendatory act. Any other moneys, when received by the commission or the department, shall currently be delivered to the state treasurer for deposit in the state game fund~~((: PROVIDED, That any compensation for fish and wildlife losses or gifts or grants of money received by the commission under conditions, limitations or restrictions may be retained or expended by the commission under any such provisions))~~.

NEW SECTION. Sec. 2. There is added to chapter 77.12 RCW a new section to read as follows:

(1) There is established in the state game fund an account to be known as the game special wildlife account. All moneys received pursuant to RCW 77.12.320 as now or hereafter amended as compensation for fish and wildlife losses shall be deposited in the game special wildlife account of the state game fund and shall be used only for purposes in support of RCW 77.12.010, 77.12.030, and 77.12.175.

(2) The commission may advise the state treasurer and the state finance committee of any surplus in the game special wildlife account above the current needs in support of game and wildlife. The state finance committee may invest and re-invest such surplus of said account as the commission or department deems appropriate, except as otherwise prohibited by law, in an investment authorized by RCW 43.84.150, or in securities issued by the United States government as defined by RCW 43.84.080(1) and 43.84.080(4), and all income received from such investments shall be deposited to the credit of the game special wildlife account in the state game fund.

Passed the House May 15, 1975.

Passed the Senate May 30, 1975.

Approved by the Governor June 16, 1975.

Filed in Office of Secretary of State June 19, 1975.

CHAPTER 208

[House Bill No. 733]

MUNICIPAL COLLECTION AND
DISPOSAL OF SOLID WASTE AND ITS
PROCESSING, CONVERSION AND SALE

AN ACT Relating to the collection and disposal of solid waste and its processing, conversion and sale; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35.92 RCW; and adding a new chapter to title 35 RCW.

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

NEW SECTION. Section 1. There is added to chapter 35.21 RCW a new section to read as follows:

A city or town may construct, condemn, purchase, acquire, add to, and extend systems and plants for the collection and disposal of solid waste and for its processing and conversion into other valuable or useful products with full jurisdiction and authority to manage, regulate, maintain, operate and control such systems and plants, and to enter into agreements providing for the maintenance and operation of systems and plants for the processing and conversion of solid waste and for the sale of said products under such terms and conditions as may be determined by the legislative authority of said city or town: PROVIDED HOWEVER, That no such solid waste processing and conversion plant now in existence or hereafter constructed may be condemned: PROVIDED FURTHER, That contracts relating to the processing and conversion of solid waste into valuable and useful products and the sale thereof shall take place only after receipt of competitive written offerings by such city or town subject to final approval by the legislative authority of such city or town; and be it further provided that after the award of such processing, conversion or sale contract all competitive offerings and other documentary material considered in connection therewith shall become matters of public record.

Agreements relating to systems and plants for the processing and conversion of solid wastes to useful products and agreements relating to sale of such products shall be in compliance with RCW 35.21.120 and shall be entered into only after public advertisement and evaluation of competitive offerings.

NEW SECTION. Sec. 2. There is added to chapter 35.92 RCW a new section to read as follows:

A city or town may construct, condemn, purchase, acquire, add to, and extend systems and plants for the collection and disposal of solid waste and for its processing and conversion into other valuable or useful products with full jurisdiction and authority to manage, regulate, maintain, operate and control such systems and plants, and to enter into agreements providing for the maintenance and operation of systems and plants for the processing and conversion of solid waste and for the sale of said products under such terms and conditions as may be determined by the legislative authority of said city or town: PROVIDED HOWEVER, That no such solid waste processing and conversion plant now in existence or hereafter constructed may be condemned: PROVIDED FURTHER, That contracts relating to the processing and conversion of solid waste into valuable and

useful products and the sale thereof shall take place only after receipt of competitive written offerings by such city or town subject to final approval by the legislative authority of such city or town: AND BE IT FURTHER PROVIDED, That after the award of such processing, conversion or sale contract all competitive offerings and other documentary material considered in connection therewith shall become matters of public record.

Agreements relating to systems and plants for the processing and conversion of solid wastes to useful products and agreements relating to sale of such products shall be in compliance with RCW 35.21.120 and shall be entered into only after public advertisement and evaluation of competitive offerings.

NEW SECTION. Sec. 3. There is added to title 35 RCW a new section to read as follows:

Nothing in this act will relieve a city of its obligations to comply with the requirements of RCW 70.95.

Passed the House May 30, 1975.

Passed the Senate May 23, 1975.

Approved by the Governor June 19, 1975.

Filed in Office of Secretary of State June 23, 1975.

CHAPTER 209

[Substitute House Bill No. 762]

WINTER RECREATIONAL PARKING

AN ACT Relating to winter recreational parking; adding new sections to chapter 43.51 RCW; adding new sections to chapter 46.61 RCW; defining crimes; and providing penalties.

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

NEW SECTION. Section 1. There is added to chapter 43.51 RCW a new section to read as follows:

In addition to its other powers, duties, and functions the state parks and recreation commission may:

(1) Plan, construct, and maintain suitable parking areas for winter recreational activities on lands administered or acquired by the commission or as authorized on lands administered by other public agencies by agreement;

(2) Provide and issue upon payment of the proper fee, with the assistance of such authorized agents as may be necessary for the convenience of the public, a permit to park in designated winter recreational area parking spaces;

(3) Administer the snow removal operations for all designated winter recreational area parking spaces; and

(4) Compile, publish, and distribute maps indicating such parking spaces and adjacent trails and areas suitable for winter recreational activities.

The commission may contract with any public or private agency for the actual conduct of such duties, but shall remain responsible for the proper administration thereof.

NEW SECTION. Sec. 2. There is added to chapter 43.51 RCW a new section to read as follows:

The fee for the issuance of the special winter recreational area parking permit for each winter season commencing on October 1st of each year shall be five dollars annually, unless the person making application therefor is also the owner of a snowmobile registered pursuant to chapter 46.10 RCW, in which case there shall be no fee for the issuance of the permit. All special winter recreational area parking permits shall expire on the last day of September following the issuance of such permit.

NEW SECTION. Sec. 3. There is added to chapter 43.51 RCW a new section to read as follows:

There is hereby created the winter recreational parking account in the general fund. All moneys from special winter recreational area parking permits shall be credited to such account and, after the costs of administration, shall be used for the planning, construction, publicity, and maintenance, including snow removal, of winter recreational parking areas and enforcement of laws and rules relating thereto.

The commission may accept gifts, grants, donations, or moneys from any source for deposit in the winter recreational parking account.

NEW SECTION. Sec. 4. There is added to chapter 43.51 RCW a new section to read as follows:

The commission may adopt rules and regulations prohibiting or restricting overnight parking at any special state winter recreational parking areas owned or administered by it. Where such special state winter recreational parking areas are administered by the commission pursuant to an agreement with other public agencies, such agreement may provide for prohibition or restriction of overnight parking.

NEW SECTION. Sec. 5. There is added to chapter 46.61 RCW a new section to read as follows:

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall park a vehicle in an area designated by an official sign that it is a winter recreational parking area unless such vehicle displays, in accordance with regulations adopted by the parks and recreation commission, a special winter recreational area parking permit.

NEW SECTION. Sec. 6. There is added to chapter 46.61 RCW a new section to read as follows:

Any violation of sections 4 or 5 of this act or any rule promulgated by the parks and recreation commission to enforce the provisions thereof shall be a misdemeanor.

NEW SECTION. Sec. 7. There is added to chapter 43.51 RCW a new section to read as follows:

The commission may adopt such rules as are necessary to implement and enforce sections 1 through 5 of this act after consultation with the advisory committee created pursuant to section 8 of this act.

NEW SECTION. Sec. 8. There is added to chapter 43.51 RCW a new section to read as follows:

The parks and recreation commission is hereby directed to form a winter recreation advisory committee to advise in the administration of sections 1 through 7 of this act. The advisory committee shall consist of nine persons representing all aspects of winter recreation activities.

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 House May 12, 1975.

Passed the Senate May 30, 1975.

Approved by the Governor June 18, 1975.

Filed in Office of Secretary of State June 23, 1975.

CHAPTER 210

[House Bill No. 144]

MOTOR VEHICLE ACCIDENTS— FAILURE TO STOP OR RENDER AID—LICENSE REVOCATION

AN ACT Relating to motor vehicle accidents; and amending section 46.52.020, chapter 12, Laws of 1961 as amended by section 53, chapter 32, Laws of 1967 and RCW 46.52.020.

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

Section 1. Section 46.52.020, chapter 12, Laws of 1961 as amended by section 53, chapter 32, Laws of 1967 and RCW 46.52.020 are each amended to read as follows:

(1) A driver of any vehicle involved in an accident resulting in the injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to, and in every event remain at, the scene of such accident until he has fulfilled the requirements of subdivision (3) of this section;

(2) The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to, and in any event shall remain at, the scene of such accident until he has fulfilled the requirements of subdivision (3) of this section;

(3) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and vehicle license number and shall exhibit his vehicle driver's license to any person struck or injured or the driver or any occupant of, or any person attending, any such vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person or on his behalf. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of the liability of any driver for such accident;

(4) Any person failing to stop or to comply with any of the requirements of subdivision (3) of this section under said circumstances shall, upon conviction, be punished by imprisonment for not less than thirty days nor more than one year or by a fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment: PROVIDED, That this provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith;

(5) ~~((Upon notice of conviction of any person under the provisions of this section, the vehicle driver's license of the person so convicted shall be revoked by the director.))~~ The license or permit to drive or any nonresident privilege to drive of any person convicted under this section or any local ordinance consisting of substantially the same language as this section of failure to stop and give information or render aid following an accident with any vehicle driven or attended by any person shall be revoked by the department.

Passed the House June 3, 1975.
Passed the Senate May 31, 1975.
Approved by the Governor June 20, 1975.
Filed in Office of Secretary of State June 23, 1975.

CHAPTER 211
[House Bill No. 578]
STATE FINANCIAL AID TO SCHOOL
DISTRICTS—PUPIL/TEACHER RATIO

AN ACT Relating to the distribution of state aid to school districts; and amending section 2, chapter 46, Laws of 1973 as last amended by section 1, chapter 4, Laws of 1973 2nd ex. sess. and RCW 28A.41.130; and prescribing an effective date.

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

Section 1. Section 2, chapter 46, Laws of 1973 as last amended by section 1, chapter 4, Laws of 1973 2nd ex. sess. and RCW 28A.41.130 are each amended to read as follows:

From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 to each school district of the state operating a program approved by the state board of education an amount which, when combined with the following revenues, will constitute an equal guarantee in dollars for each weighted pupil enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year may be ninety days as provided by RCW 28A.58.180:

(1) The receipts from the one percent tax on real estate transactions which may be imposed pursuant to chapter 28A.45 RCW: PROVIDED, That the funds otherwise distributable under this section to any school district in any county which does not impose a tax in the full amount authorized by chapter 28A.45 RCW shall be reduced by five percent; and

(2) One hundred percent of the receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090; and

(3) One hundred percent of the receipts from federal forest revenues distributed to school districts pursuant to RCW 36.33.110; and

(4) One hundred percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support.

Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of pupils per classroom teachers in grades kindergarten through three is not greater than the ratio of pupils per classroom teacher in grades four and above for such district: Provided, That for the purposes of this section, "classroom teacher" shall be defined as a certificated employee whose primary duty is the daily educational instruction of pupils: PROVIDED FURTHER, That the state board of education shall adopt rules and regulations to insure compliance with the pupil/teacher ratio provisions of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practicably meet the pupil/teacher ratio requirements of this section by virtue of a small number of pupils.

Notwithstanding any other provision of this chapter, the state shall guarantee to school districts an amount of money from state and local funds, not less than ninety-five percent of the average amount per enrolled student, excluding special levies, which any such district realized from state and local funds during the preceding three school years.

NEW SECTION Sec. 2. This act shall take effect July 1, 1976.

Passed the House March 28, 1975.

Passed the Senate June 3, 1975.

Approved by the Governor June 20, 1975.

Filed in Office of Secretary of State June 23, 1975.

CHAPTER 212

[House Bill No. 620]

STATE UNIVERSITY RETIREMENT PLANS—SURVIVING SPOUSE— SUPPLEMENTAL PAYMENT

AN ACT Relating to retirement plans of certain institutions of higher education; amending section 28B.10.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.400; and declaring an emergency.

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

Section 1. Section 28B.10.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.400 are each amended to read as follows:

The boards of regents of the state universities, the boards of trustees of the state colleges, and the state board for community college education are authorized and empowered:

(1) To assist the faculties and such other employees as any such board may designate in the purchase of old age annuities or retirement income plans under such rules and regulations as any such board may prescribe. County agricultural

agents, home demonstration agents, 4-H club agents, and assistant county agricultural agents paid jointly by the Washington State University and the several counties shall be deemed to be full time employees of the Washington State University for the purposes hereof;

(2) To provide, under such rules and regulations as any such board may prescribe for the faculty members or other employees under its supervision, for the retirement of any such faculty member or other employee on account of age or condition of health, retirement on account of age to be not earlier than the sixty-fifth birthday: PROVIDED, That such faculty member or such other employee may elect to retire at the earliest age specified for retirement by federal social security law: PROVIDED FURTHER, That any supplemental payment authorized by subsection (3) of this section and paid as a result of retirement earlier than age sixty-five shall be at an actuarially reduced rate;

(3) To pay to any such retired person or his surviving spouse, each year after his retirement, an amount which, when added to the amount of such annuity or retirement income plan received by him or his surviving spouse in such year, will not exceed fifty percent of the average annual salary paid to such retired person for his highest two consecutive years of full time service at an institution of higher education: PROVIDED, HOWEVER, That if such retired person prior to his retirement elected a supplemental payment survivors option, any such supplemental payments to such retired person or his surviving spouse shall be at actuarially reduced rates: PROVIDED FURTHER, That if a faculty member or other employee of the University of Washington or Washington State University who is a participant in a retirement plan authorized by this section dies, or has died before retirement but after becoming eligible for retirement on account of age, the surviving spouse shall be entitled to receive the supplemental payment authorized by this subsection (3) of this section to which such surviving spouse would have been entitled had said deceased faculty member or other employee retired on the date of death after electing a supplemental payment survivors option.

NEW SECTION. Sec. 2. This 1975 amendatory 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 8, 1975.

Passed the Senate June 3, 1975.

Approved by the Governor June 19, 1975.

Filed in Office of Secretary of State June 23, 1975.

CHAPTER 213

[House Bill No. 278]

STATE PURCHASE OF NURSING HOME CARE—REIMBURSEMENT FORMULA —INSPECTION AND EXAMINATION

AN ACT Relating to purchases of services, care and supplies; amending section 74.09.120, chapter 26, Laws of 1959 as amended by section 1, chapter 30, Laws of 1967 ex. sess. and RCW 74.09.120; and amending section 10, chapter 117, Laws of 1951 as amended by section 6, chapter 160, Laws of 1953 and RCW 18.51.090.

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

Section 1. Section 74.09.120, chapter 26, Laws of 1959 as amended by section 1, chapter 30, Laws of 1967 ex. sess. and RCW 74.09.120 are each amended to read as follows:

The department shall purchase necessary physician and dentist services by contract or "fee for service." The department shall purchase hospital care by contract or by all inclusive day rate, or at a reasonable cost based on a ratio of charges to cost. Any hospital when requested by the department shall supply such information as necessary to justify its rate, charges or costs. All additional services provided by the hospital shall be purchased at rates established by the department after consultation with the hospital. The department shall purchase nursing home care by contract ~~((or at not more than the minimum ward rate of each nursing home or infirmary. Any nursing home or infirmary when requested by the department shall supply such information as necessary to justify this rate. All additional services provided by the nursing home or infirmary shall be purchased at rates established by the department after consultation with the nursing home or infirmary)).~~ The department shall establish regulations for reasonable nursing home accounting and reimbursement systems which recognize relevant cost related factors for department of social and health services patients, including but not limited to the scope or level of services or care, requirements of staff, and physical plant, and a reasonable rate of return on investment; said formula shall provide that no payment shall be made to a nursing home which does not permit inspection by the department of social and health services of every part of its premises and an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the department deems relevant to the establishment of such a system.

All other services and supplies provided under the program shall be secured by contract.

Sec. 2. Section 10, chapter 117, Laws of 1951 as amended by section 6, chapter 160, Laws of 1953 and RCW 18.51.090 are each amended to read as follows:

The department or approved health department shall make or cause to be made at least a yearly inspection and investigation of all nursing homes. Every inspection may include an inspection of every part of the premises and an examination of all records ~~((other than financial records)),~~ methods of administration, the general and special dietary and the stores and methods of supply. Following such inspection or inspections, written notice of any violation of this law or the rules and regulations promulgated hereunder, shall be given the applicant or licensee and the department. The board may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the

department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

Passed the House March 14, 1975.

Passed the Senate June 7, 1975.

Approved by the Governor June 19, 1975.

Filed in Office of Secretary of State June 23, 1975.

CHAPTER 214

[Senate Bill No. 2114]

MUNICIPAL COURTS—JUDICIAL
OFFICERS—OFFICE OF HEARING EXAMINER

AN ACT Relating to municipal courts; and adding a new section to chapter 35.20 RCW.

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

NEW SECTION. Section 1. There is added to chapter 35.20 RCW a new section to read as follows:

The judges of the municipal court may employ judicial officers to assist in the administration of justice and the accomplishment of the work of the court as said work may be assigned to it by statute or ordinance. The duties and responsibilities of such officers shall be judicial in nature and shall be fixed by court rule as adopted by the municipal court judges or fixed by ordinance of the city. The mayor may appoint the judicial officers as judges pro tempore pursuant to RCW 35.20.200: PROVIDED, That the judicial officer need not be a resident of the city.

To utilize the services of such judicial officers for the purpose of hearing contested matters relating to the interest of the city and its citizens and the operation of the various departments of the city, the city may by ordinance create the office of hearing examiner in the municipal court and assign to it judicial duties and responsibilities.

Passed the Senate June 8, 1975.

Passed the House June 7, 1975.

Approved by the Governor June 19, 1975.

Filed in Office of Secretary of State June 23, 1975.

CHAPTER 215

[Engrossed Senate Bill No. 2348]

CITIES, TOWNS, AND COUNTIES—
PLANS FOR BICYCLE, PEDESTRIAN,
AND EQUESTRIAN EXPENDITURES

AN ACT Relating to transportation; amending section 35.77.010, chapter 7, Laws of 1965 as amended by section 27, chapter 83, Laws of 1967 ex. sess. and RCW 35.77.010; amending section 36.81-.121, chapter 4, Laws of 1963 as amended by section 26, chapter 83, Laws of 1967 ex. sess. and RCW 36.81.121.

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

Section 1. Section 35.77.010, chapter 7, Laws of 1965 as amended by section 27, chapter 83, Laws of 1967 ex. sess. and RCW 35.77.010 are each amended to read as follows:

(1) Prior to July 1, 1968, the legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive street program for the ensuing six calendar years and shall file the same with the director of highways not more than thirty days after its adoption. Annually thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city street needs. Based on these findings each such legislative body shall prepare and after public hearings thereon adopt a revised and extended comprehensive street program, and each one year extension and revision shall be filed with the director of highways not more than thirty days after its adoption. The purpose of this section shall be to assure that perpetually each city and town shall have available advanced plans, looking to the future for not less than six years as a guide in carrying out a coordinated street construction program. Such program may at any time be revised by a majority of the legislative body of a city or town, but only after a public hearing.

The six year program of each city lying within an urban area shall contain a separate section setting forth the six year program for arterial street construction based upon its long range construction plan and formulated in accordance with regulations of the urban arterial board. The six year program for arterial street construction shall be submitted to the urban arterial board forthwith after its annual revision and adoption by the legislative body of the city. The six year program for arterial street construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority may request for urban arterials only from the urban arterial trust account for the six year period. The arterial street construction program shall provide for a more rapid rate of completion of the long range construction needs of major arterial streets than for secondary and collector arterial streets, pursuant to regulations of the urban arterial board.

(2) On and after July 1, 1976 each six year program forwarded to the director in compliance with subsection (1) of this section shall contain information as to how a city or town will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycle, pedestrian, and equestrian purposes.

Sec. 2. Section 36.81.121, chapter 4, Laws of 1963 as amended by section 26, chapter 83, Laws of 1967 ex. sess. and RCW 36.81.121 are each amended to read as follows:

(1) Prior to July 1, 1968, the ((board of county commissioners)) the legislative authority of each county with the advice and assistance of the county road engineer, and pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive road program for the ensuing six calendar years and shall file the same with the director of highways not more than thirty days after its adoption by the ((board)) legislative authority. Annually thereafter each ((board)) legislative authority shall review the work accomplished under the program and determine current county road needs. Based on these findings each ((board)) legislative authority shall prepare and after public hearing thereon adopt a revised and extended comprehensive road program, and each one year extension and revision shall be filed with the director of highways not more than thirty days after its adoption by the ((board)) legislative authority. The purpose of this section shall be to assure that perpetually each county shall have available advanced plans,

looking to the future for not less than six years as a guide in carrying out a coordinated road construction program. Such program may at any time be revised by a majority of the ~~((board))~~ legislative authority but only after a public hearing thereon.

The six year program of each county having an urban area within its boundaries shall contain a separate section setting forth the six year program for arterial road construction based upon its long range construction plan and formulated in accordance with regulations of the urban arterial board. The six year program for arterial road construction shall be submitted to the urban arterial board forthwith after its annual revision and adoption by the ~~((board of county commissioners))~~ legislative authority of each county. The six year program for arterial road construction shall be based upon estimated revenues available for such construction together with such additional sums as the ~~((county commissioners))~~ legislative authority of each county may request for urban arterials only from the urban arterial trust account for the six year period. The arterial road construction program shall provide for a more rapid rate of completion of the long range construction needs of major arterial roads than for secondary and collector arterial roads, pursuant to regulations of the urban arterial board.

(2) On and after July 1, 1976 each six year program forwarded to the director in compliance with subsection (1) of this section shall contain information as to how a county will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycles, pedestrians, and equestrian purposes.

Passed the Senate June 8, 1975.

Passed the House June 7, 1975.

Approved by the Governor June 20, 1975.

Filed in Office of Secretary of State June 23, 1975.

CHAPTER 216

[Senate Bill No. 2609]

COUNTIES—REFERENCE ADOPTION OF CODES AND STATUTES

AN ACT Relating to counties; and amending section 36.32.120, chapter 4, Laws of 1963 as amended by section 1, chapter 59, Laws of 1967 ex. sess. and RCW 36.32.120.

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

Section 1. Section 36.32.120, chapter 4, Laws of 1963 as amended by section 1, chapter 59, Laws of 1967 ex. sess. and RCW 36.32.120 are each amended to read as follows:

The ~~((several boards of county commissioners))~~ legislative authorities of the several counties shall:

(1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferriage; grant grocery and other licenses authorized by law to be by them granted;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law: PROVIDED, That the ~~((board of county commissioners))~~ legislative authority of a county may permit all moneys, assessments and taxes belonging to or collected for the use of any county, including any amounts representing estimates for future assessments and taxes, to be deposited by any taxpayer prior to the due date thereof with the treasurer or other legal depository for the benefit of the funds to which they belong to be credited against any future tax or assessment that may be levied or become due from the taxpayer: PROVIDED FURTHER, That the taxpayer, with the concurrence of the ~~((board of county commissioners))~~ county legislative authority, may designate the particular fund against which such prepayment of future tax or assessment shall be credited;

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

(6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: PROVIDED, That except for Washington state statutes, there shall be filed in the county auditor's office three copies of such codes~~((;))~~ and compilations~~((; and/or statutes))~~ ten days prior to their adoption by reference, and one copy shall also be filed with the city clerk of each city within the county~~((; and shall provide that any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor))~~: PROVIDED FURTHER, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the ~~((board of county commissioners))~~ county legislative authority of which at least ten days' notice has been given. Any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor. The notice must set out a copy of the proposed regulations; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as justices of the peace.

Passed the Senate April 9, 1975.

Passed the House June 7, 1975.

Approved by the Governor June 19, 1975.

Filed in Office of Secretary of State June 23, 1975.

CHAPTER 217

[Engrossed Senate Bill No. 2623]

CHILD ABUSE AND NEGLECT

AN ACT Relating to child abuse and neglect; amending section 1, chapter 13, Laws of 1965 as amended by section 1, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.010; amending section 2, chapter 13, Laws of 1965 as amended by section 2, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.020; amending section 3, chapter 13, Laws of 1965 as last amended by section 1, chapter 167, Laws of 1971 ex. sess. and RCW 26.44.030; amending section 4, chapter 13, Laws of 1965 as last amended by section 2, chapter 167, Laws of 1971 ex. sess. and RCW 26.44.040; amending section 5, chapter 13, Laws of 1965 as last amended by section 15, chapter 302, Laws of 1971 ex. sess. and RCW 26.44.050; amending section 6, chapter 13, Laws of 1965 and RCW 26.44.060; amending section 6, chapter 35, Laws of 1969 ex. sess. as amended by section 1, chapter 46, Laws of 1972 ex. sess. and RCW 26.44.070; and adding new sections to chapter 26.44 RCW.

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

Section 1. Section 1, chapter 13, Laws of 1965 as amended by section 1, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.010 are each amended to read as follows:

~~((In order to protect children and the mentally retarded whose health and welfare may be adversely affected through the infliction, by other than accidental means, of death, physical injury and/or physical neglect, or sexual abuse,))~~ The Washington state legislature finds and declares: The bond between a child and his or her parent, custodian, or guardian is of paramount importance, and any intervention into the life of a child is also an intervention into the life of the parent, custodian, or guardian; however, instances of nonaccidental injury, neglect, death, sexual abuse and cruelty to children by their parents, custodians or guardians have occurred, and in the instance where a child or mentally retarded person is deprived of his or her right to conditions of minimal nurture, health, and safety, the state is justified in emergency intervention based upon verified information; and therefore the Washington state legislature hereby provides for the reporting of such cases to the appropriate public authorities. It is the intent of the legislature that, as a result of such reports, protective services shall be made available in an effort to prevent further abuses, and to safeguard ((and enhance)) the general welfare of such children: PROVIDED, That such reports shall be maintained and disseminated with strictest regard for the privacy of the subjects of such reports and so as to safeguard against arbitrary, malicious or erroneous information or actions: PROVIDED FURTHER, That this chapter shall not be construed to authorize interference with child-raising practices, including reasonable parental

discipline, which are not proved to be injurious to the child's health, welfare and safety.

Sec. 2. Section 2, chapter 13, Laws of 1965 as amended by section 2, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.020 are each amended to read as follows:

For the purpose of and as used in this chapter:

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice ~~((chiroprody))~~ podiatry, optometry, chiropractic, nursing, dentistry, osteopathy and surgery, or medicine and surgery. The term "practitioner" shall include a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a child who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a ~~((physically))~~ neglected child for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of ~~((public assistance [social and health services]))~~ social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age and shall also include any mentally retarded person regardless of age.

(7) "Professional school personnel" shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social worker" shall mean anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health ~~((or)),~~ welfare ((or)), support or education of children ~~((under the age of eighteen years)),~~ or providing social services to adults or families, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" shall mean any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergyman" shall mean any regularly licensed or ordained minister or any priest of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Child abuse or neglect" shall mean the injury, sexual abuse, or negligent treatment or maltreatment of a child by a person who is legally responsible for the child's welfare under circumstances which indicate that the child's health, welfare and safety is harmed thereby. An abused child is a child who has been subjected to child abuse or neglect as defined herein. "Negligent treatment or maltreatment" shall mean an act or omission which evinces a serious disregard of consequences

of such magnitude as to constitute a clear and present danger to the child's health, welfare and safety: PROVIDED, That this subsection shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare and safety.

(13) "Child protective services section" shall mean the child protective services section of the department.

Sec. 3. Section 3, chapter 13, Laws of 1965 as last amended by section 1, chapter 167, Laws of 1971 ex. sess. and RCW 26.44.030 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social worker, psychologist, pharmacist, ~~((clergyman,))~~ or employee of the department of social and health services has reasonable cause to believe that a child has ~~((died or has had physical injury or injuries inflicted upon him, other than by accidental means, or is found to be suffering from physical neglect, or sexual abuse))~~ suffered child abuse or neglect, he shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

~~(2) ((When a practitioner, professional school personnel, registered nurse, social worker, psychologist, pharmacist, clergyman, or employee of the department of social and health services is attending a child as part of his regular duties and has cause to believe that such child has died or has had physical injury or injuries inflicted upon him other than by accidental means, or who is found to be suffering from physical neglect, or sexual abuse, he shall notify the person in charge of the institution, organization, school, or the department or his designated representative, who shall report the incident or cause such reporting to be made as provided in RCW 26.44.040))~~ Any other person who has reasonable cause to believe that a child has suffered child abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040 as now or hereafter amended.

(3) The department or any law enforcement agency receiving a report of an incident of child abuse or neglect pursuant to this act, involving a child who has died or has had physical injury or injuries inflicted upon him other than by accidental means or who has been subjected to sexual abuse shall report such incident to the proper county prosecutor for appropriate action.

Sec. 4. Section 4, chapter 13, Laws of 1965 as last amended by section 2, chapter 167, Laws of 1971 ex. sess. and RCW 26.44.040 are each amended to read as follows:

An immediate oral report shall be made by telephone or otherwise to the proper law enforcement agency or the department of social and health services and, upon request, shall be followed by a report in writing. Such reports shall contain the following information, if known:

- (1) The name, address, and age of the child;
- (2) The name and address of the child's parents, stepparents, guardians, or other persons having custody of the child;
- (3) The nature and extent of the child's injury or injuries;
- (4) The nature and extent of the ~~((child's physical))~~ neglect of the child;

- (5) The nature and extent of the sexual abuse;
- (6) Any evidence of previous injuries, including their nature and extent; and
- (7) Any other information which may be helpful in establishing the cause of the child's death, injury, or injuries and the identity of the perpetrator or perpetrators.

Sec. 5. Section 5, chapter 13, Laws of 1965 as last amended by section 15, chapter 302, Laws of 1971 ex. sess. and RCW 26.44.050 are each amended to read as follows:

Upon the receipt of a report concerning the possible (~~(nonaccidental infliction of a physical injury upon a child or physical neglect, or sexual abuse)~~) occurrence of child abuse or neglect, it shall be the duty of the law enforcement agency or the department of social and health services to investigate and provide (~~(child welfare services)~~) the child protective services section with a report in accordance with the provision of chapter 74.13 RCW, and where necessary to refer such report to the court. Notwithstanding the provisions of RCW 13.04.130 as now or hereafter amended, the law enforcement agency or the department of social and health services investigating such a report is hereby authorized to photograph such a child for the purpose of providing documentary evidence of the physical condition of the child at the time the child was taken into custody.

Sec. 6. Section 6, chapter 13, Laws of 1965 and RCW 26.44.060 are each amended to read as follows:

~~((Any person participating in the making of a report pursuant to this chapter or participating in a judicial proceeding resulting therefrom shall in so doing be immune from any civil liability that might otherwise be incurred or imposed. That the provisions of this chapter heretofore provided shall not be deemed violation of the patient-physician relationship or confidence.))~~ (1) Any person participating in good faith in the making of a report pursuant to this chapter or testifying as to alleged child abuse or neglect in a judicial proceeding shall in so doing be immune from any liability arising out of such reporting or testifying under any law of this state or its political subdivisions.

(2) An administrator of a hospital or similar institution or any physician licensed pursuant to chapters 18.71 or 18.57 RCW taking a child into custody pursuant to section 9 of this amendatory act shall not be subject to criminal or civil liability for such taking into custody.

(3) Conduct conforming with the reporting requirements of this chapter shall not be deemed a violation of the confidential communication privilege of RCW 5.60.060 (3) and (4) and 18.83.110. Nothing in this chapter shall be construed as to supersede or abridge remedies provided in chapter 4.92 RCW.

Sec. 7. Section 6, chapter 35, Laws of 1969 ex. sess. as amended by section 1, chapter 46, Laws of 1972 ex. sess. and RCW 26.44.070 are each amended to read as follows:

The department shall maintain a central registry of reported cases of child abuse and shall adopt such rules and regulations as necessary in carrying out the provisions of this section. Records in the central registry shall be considered confidential and privileged and will not be available except upon court order to any person or agency except (1) law enforcement agencies as defined in this chapter

~~((and, to those professionals, defined by rules and regulations, who might be treating the child and/or family; provided, that such law enforcement agencies and professionals))~~ in the course of an investigation of alleged child abuse or neglect; (2) to child protective services workers or juvenile court personnel who are investigating reported incidences of child abuse or neglect; (3) physicians who are treating the child or family; (4) any child named in the registry who is alleged to be abused or neglected, or his or her guardian ad litem and/or attorney; (5) a parent, guardian, or other person legally responsible for the welfare and safety of the child named in the registry; (6) any person engaged in a bona fide research purpose, as determined by the department, according to rules and regulations, provided that information identifying the persons of the registry shall remain privileged; and (7) any individual whose name appears on the registry shall have access to his own records. Those persons or agencies exempted by this section from the confidentiality of the records of the registry shall not further disseminate or release such information so provided to them and shall respect the confidentiality of such information, and any violation of this section shall constitute a misdemeanor.

NEW SECTION. Sec. 8. There is added to chapter 26.44 RCW a new section to read as follows:

(1) In any judicial proceeding in which it is alleged that a child has been subjected to child abuse or neglect the court shall appoint a guardian ad litem for the child: **PROVIDED**, That the requirement of a guardian ad litem shall be deemed satisfied if the child is represented by counsel in the proceedings.

(2) At any time prior to or during a hearing in such a case, when the court finds upon clear, cogent and convincing evidence that an incident of child abuse or neglect has occurred, the court may, on its own motion, or the motion of the guardian ad litem, or other parties, order the examination by a physician, psychologist or psychiatrist, of any parent or child or other person having custody of the child at the time of the alleged child abuse or neglect, if the court finds such an examination is necessary to the proper determination of the case. The hearing may be continued pending the completion of such examination. The physician, psychologist or psychiatrist conducting such an examination may be required to testify in the dispositional hearing concerning the results of such examination and may be asked to give his opinion as to whether the protection of the child requires that he not be returned to the custody of his parents or other persons having custody of him at the time of the alleged child abuse or neglect. Persons so testifying shall be subject to cross-examination as are other witnesses. No testimony given at any such examination of the parent or any other person having custody of the child may be used against such person in any subsequent criminal proceedings against such person or custodian concerning the abuse or neglect of the child.

(3) A parent or other person having legal custody of a child alleged to be a child subjected to abuse or neglect shall be a party to any proceeding that may as a practical matter impair or impede such person's interest in custody or control of his or her child.

NEW SECTION. Sec. 9. There is added to chapter 26.44 RCW a new section to read as follows:

An administrator of a hospital or similar institution or any physician, licensed pursuant to chapters 18.71 or 18.57 RCW, may detain a child without consent of a person legally responsible for the child whether or not medical treatment is required, if the circumstances or conditions of the child are such that the detaining individual has reasonable cause to believe that permitting the child to continue in his or her place of residence or in the care and custody of the parent, guardian, custodian or other person legally responsible for the child's care would present an imminent danger to that child's safety: PROVIDED, That such administrator or physician shall immediately notify or cause to be notified the appropriate law enforcement agency or juvenile court officer pursuant to section 4 of this amendatory act and request immediate transfer of custody. Such temporary protective custody by an administrator or doctor shall not be deemed an arrest and shall continue only until supervisory custody is assumed by the appropriate law enforcement agency or juvenile court.

NEW SECTION. Sec. 10. If any provision of this 1975 amendatory 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 June 7, 1975.

Passed the House June 3, 1975.

Approved by the Governor June 19, 1975.

Filed in Office of Secretary of State June 23, 1975.

CHAPTER 218

[Engrossed Substitute Senate Bill No. 2808]

MUNICIPAL RESEARCH COUNCIL—COMPOSITION

AN ACT Relating to the municipal research council; and amending section 2, chapter 108, Laws of 1969 and RCW 43.110.010.

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

Section 1. Section 2, chapter 108, Laws of 1969 and RCW 43.110.010 are each amended to read as follows:

There shall be a state agency which shall be known as the municipal research council. The council shall be composed of ~~((twelve))~~ eighteen members. ~~((Two))~~ Four members shall be appointed by the president of the senate, ~~((one))~~ with equal representation from each of the two major political parties; ~~((two))~~ four members shall be appointed by the speaker of the house of representatives, ~~((one))~~ with equal representation from each of the two major political parties; one member shall be appointed by the governor, and the other ~~((seven))~~ nine members, who shall be city officials, shall be appointed by the board of directors of the Association of Washington Cities. Of the members appointed by the association, at least one shall be an official of a city having a population of twenty thousand or more; at least one shall be an official of a city having a population of one thousand five hundred to twenty thousand; and at least one shall be an official of a town having a population of less than one thousand five hundred.

No members shall be appointed by the speaker of the house of representatives until the second Monday in January, 1971, and no members shall be appointed by the president of the senate until the second Monday in January, 1973. In the meantime the governor shall appoint two additional members, one from each of the two major political parties, and the municipal research council shall consist of ten members only during such interim period until January, 1971.

The terms of members shall be for two years and shall not be dependent upon continuance in legislative or city office. Vacancies shall be filled in the same manner as original appointments were made. The first members shall be appointed on or before July 31, 1969, and shall take office August 1, 1969. The terms of all members except legislative members shall commence on the first day of August in every odd-numbered year. The speaker of the house of representatives and the president of the senate shall make their appointments on or before the third Monday in January in each odd-numbered year, and the terms of the members thus appointed shall commence on the third Monday of January in each odd-numbered year. The terms of the two interim members appointed by the governor shall expire on the third Monday of January in each odd-numbered year until January, 1973, when they shall not be renewed. Certificates of appointment of all members shall be filed in the offices of the association within ten days after the appointments are made. The initial meeting of the council shall be held on or before September 1, 1969, and shall be called by the member who is an official of a city having a population of at least twenty thousand who shall act as a temporary chairman. At such first meeting, the council shall elect a chairman and a vice chairman and appoint a secretary.

Council members shall receive no compensation but shall be reimbursed from the municipal research account for travel expense and subsistence at rates provided by law for state officials generally: PROVIDED, That members of the council who are also members of the legislature shall be reimbursed from such account at the rates provided by RCW 44.04.120. None of the funds derived herein from motor vehicle excise taxes shall be used for any other expenses of the council.

Passed the Senate May 2, 1975.

Passed the House June 8, 1975.

Approved by the Governor June 19, 1975.

Filed in Office of Secretary of State June 23, 1975.

CHAPTER 219

[House Bill No. 154]

CHARITABLE SOLICITATIONS— FINANCIAL STATEMENTS

AN ACT Relating to charitable solicitations; and amending section 21, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.210.

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

Section 1. Section 21, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09-.210 are each amended to read as follows:

(a) Within ninety days following the close of its fiscal year every charitable organization which is required to file a registration statement under RCW 19.09-.060 and which has received contributions during the previous fiscal year shall file with the director a financial statement(~~(, verified by an independent public accountant,))~~) containing, but not limited to, the following information:

(1) The gross amount of the contributions pledged and the gross amount collected.

(2) The amount thereof, given or to be given to charitable purposes represented together with details as to the manner of distribution as may be required either by general rule or by specific written request of the director.

(3) The aggregate amount paid and to be paid for the expenses of such solicitation.

(4) The amounts paid to and to be paid to professional fund raisers and solicitors.

(5) Copies of any annual or periodic reports furnished by the charitable organization, of its activities during or for the same fiscal period, to its parent organization, subsidiaries, or affiliates, if any.

(b) The director may prescribe such forms as may be necessary or convenient for the furnishing of such information. In addition, the director may require that within thirty days after the close of any special period of solicitation the charitable organization conducting such solicitation shall file a special report containing the information specified in this section for such special period of solicitation.

Passed the House June 6, 1975.

Passed the Senate May 31, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 220

[House Bill No. 174]

CITIES AND TOWNS—CORPORATE BOUNDARIES

AN ACT Relating to cities and towns; amending section 35.02.070, chapter 7, Laws of 1965 and RCW 35.02.070; amending section 35.03.030, chapter 7, Laws of 1965 as amended by section 3, chapter 270, Laws of 1969 ex. sess. and RCW 35.03.030; amending section 35.04.060, chapter 7, Laws of 1965 and RCW 35.04.060; amending section 35.13.015, chapter 7, Laws of 1965 as last amended by section 2, chapter 164, Laws of 1973 1st ex. sess. and RCW 35.13.015; amending section 35.13.030, chapter 7, Laws of 1965 as last amended by section 9, chapter 73, Laws of 1967 and RCW 35.13.030; amending section 35.13.130, chapter 7, Laws of 1965 as last amended by section 12, chapter 164, Laws of 1973 1st ex. sess. and RCW 35.13.130; amending section 35.13-.150, chapter 7, Laws of 1965 and RCW 35.13.150; amending section 15, chapter 189, Laws of 1967 as amended by section 8, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.150; amending section 35A.03.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.03.070; amending section 35A.04.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.04.070; amending section 35A.14-.015, chapter 119, Laws of 1967 ex. sess. as amended by section 10, chapter 251, Laws of 1971 ex. sess. and RCW 35A.14.015; amending section 35A.14.050, chapter 119, Laws of 1967 ex. sess. as amended by section 7, chapter 251, Laws of 1971 ex. sess. and RCW 35A.14.050; amending section 35A.14.140, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.140; adding a new section to chapter 7, Laws of 1965 and to chapter 35.21 RCW; adding a new section to chapter 119, Laws of 1967 ex. sess. and to chapter 35A.03 RCW; and adding a new section to chapter 7, Laws of 1965 and to chapter 35A.21 RCW.

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

NEW SECTION. Section 1. The legislature finds that the use of centerlines of public streets, roads and highways as boundaries of incorporated cities and towns has resulted in divided jurisdiction over such public ways causing inefficiencies and waste in their construction, improvement and maintenance and impairing effective traffic law enforcement. It is the intent of this act to preclude the use of highway centerlines as corporate boundaries in the future and to encourage counties and cities and towns by agreement to revise existing highway centerline boundaries to coincide with highway right of way lines.

NEW SECTION. Sec. 2. There is added to chapter 7, Laws of 1965 and to chapter 35.02 RCW a new section to read as follows:

After the effective date of this 1975 amendatory act, centerlines of public streets, roads or highways shall not be used to define any part of a boundary of a city or town in an incorporation or annexation proceeding. The right of way line of any public street, road or highway, or any segment thereof, may be used to define a part of a corporate boundary in an incorporation or annexation proceeding.

Sec. 3. Section 35.02.070, chapter 7, Laws of 1965 and RCW 35.02.070 are each amended to read as follows:

Upon final hearing on a petition for incorporation the board shall, subject to section 2 of this amendatory act, establish and define the boundaries of the proposed city or town, being authorized to decrease but not increase the area proposed in the petition and any such decrease shall not exceed twenty percent of the area proposed; it must also determine the number of inhabitants within the boundaries it has established: PROVIDED, That the area shall not be so decreased that the number of inhabitants therein shall be less than required by RCW 35.02.010 as now or hereafter amended.

Sec. 4. Section 35.03.030, chapter 7, Laws of 1965 as amended by section 3, chapter 270, Laws of 1969 ex. sess. and RCW 35.03.030 are each amended to read as follows:

If no boundary review board has jurisdiction over a proposed incorporation under RCW 35.03.005 through 35.03.050 or such a board's jurisdiction is not invoked within the sixty day period prescribed in RCW 36.93.100, the board of county commissioners shall by resolution, subject to section 2 of this amendatory act, establish and define the boundaries of such corporation, establish and find the number of inhabitants residing therein and state the name of the proposed corporation as specified in the petition for incorporation. Within ninety days after the passage of said resolution or the filing of the decision of approval or modification of the boundary review board with the board of county commissioners, the board of county commissioners shall cause an election to be called and held within the boundaries so established, said election to be conducted in the manner required for the calling of a special election in Title 29 RCW, as now or hereafter amended, except as otherwise provided in this chapter, for the purpose of determining whether such boundaries so established shall be incorporated and of electing fifteen freeholders, who shall have been residents within said boundaries for a period of at least two years preceding their election and qualified electors of the county, for the purpose of framing a charter for said city. Any qualified person may, not earlier than sixty days nor later than thirty days prior to such election,

file with the county auditor of said county his declaration of candidacy in writing. The form of ballot at such election shall be "for incorporation," "against incorporation"; and shall contain the names of the candidates for the office of freeholder to be voted upon to frame said charter. No person shall be entitled to vote at such election unless he shall be a qualified elector of said county and shall have resided within the limits of such proposed corporation for at least thirty days next preceding such election.

Sec. 5. Section 35.04.060, chapter 7, Laws of 1965 and RCW 35.04.060 are each amended to read as follows:

The hearing provided for in RCW 35.04.050 shall be held jointly by all the respective boards of county commissioners under the direction of the principal board of county commissioners. The hearing may be adjourned from time to time not to exceed two months in all. If upon final hearing the respective boards find that any land has been unjustly or improperly included within or excluded from the proposed corporation, the respective boards may change and fix the boundary lines of the portion of the proposed corporation within their respective counties in such a manner as they deem reasonable and just and conducive to the public welfare and convenience, and each such board shall, subject to section 2 of this amendatory act, thereupon enter an order establishing and defining the boundary lines of the proposed corporation within its respective county: PROVIDED, That when any part of the area to be incorporated lies within five miles of any city having a population of fifteen thousand or more and in a class AA or A county, the area shall not be so decreased that the number of inhabitants therein shall be less than three thousand. No land shall be so included within the boundaries described in the petition unless each board of county commissioners of that county in which the area sought to be included is located first obtains the written assent of not less than a number of qualified voters resident within each area to be included in the proposed corporation equal in number to twenty percent of the votes cast at the last state election. Each board of county commissioners shall for the area within its respective county, promptly after the final hearing, by order establish and define the boundaries of the proposed corporation, determine the number of inhabitants residing therein and state the name of the proposed corporation: PROVIDED, That for the action required after the final hearing, the boards may act jointly but in such case a majority of each board must vote favorably on such final action and the order shall be entered in the minutes of each board.

Sec. 6. Section 35.13.015, chapter 7, Laws of 1965 as last amended by section 2, chapter 164, Laws of 1973 1st ex. sess. and RCW 35.13.015 are each amended to read as follows:

In addition to the method prescribed by RCW 35.13.020 for the commencement of annexation proceedings, the legislative body of any city or town may, whenever it shall determine by resolution that the best interests and general welfare of such city or town would be served by the annexation of unincorporated territory contiguous to such city or town, file a certified copy of the resolution with the board of county commissioners of the county in which said territory is located. The resolution of the city or town initiating such election shall, subject to

section 2 of this amendatory act, describe the boundaries of the area to be annexed, as nearly as may be state the number of voters residing therein, pray for the calling of an election to be held among the qualified voters therein upon the question of annexation, and provide that said city or town will pay the cost of the annexation election. The resolution may require that there also be submitted to the electorate of the territory sought to be annexed a proposition that all property within the area annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for all or any portion of the then outstanding indebtedness of the city or town to which said area is annexed, approved by the voters, contracted, or incurred prior to, or existing at, the date of annexation. Whenever a city or town has prepared and filed a comprehensive plan for the area to be annexed as provided for in RCW 35.13.177 and 35.13.178, the resolution initiating the election may also provide for the simultaneous adoption of the comprehensive plan upon approval of annexation by the electorate of the area to be annexed. The resolution initiating the election may also provide for the simultaneous creation of a community municipal corporation and election of community council members as provided for in RCW 35.14.010 through 35.14.060 upon approval of annexation by the electorate of the area to be annexed. In cities under the optional municipal code the resolution initiating the election may also provide for the simultaneous inclusion of the annexed area into a named existing community municipal corporation. The proposition for the creation of a community municipal corporation may be submitted as part of the annexation proposition or may be submitted as a separate proposition. The proposition for inclusion within a named existing community municipal corporation shall be submitted as part of the annexation proposition.

Sec. 7. Section 35.13.030, chapter 7, Laws of 1965 as last amended by section 9, chapter 73, Laws of 1967 and RCW 35.13.030 are each amended to read as follows:

A petition filed with the county commissioners to call an annexation election shall, subject to section 2 of this amendatory act, particularly describe the boundaries of the area proposed to be annexed, state the number of voters residing therein as nearly as may be, state the provisions, if any there be, relating to assumption of debt by the owners of property of the area proposed to be annexed, and/or the simultaneous adoption of a comprehensive plan for the area proposed to be annexed, and shall pray for the calling of an election to be held among the qualified voters therein upon the question of annexation. If the petition also provides for the creation of a community municipal corporation and election of community council members, the petition shall also describe the boundaries of the proposed service area, state the number of voters residing therein as nearly as may be, and pray for the election of community council members by the qualified voters residing in the service area.

Sec. 8. Section 35.13.130, chapter 7, Laws of 1965 as last amended by section 12, chapter 164, Laws of 1973 1st ex. sess. and RCW 35.13.130 are each amended to read as follows:

A petition for annexation of an area contiguous to a city or town may be made in writing addressed to and filed with the legislative body of the municipality to which annexation is desired. Except where all the property sought to be annexed is property of a school district, and the school directors thereof file the petition for annexation as in RCW 28A.58.044 authorized, the petition must be signed by the owners of not less than seventy-five percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned. The petition shall set forth a description of the property according to government legal subdivisions or legal plats which is in compliance with section 2 of this amendatory act, and shall be accompanied by a plat which outlines the boundaries of the property sought to be annexed. If the legislative body has required the assumption of all or of any portion of city or town indebtedness by the area annexed, and/or the adoption of a comprehensive plan for the area to be annexed, these facts, together with a quotation of the minute entry of such requirement or requirements shall be set forth in the petition.

Sec. 9. Section 35.13.150, chapter 7, Laws of 1965 and RCW 35.13.150 are each amended to read as follows:

Following the hearing, the council or commission shall determine by ordinance whether annexation shall be made. Subject to section 2 of this amendatory act, they may annex all or any portion of the proposed area but may not include in the annexation any property not described in the petition. Upon passage of the ordinance a certified copy shall be filed with the board of county commissioners of the county in which the annexed property is located.

Sec. 10. Section 15, chapter 189, Laws of 1967 as amended by section 8, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.150 are each amended to read as follows:

The board, upon review of any proposed action, shall take such of the following actions as it deems necessary to best carry out the intent of this chapter:

- (1) Approval of the proposal as submitted;
- (2) Subject to section 2 of this amendatory act, modification of the proposal by adjusting boundaries to add or delete territory: PROVIDED, That any proposal for annexation by the board shall be subject to RCW 35.21.010 and shall not add additional territory, the amount of which is greater than that included in the original proposal;
- (3) Determination of a division of assets and liabilities between two or more governmental units where relevant;
- (4) Determination whether, or the extent to which, functions of a special purpose district are to be assumed by an incorporated city or town, metropolitan municipal corporation, or another existing special purpose district; or
- (5) Disapproval of the proposal except that the board shall not have jurisdiction to disapprove the dissolution or disincorporation of a special purpose district which is not providing services but shall have jurisdiction over the determination of a division of the assets and liabilities of a dissolved or disincorporated special purpose district.

Unless the board shall disapprove a proposal, it shall be presented under the appropriate statute for approval of a public body and, if required, a vote of the

people. A proposal that has been modified shall be presented under the appropriate statute for approval of a public body and if required, a vote of the people. If a proposal after modification does not contain enough signatures of persons within the modified area, as are required by law, then the initiating party, parties or governmental unit has thirty days after the modification decision to secure enough signatures to satisfy the legal requirement. If the signatures cannot be secured then the proposal may be submitted to a vote of the people, as required by law.

When the board, after due proceedings held, disapproves a proposed action, such proposed action shall be unavailable, the proposing agency shall be without power to initiate the same or substantially the same as determined by the board, and any succeeding acts intended to or tending to effectuate that action shall be void, but such action may be reinitiated after a period of twelve months from date of disapproval and shall again be subject to the same consideration.

NEW SECTION. Sec. 11. There is added to chapter 119, Laws of 1967 ex. sess. and to chapter 35A.03 RCW a new section to read as follows:

After the effective date of this amendatory act, centerlines of public streets, roads or highways shall not be used to define any part of a boundary of a city or town in an incorporation or annexation proceeding. The right of way line of any public street, road or highway, or any segment thereof, may be used to define a part of a corporate boundary in an incorporation or annexation proceeding.

Sec. 12. Section 35A.03.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.03.070 are each amended to read as follows:

Within five days after the final hearing on a petition for incorporation the board shall, subject to section 11 of this amendatory act, establish and define the boundaries of the proposed noncharter code city, being authorized to decrease, but not increase, the area proposed in the petition when it appears to the board that a change in the boundaries set by the petition would be in the best interests of all the inhabitants of the proposed area, based on the considerations set forth in RCW 35A.03.060. Any such decrease shall not exceed twenty percent of the area proposed. The board must also determine the number of inhabitants within the boundaries so established: PROVIDED, That the area shall not be so decreased that the number of inhabitants therein shall be less than required by RCW 35A.03.010 as now or hereafter amended.

Sec. 13. Section 35A.04.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.04.070 are each amended to read as follows:

If upon final hearing the respective boards find that any land within their respective counties has been unjustly or improperly included within or excluded from the proposed corporation, based on the considerations stated in RCW 35A.04.060, the respective boards may change and fix the boundary lines of the portion of the proposed corporation within their respective counties in such a manner as they deem reasonable and just and conducive to the public welfare and convenience: PROVIDED, That when any part of the area to be incorporated lies within five miles of any city having a population of fifteen thousand or more, the area shall not be so decreased that the number of inhabitants therein shall be less than five thousand. No land shall be so included within the boundaries described in the petition unless each board of county commissioners of that county in which

the area sought to be included is located first obtains the written assent of a number of qualified voters resident within each area to be included in the proposed corporation equal in number to not less than twenty percent of the votes cast in that area at the last state election. Within five days after the final hearing each board of county commissioners shall, for the area within its respective county, by order establish and define the boundaries of the proposed corporation consistent with section 11 of this amendatory act, determine the number of inhabitants residing therein and affirm the name of the proposed corporation: **PROVIDED**, That for the action required after the final hearing, the boards may act jointly but in such case a majority of each board must vote favorably on such final action and the order shall be entered in the minutes of each board.

Sec. 14. Section 35A.14.015, chapter 119, Laws of 1967 ex. sess. as amended by section 10, chapter 251, Laws of 1971 ex. sess. and RCW 35A.14.015 are each amended to read as follows:

When the legislative body of a charter code city or noncharter code city shall determine that the best interests and general welfare of such city would be served by the annexation of unincorporated territory contiguous to such city, such legislative body may, by resolution, call for an election to be held to submit to the voters of such territory the proposal for annexation. The resolution shall, subject to section 11 of this amendatory act, describe the boundaries of the area to be annexed, state the number of voters residing therein as nearly as may be, and shall provide that said city will pay the cost of the annexation election. The resolution may require that there also be submitted to the electorate of the territory sought to be annexed a proposition that all property within the area annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property of such annexing city is assessed and taxed to pay for any then outstanding indebtedness of the city to which said area is annexed, contracted prior to, or existing at, the date of annexation. Whenever such city has prepared and filed a proposed zoning regulation for the area to be annexed as provided for in RCW 35A.14.330 and 35A.14.340, the resolution initiating the election may also provide for the simultaneous adoption of the proposed zoning regulation upon approval of annexation by the electorate of the area to be annexed. A certified copy of the resolution shall be filed with the board of county commissioners of the county in which said territory is located. A certified copy of the resolution shall be filed with the boundary review board as provided for in chapter 189, Laws of 1967 [chapter 36.93 RCW] or the county annexation review board established by RCW 35A.14.200, unless such annexation proposal is within the provisions of RCW 35A.14.220.

Sec. 15. Section 35A.14.050, chapter 119, Laws of 1967 ex. sess. as amended by section 7, chapter 251, Laws of 1971 ex. sess. and RCW 35A.14.050 are each amended to read as follows:

After consideration of the proposed annexation as provided in RCW 35A.14.200, the county annexation review board, within thirty days after the final day of hearing, shall take one of the following actions:

- (1) Approval of the proposal as submitted.
- (2) Subject to section 11 of this 1975 amendatory act, modification of the proposal by adjusting boundaries to include or exclude territory; except that any such

inclusion of territory shall not increase the total area of territory proposed for annexation by an amount exceeding the original proposal by more than five percent: PROVIDED, That the county annexation review board shall not adjust boundaries to include territory not included in the original proposal without first affording to residents and property owners of the area affected by such adjustment of boundaries an opportunity to be heard as to the proposal.

(3) Disapproval of the proposal.

The written decision of the county annexation review board shall be filed with the board of county commissioners and with the legislative body of the city concerned. If the annexation proposal is modified by the county annexation review board, such modification shall be fully set forth in the written decision. If the decision of the boundary review board or the county annexation review board is favorable to the annexation proposal, or the proposal as modified by the review board, the board of county commissioners, at its next regular meeting if to be held within thirty days after receipt of the decision of the boundary review board or the county annexation review board, or at a special meeting to be held within that period, shall set a date for submission of such annexation proposal, with any modifications made by the review board, to the voters of the territory proposed to be annexed. The question shall be submitted at a general election if one is to be held within ninety days, or at a special election called for that purpose not less than forty-five days nor more than ninety days after the filing of the decision of the review board with the board of county commissioners. If the boundary review board or the county annexation review board disapproves the annexation proposal, no further action shall be taken thereon, and no proposal for annexation of the same territory, or substantially the same as determined by the board, shall be initiated or considered for twelve months thereafter.

Sec. 16. Section 35A.14.140, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.140 are each amended to read as follows:

Following the hearing, if the legislative body determines to effect the annexation, they shall do so by ordinance. Subject to section 11 of this 1975 amendatory act, the ordinance may annex all or any portion of the proposed area but may not include in the annexation any property not described in the petition. Upon passage of the annexation ordinance a certified copy shall be filed with the board of county commissioners of the county in which the annexed property is located.

NEW SECTION. Sec. 17. There is added to chapter 7, Laws of 1965 and to chapter 35.21 RCW a new section to read as follows:

(1) The governing bodies of a county and any city or town located therein may by agreement revise any part of the corporate boundary of the city or town which coincides with the centerline of a public street, road or highway by substituting therefor a right of way line of the same public street, road or highway so as fully to include or fully to exclude that segment of the public street, road or highway from the corporate limits of the city or town.

(2) The revision of a corporate boundary as authorized by this section shall become effective when approved by ordinance of the city or town council or commission and by ordinance or resolution of the board of county commissioners or county council.

NEW SECTION. Sec. 18. There is added to chapter 7, Laws of 1965 and to chapter 35A.21 RCW a new section to read as follows:

(1) The governing bodies of a county and any city or town located therein may by agreement revise any part of the corporate boundary of the city or town which coincides with the centerline of a public street, road or highway by substituting therefor a right of way line of the same public street, road or highway so as fully to include or fully to exclude that segment of the public street, road or highway from the corporate limits of the city or town.

(2) The revision of a corporate boundary as authorized by this section shall become effective when approved by ordinance of the city or town council or commission and by ordinance or resolution of the board of county commissioners or county council.

Passed the House March 24, 1975.

Passed the Senate June 7, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 221

[Substitute House Bill No. 207]

CITIES—OFF-STREET PARKING

AN ACT Relating to off-street parking; amending section 35.86.010, chapter 7, Laws of 1965 as amended by section 13, chapter 144, Laws of 1967 ex. sess. and RCW 35.86.010; amending section 35.86.040, chapter 7, Laws of 1965 as amended by section 13, chapter 204, Laws of 1969 ex. sess. and RCW 35.86.040; amending section 7, chapter 204, Laws of 1969 ex. sess. and RCW 35.86A.070; creating new sections; and amending section 12, chapter 204, Laws of 1969 ex. sess. and RCW 35.86A.120.

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

Section 1. Section 35.86.010, chapter 7, Laws of 1965 as amended by section 13, chapter 144, Laws of 1967 ex. sess. and RCW 35.86.010 are each amended to read as follows:

Cities of the first, second, and third classes are authorized to provide off-street parking space and facilities ~~((for motor vehicles, and the use of real property for such purpose is declared to be a public use. Notwithstanding the provisions of RCW 35.86.040 such cities shall call for competitive bids for the operation of any off-street parking space and facilities for motor vehicles in or beneath a public park by any private person, firm or corporation, upon such reasonable notice, bidder qualifications and bid conditions as the city shall determine. In the case of off-street parking space in, upon or beneath a public park the term "facilities" as used hereafter in this chapter may include public parks thereon))~~ located on land dedicated for park or civic center purposes, or on other municipally-owned land where the primary purpose of such off-street parking facility is to provide parking for persons who use such park or civic center facilities. In addition a city may own other off-street parking facilities and operate them in accordance with RCW 35.86A.120.

Sec. 2. Section 35.86.040, chapter 7, Laws of 1965 as amended by section 13, chapter 204, Laws of 1969 ex. sess. and RCW 35.86.040 are each amended to read as follows:

Such cities are authorized to establish the method of operation of off-street parking space and/or facilities by ordinance, which may include leasing or municipal operation(~~(: PROVIDED, HOWEVER, That no city with a population of more than one hundred thousand shall operate any such off-street parking space and/or facilities but shall call for sealed bids from responsible, experienced, private operators of such facilities for the operation thereof. The call for bids shall specify the terms and conditions under which the facility will be leased for private operation. The call for bids shall specify the time and place at which the bids will be received and the time when the same will be opened, and such call shall be advertised once a week for two successive weeks before the time fixed for the filing of bids in a newspaper of general circulation in the city. The competitive bid requirements of this section shall not apply in any case where such a city shall grant a long-term negotiated lease of any such facility to a private operator on the condition that the tenant-operator shall construct a substantial portion of the facility or the improvements thereto, which construction and/or improvements shall become the property of the city on expiration of the lease. If no bid is received for the operation of such an off-street parking facility, or if none of the bids received are satisfactory, the legislative body of the city may reject all bids, in the latter case, and in both situations shall readvertise the facility for lease. In the event that no bids or no satisfactory bids shall have been received following the second advertising the city may negotiate with a private operator for the operation of the facility without competitive bidding. In the event the city shall be unable to negotiate for satisfactory private operation within a reasonable time, the city may operate the facility for a period not to exceed three years, at which time it shall readvertise as provided above in this section))~~).

Sec. 3. Section 7, chapter 204, Laws of 1969 ex. sess. and RCW 35.86A.070 are each amended to read as follows:

The parking commission is authorized and empowered, in the name of the municipality by resolution to:

(1) Own and acquire property and property rights by purchase, gift, devise, or lease for the construction, maintenance, or operation of off-street parking facilities, or for effectuating the purpose of this chapter; and accept grants-in-aid, including compliance with conditions attached thereto;

(2) Construct, maintain, and operate off-street parking facilities located on land dedicated for park or civic center purposes, or on other municipally-owned land where the primary purpose of such off-street parking facility is to provide parking for persons who use such park or civic center facilities, and undertake research, and prepare plans incidental thereto subject to applicable statutes and charter provisions for municipal purchases, expenditures, and improvements; and in addition may own other off-street parking facilities and operate them in accordance with RCW 35.86A.120: PROVIDED, That the provisions of chapter 35.86 RCW as now or hereafter amended shall not apply to such construction, operation or maintenance;

(3) Establish and collect parking fees, make exemption for handicapped persons, lease space for commercial, store, advertising or automobile accessory purposes, and regulate prices and service charges, for use of and within and the aerial space over parking facilities under its control;

(4) Subject to applicable city civil service provisions, provide for the appointment, removal and control of officers and employees, and prescribe their duties and compensation, and to control all equipment and property under the commission's jurisdiction;

(5) Contract with private persons and organizations for the management and/or operation of parking facilities under its control, and services related thereto, including leasing of such facilities or portions thereof;

(6) Cause construction of parking facilities as a condition of an operating agreement or lease, derived through competitive bidding, or in the manner authorized by chapter 35.42 RCW;

(7) Execute and accept instruments, including deeds, necessary or convenient for the carrying on of its business; acquire rights to develop parking facilities over or under city property; and to contract to operate and manage parking facilities under the jurisdiction of other city departments or divisions and of other public bodies;

(8) Determine the need for and recommend to the city council:

(a) The establishment of local improvement districts to pay the cost of parking facilities or any part thereof;

(b) The issuance of bonds or other financing by the city for construction of parking facilities;

(c) The acquisition of property and property rights by condemnation from the public, or in street areas;

(9) Transfer its control of property to the city and liquidate its affairs, so long as such transfer does not contravene any covenant or agreement made with the holders of bonds or other creditors; and

(10) Require payment of the excise tax hereinafter provided. The city shall not have any power to regulate parking facilities not owned by the city. Parking fees for parking facilities under the control of the parking commission shall be maintained commensurate with and neither higher nor lower than prevailing rates for parking charged by commercial operators in the general area.

Sec. 4. Section 12, chapter 204, Laws of 1969 ex. sess. and RCW 35.86A.120 are each amended to read as follows:

~~((No))~~ Except for off-street park and civic center parking facilities, as provided in RCW 35.86.010 and RCW 35.86A.070, no city shall operate off-street parking facilities but shall call for sealed bids from responsible, experienced private operators of such facilities for the operation thereof. The call for bids shall specify the terms and conditions under which the facility will be leased for private operation. The call for bids shall specify the time and place at which the bids will be received and the time and when the same will be opened, and such call shall be advertised once a week for two successive weeks before the time fixed for the filing of bids in a newspaper of general circulation in the city. The competitive bid requirements of this section shall not apply in any case where such a city shall grant a long-term negotiated lease of any such facility to a private operator on the condition

that the tenant-operator shall construct a substantial portion of the facility or the improvements thereto, which construction and/or improvements shall become the property of the city on expiration of the lease. If no bid is received for the operation of such an off-street parking facility, or if the bids received are not satisfactory, the legislative body of the city may reject such bids and shall readvertise the facility for lease. In the event that no bids or no satisfactory bids shall have been received following the second advertising, the city may negotiate with a private operator of the operation of the facility without competitive bidding. In the event the city shall be unable to negotiate for satisfactory private operation within a reasonable time, the city may operate the facility for a period not to exceed three years, at which time it shall readvertise as provided above in this section.

NEW SECTION. Sec. 5. If any provision of this 1975 amendatory 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 March 14, 1975.

Passed the Senate June 3, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 222

[Substitute House Bill No. 294]

CREDIT UNIONS

AN ACT Relating to credit unions; amending section 15, chapter 173, Laws of 1933 as last amended by section 5, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.190; amending section 16, chapter 173, Laws of 1933 as last amended by section 4, chapter 65, Laws of 1969 and RCW 31.12.200; amending section 17, chapter 173, Laws of 1933 as last amended by section 6, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.210; amending section 21, chapter 173, Laws of 1933 as last amended by section 8, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.240; amending section 20, chapter 173, Laws of 1933 as last amended by section 10, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.260; amending section 11, chapter 23, Laws of 1957 as last amended by section 11, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.270; amending section 12, chapter 23, Laws of 1957 as last amended by section 12, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.280; and amending section 25, chapter 173, Laws of 1933 as amended by section 19, chapter 131, Laws of 1943 and RCW 31.12.310.

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

Section 1. Section 15, chapter 173, Laws of 1933 as last amended by section 5, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.190 are each amended to read as follows:

The board shall have the general direction of the affairs of the corporation and shall meet as often as may be necessary, but not less than once in each month. It shall act upon all applications for membership and upon the expulsion of members, except that a membership officer may be authorized by the board to approve applications for membership under such conditions as the board may prescribe which are consistent with the provisions of this chapter, and such membership officers so authorized shall submit to the board at each monthly meeting a list of approved or pending applications for membership received since the previous monthly meeting, together with such other related information as the bylaws or the board may require. The board shall determine the rate of interest on loans subject to the limitations herein, determine the rate of interest to be paid on deposits, which shall not be greater than one-half of one percent less than the rate at which dividends have been declared during the immediately preceding period, determine the types of security which shall be acceptable on loans subject to the limitations herein, and fill vacancies in the board and in such committees for which provision as to filling of vacancies is not made herein, until the next election. The board shall make recommendations to the members relative to matters upon which it deems the members should act at any regular or special meeting. The board from time to time shall set the amount of shares and

deposits which any one member may hold in the credit union, and set the amount which may be loaned, secured or unsecured, to any one member, all subject to the limitations contained in this chapter. At each annual, semiannual, or quarterly period the board may declare a dividend from net earnings, which shall be paid on all shares outstanding at the time of declaration, and which may be paid to members on shares withdrawn during the period. Shares which become paid up during the year shall be entitled to a proportional part of the dividend calculated from the first day of the month following such payment in full: PROVIDED, That the board may compute such full shares if purchased on or before the tenth day of any month, as of the first day of the month, and from the date of deposit to date of withdrawal. The board may borrow money in behalf of the credit union, for the purpose of making loans, and the payment of debts or withdrawals. The aggregate amount of such loans shall not exceed thirty-three and one-third percent of the credit union's paid-in and unimpaired capital and surplus except with the approval of the supervisor. It may, by a two-thirds vote, remove from office any officer for cause; or suspend any member of the board, credit committee, investment committee, or audit committee, for cause, until the next membership meeting, which meeting shall be held within fifteen days of the suspension, and at which meeting the suspension shall be acted upon by the members. The board shall make a written report to the members at each annual meeting.

Sec. 2. Section 16, chapter 173, Laws of 1933 as last amended by section 4, chapter 65, Laws of 1969 and RCW 31.12.200 are each amended to read as follows:

An auditing committee of not less than three members shall be elected at the annual meeting of the credit union and shall hold office for a term of three years, unless sooner removed as herein provided, or until their successors commence the performance of their duties. The auditing committee shall be divided into classes so that an equal number as nearly as may be shall be elected each year. If a member of the auditing committee ceases to be a member of the credit union, his office shall thereupon become vacant.

The auditing committee shall keep fully informed at all times as to the financial condition of the credit union; examine carefully the cash and accounts semiannually; (~~certify the monthly statements submitted by the treasurer, semiannually;~~) make a thorough audit of the books, including income and expense, semiannually; report to the board its findings, together with its recommendations; under regulations prescribed by the supervisor, cause to be verified the passbooks of the credit union, according to such regulations; hold meetings at least semiannually and keep records thereof; and make an annual report at the annual meeting.

By unanimous vote the auditing committee may suspend an officer of the corporation or a member of the credit committee or of the board until the next members' meeting, which meeting shall be held within fifteen days of the suspension, and at which meeting the suspension shall be acted upon by the members. By a majority vote of the auditing committee it may call a special meeting of the members to consider any violation of this chapter or of the bylaws, or any practice of the credit union deemed by the committee to be unsafe or unauthorized. The auditing committee shall fill vacancies in its own membership until successors are elected. It shall also call a special meeting of the membership upon the request of the supervisor.

Sec. 3. Section 17, chapter 173, Laws of 1933 as last amended by section 6, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.210 are each amended to read as follows:

No director shall receive compensation for his services as such or as a member of a committee (~~nor shall he borrow from the corporation an amount in excess of his shares and deposits in the credit union and the accumulated earnings standing to his credit on the books of the corporation except by written approval of three-fourths of the members of the board~~). Loans to directors and committee persons shall be under at least the same conditions and terms as required of the general membership of the credit union. The treasurer elected by the board may receive such compensation as the board may authorize.

Sec. 4. Section 21, chapter 173, Laws of 1933 as last amended by section 8, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.240 are each amended to read as follows:

The credit committee shall hold meetings at least once a month; act on all applications for loans; and approve in writing all (~~personal~~) loans granted and any security pledged therefor.

No (~~personal~~) loans shall be made unless all the members of the credit committee who are present when the application is considered, which number shall constitute at least two-thirds of the members of the committee, approve such loan, except as provided in RCW 31.12.245. The credit committee may be established in such numbers and at such places as is necessary to serve member needs, with a minimum of two members needed for loan approval: PROVIDED, That such extension of service is approved by the supervisor. No loan shall be granted unless it promises to be of benefit to the borrower. A borrower shall have not less than one fully paid share.

Sec. 5. Section 20, chapter 173, Laws of 1933 as last amended by section 10, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.260 are each amended to read as follows:

The capital, deposits, and surplus of a credit union shall be invested in loans to members, with the approval of the credit committee or the loan officer where permitted herein, and also when required

herein, of the board of directors or of the investment committee. Any capital, deposits, or surplus funds in excess of the amount for which loans may be approved, may be deposited or invested:

(a) In banks or trust companies or in state or national banks located in this state or in checking accounts of banks in other states in which accounts are insured by the Federal Deposit Insurance Corporation;

(b) In any bond or securities or other investments which are ~~((at the time legal investments for savings and loan associations in this state, except first mortgage real estate loans, or which are))~~ fully guaranteed as to payment of principal and interest by the United States government, and general obligations of this state and general obligations of counties, municipalities, or public purpose districts of this state;

(c) In obligations issued by banks for cooperatives, federal land banks, federal intermediate credit banks, federal home loan banks, the Federal Home Loan Bank Board, or any corporation designated in section 846 of Title 31 U.S.C. as a wholly owned government corporation; or in obligations, participations, or other instruments of or issued by, or fully guaranteed as to principal and interest by the Federal National Mortgage Association or the Government National Mortgage Association;

(d) In participation certificates evidencing beneficial interests in obligations, or in the right to receive interest and principal collections therefrom, which obligations have been subjected by one or more government agencies to a trust or trusts for which any executive department, agency or instrumentality of the United States (or the head thereof) has been named to act as trustee;

(e) In the shares, share certificates or share certificates of other credit unions or savings and loan associations organized or authorized to do business under the laws of this state or the United States, or in the notes of such credit unions in the process of liquidation;

(f) In the ICU government securities program of ICU Services Corporation owned by CUNA, Incorporated, or up to two percent thereof in a corporation owned by the Washington Credit Union League;

(g) In such other investments authorized in accordance with rules and regulations prescribed by the supervisor consistent with chapter 31.12 RCW as now or hereafter amended:

PROVIDED, That any such securities shall not be eligible for investment if they have been in default either as to principal or interest within five years prior to date of purchase.

No credit union shall carry on a banking business or carry any demand, commercial, or checking accounts, nor issue any time or demand certificates of deposit. Investments other than loans to members shall be made only with the approval of the board or of the investment committee.

Sec. 6. Section 11, chapter 23, Laws of 1957 as last amended by section 11, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.270 are each amended to read as follows:

A credit union may make:

(1) Personal loans to its members secured by the note of the borrower or other collateral satisfactory to the credit committee, including but not limited to interests in real estate and security interests in mobile homes, travel trailers and motor homes as defined by RCW 82.50.010;

(2) Loans to its members under the act of congress known as the "Higher Education Act of 1965", Nov. 8, 1965, Pub. L. 89-329 (20 USC sections 1001 to 1144 inc.);

(3) Loans to its members secured by a first security interest in a mobile home, travel trailer and motor home, as defined by RCW 82.50.010, owned by the member. All such loans must be amortized by weekly, semimonthly, or monthly payments, which payments, including interest, shall be at the rate of not less than fifteen percent per year of the original principal. Such loans shall not exceed seventy-five percent of the purchase price or of the appraised value thereof, whichever is the lesser;

(4) Loans to its members secured by first mortgages or real estate contracts in which members are buyers if such mortgage or contract relates to real estate which is situated within the state; such real estate must be within fifty miles of the principal office of the credit union unless with prior approval of the supervisor; ~~((and))~~

(5) Loans to other credit unions upon a two-thirds majority vote of the board: PROVIDED, That the total amount of such loans does not exceed twenty-five percent of the paid-in and unimpaired capital and surplus of the lending credit union; and

(6) Loans to its members under the act of congress known as the "FHA Title 1, National Housing Act of 1934", June 27, 1934 (12 USC sections 1701 to 1750 inc.).

Personal loans shall be given preference, and in the event there are not sufficient funds available to satisfy all loan applicants approved by the credit committee, further preference shall be given to the smaller loan. Each personal loan shall be payable within four years from the date thereof: PROVIDED, That loans with satisfactory security may be made payable within eight years from the date thereof.

Sec. 7. Section 12, chapter 23, Laws of 1957 as last amended by section 12, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.280 are each amended to read as follows:

~~((No loan which is not adequately secured may be made to any member, if, upon the making of that loan, the member would be indebted to the credit union upon loans made to him in an aggregate amount which, in the case of a credit union whose unimpaired capital and surplus is less than eight thousand dollars would exceed five hundred dollars, or which, in the case of any other credit union,~~

would exceed two thousand five hundred dollars or two and one-half per centum of its unimpaired capital and surplus, whichever is less. No loan may be made to any member if, upon the making of that loan, the member would be indebted to the credit union upon loans made to him in an aggregate amount which would exceed five hundred dollars or ten percent of the credit union's unimpaired capital and surplus, whichever is greater: PROVIDED, That loans which are not secured totally by share deposits to any family community shall not exceed ten thousand dollars without the permission of the supervisor:))

Unsecured loans may be made to members not to exceed five hundred dollars for credit unions whose unimpaired capital and surplus is less than eight thousand dollars or up to two and one-half percent of the unimpaired capital and surplus of any other credit union not to exceed two thousand five hundred dollars. Loans with adequate security may be made to members of a family community in an aggregate amount not to exceed five hundred dollars or ten percent of the credit union's unimpaired capital and surplus, whichever is greater: PROVIDED, That personal loans which are not totally secured by share deposits shall not exceed twelve thousand dollars without permission of the supervisor.

Sec. 8. Section 25, chapter 173, Laws of 1933 as amended by section 19, chapter 131, Laws of 1943 and RCW 31.12.310 are each amended to read as follows:

Dividends may be declared only from the earnings which remain after the deduction of all expenses, interest on deposits and the amounts required to be set apart to the guaranty fund and to the reserve fund, or such dividend may be declared in whole or in part from the undivided earnings of preceding years remaining after the aforesaid deductions for said years. Dividends due to a member shall, at his election, be paid to him in cash or be credited to his account in either shares or deposits. No dividend exceeding ((six) seven) percent per annum shall be paid, unless the guaranty fund and undivided profits exceed fifteen percent of assets, but surplus earnings may be distributed to the borrowers as a patronage dividend ratably in proportion to interest paid by them.

NEW SECTION. Sec. 9. If any provision of this 1975 amendatory 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 May 12, 1975.

Passed the Senate May 31, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 223

[House Bill No. 310]

DEPARTMENT OF FISHERIES REVENUES—DISPOSITION

AN ACT Relating to fisheries; and amending section 75.08.230, chapter 12, Laws of 1955 as last amended by section 31, chapter 199, Laws of 1969 ex. sess. and RCW 75.08.230.

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

Section 1. Section 75.08.230, chapter 12, Laws of 1955 as last amended by section 31, chapter 199, Laws of 1969 ex. sess. and RCW 75.08.230 are each amended to read as follows:

All license fees, taxes, fines, and moneys realized from the sale of property seized or confiscated under the provisions of this title, and all bail moneys forfeited under prosecutions instituted under the provisions of this title, and all moneys realized from the sale of any of the property, real or personal, heretofore or hereafter acquired for the state and under the control of the department, ((except)) such moneys as are realized from the sale of food fish or shellfish caught or taken during test fishing operations conducted by the department for the purpose of food fish or shellfish resource evaluation studies, all moneys collected for damages and injuries to any such property, and all moneys collected for rental or concessions from such property, shall be paid into the state treasury general fund:

PROVIDED, (~~(That all such moneys as are realized from test fishing operations as aforesaid, shall be transmitted to the state treasurer who shall act as custodian, and the treasurer shall place such moneys in a special account known as receipts in excess of budget estimates, to be allotted by the governor, upon the request of the director of fisheries, for the purpose of defraying the costs of such test fishing: PROVIDED FURTHER;))~~) That salmon taken in test fishing operations shall not be sold except during a season open to commercial fishing in the district that test fishing is being conducted: PROVIDED FURTHER, That fifty percent of all money received as fines together with all of the costs shall be retained by the county in which the fine was collected.

All fines collected shall be remitted monthly by the justice of the peace or by the clerk of the court collecting the same to the county treasurer of the county in which the same shall be collected, and the county treasurer shall at least once a month remit fifty percent of the same to the state treasurer and at the same time shall furnish a statement to the director showing the amount of fines so remitted and from whom collected: PROVIDED, That in instances wherein any portion of a fine assessed by a court is suspended, deferred, or otherwise not collected, the entire amount collected shall be remitted by the county treasurer to the state treasurer and shall be credited to the general fund: PROVIDED FURTHER, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

~~((The proceeds of all sales of salmon by the director shall be handled in the same manner as the proceeds of the sales of food fish taken in test fishing conducted by the department.))~~

Proceeds from the sale of food fish or shell fish taken in test fishing conducted by the department, to the extent that these proceeds may exceed estimates thereof in the budget approved by the legislature, may be allocated by the office of program planning and fiscal management as unanticipated receipts under such procedures as are adopted by the legislature for the allocation of such receipts to reimburse the department for any unanticipated costs for test fishing operations in excess of any allowance therefor in the budget as approved by the legislature.

Proceeds of all sales of salmon and all sales of salmon eggs by the department, to the extent these proceeds may exceed estimates in the budget as approved by the legislature, may be allocated by the office of program planning and fiscal management as unanticipated receipts under such procedures as the legislature may adopt for the allocation of such receipts.

Such allocations shall be made only for the purpose of meeting department obligations in regards to hatchery operations partially or wholly financed by sources other than state general revenues or for purposes of processing human consumable salmon for disposal as may be provided by law.

Passed the House June 9, 1975.

Passed the Senate June 8, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 224

[House Bill No. 344]

INDUSTRIAL INSURANCE

AN ACT Relating to industrial insurance; amending section 67, chapter 289, Laws of 1971 ex. sess. as amended by section 37, chapter 43, Laws of 1972 ex. sess. and RCW 51.04.110; amending section 3, chapter 77, Laws of 1969 ex. sess. and RCW 51.08.012; amending section 51.12.100, chapter 23, Laws of 1961 as amended by section 11, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.100; amending section 51.28.010, chapter 23, Laws of 1961 as amended by section 5, chapter 289, Laws of 1971 ex. sess. and RCW 51.28.010; amending section 39, chapter 289, Laws of 1971 ex. sess. and RCW 51.28.025; amending section 51.28.070, chapter 23, Laws of 1961 and RCW 51.28.070; amending section 51.32.010, chapter 23, Laws of 1961 as amended by section 40, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.010; amending section 1, chapter 30, Laws of 1974 ex. sess. and RCW 51.32.040; amending section 51.32.060, chapter 23, Laws of 1961 as last amended by section 1, chapter 147, Laws of 1973 and RCW 51.32.060; amending section 17, chapter 289, Laws of 1971 ex. sess. as last amended by section 3, chapter 110, Laws of 1973 and RCW 51.32.073; amending section 51.36.020, chapter 23, Laws of 1961 as last amended by section 51, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.020; amending section 53, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.060; amending section 18, chapter 289, Laws of 1971 ex. sess. and RCW 51.44.033; amending section 60, chapter 289, Laws of 1971 ex. sess. and RCW 51.44.160; amending section 51.52.070, chapter 23, Laws of 1961 and RCW 51.52.070; adding new sections to chapter 23, Laws of 1961 and to chapter 51.32 RCW; repealing section 51.32.005, chapter 23, Laws of 1961, section 2, chapter 77, Laws of 1969 ex. sess. and RCW 51.32.005; repealing section 51.32.070, chapter 23, Laws of 1961, section 1, chapter 108, Laws of 1961, section 1, chapter 166, Laws of 1965 ex. sess., section 9, chapter 289, Laws of 1971 ex. sess., section 2, chapter 147, Laws of 1973, section 97, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.32.070; and providing an effective date.

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

Section 1. Section 67, chapter 289, Laws of 1971 ex. sess. as amended by section 37, chapter 43, Laws of 1972 ex. sess. and RCW 51.04.110 are each amended to read as follows:

The director shall appoint a workmen's compensation advisory committee composed of nine members: ~~Three representing subject workmen, three representing subject employers, ((and three ex officio members, without a vote, one of whom represents the department, who shall be chairman, one of whom represents self-insurers, and one of whom represents employees of self-insurers))~~ one representing self-insurers, one representing workmen of self-insurers, and one ex officio member, without a vote, representing the department, who shall be chairman. This committee shall conduct a continuing study of any aspects of workmen's compensation as the committee shall determine require their consideration. The committee shall report its findings to the department or the board of industrial insurance appeals for such action as deemed appropriate. The members of the committee shall be appointed for a term of three years commencing on July 1, 1971 and the terms of the members representing the workmen and employers shall be staggered so that the director shall designate one member from each such group initially appointed whose term shall expire on June 30, 1972 and one member from each such group whose term shall expire on June 30, 1973. The members shall serve without compensation, but shall be entitled to expenses as provided in RCW 43.03.050 and 43.03.060. The committee may hire such experts, if any, as it shall require to discharge its duties, and may utilize such personnel and facilities of the department and board of industrial insurance appeals as it shall need without charge. All expenses of this committee shall be paid by the department.

The workmen's compensation advisory committee created by this section shall conduct a study of the advisability and necessity of deposits by self-insurers into the reserve fund to guarantee the payments of pensions established pursuant to this title, and shall report its findings and recommendations on this study to the department, and the department shall transmit said findings and recommendations to the next regular session of the legislature.

Sec. 2. Section 3, chapter 77, Laws of 1969 ex. sess. and RCW 51.08.012 are each amended to read as follows:

For the purposes of (~~RCW 51.08.030 and 51.32.005~~) this title, "accredited school" means a school or course of instruction which is:

(1) Approved by the state superintendent of public instruction, the state board of education, the state board for community college education, or the state division of vocational education of the coordinating council for occupational education; or

(2) Regulated or licensed as to course content by any agency of the state or under any occupational licensing act of the state, or recognized by the apprenticeship council under an agreement registered with the apprenticeship council pursuant to chapter 49.04 RCW.

Sec. 3. Section 51.12.100, chapter 23, Laws of 1961 as amended by section 11, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.100 are each amended to read as follows:

The provisions of this title shall not apply to (~~all employers and workmen, except~~) a master or member of a crew of any vessel, (~~engaged in maritime occupations~~) or to employers and workmen for whom (~~no~~) a right or obligation exists under the maritime laws for personal injuries or death of such workmen.

If an accurate segregation of payrolls of workmen (~~engaged in maritime occupations and working part time on shore and part time off shore~~) for whom such a right or obligation exists under the maritime laws cannot be made by the employer, the director is hereby authorized and directed to fix from time to time a basis for the (~~appropriate [approximate]~~) approximate segregation of the payrolls of employees to cover the (~~shore~~) part of their work for which no right or obligation exists under the maritime laws for injuries or death occurring in such work, and the employer, if not a self-insurer, shall pay premiums on that basis for the time such workmen are engaged in their work.

Where two or more employers are simultaneously engaged in a common enterprise at one and the same site or place in maritime occupations under circumstances in which no right or obligation exists under the maritime laws for personal injuries or death of such workmen, such site or place shall be deemed for the purposes of this title to be the common plant of such employers.

In the event payments are made under this title prior to the final determination under the maritime laws, such benefits shall be repaid if recovery is subsequently made under the maritime laws.

Sec. 4. Section 51.28.010, chapter 23, Laws of 1961 as amended by section 5, chapter 289, Laws of 1971 ex. sess. and RCW 51.28.010 are each amended to read as follows:

Whenever any accident occurs to any workman it shall be the duty of such workman or someone in his behalf to forthwith report such accident to his employer, superintendent or foreman in charge of the work, and of the employer to at once report such accident and the injury resulting therefrom to the department ~~((and also to any local representative of the department))~~ pursuant to RCW 51.28.025, as now or hereafter amended, where the workman has received treatment from a physician, has been hospitalized, disabled from work, or has died as the apparent result of such accident and injury.

Upon receipt of such notice of accident, the ~~((director))~~ department shall immediately forward to the workman ~~((and/or))~~ or his beneficiaries or dependents notification, in nontechnical language, of ~~((his))~~ their rights under this title.

Sec. 5. Section 39, chapter 289, Laws of 1971 ex. sess. and RCW 51.28.025 are each amended to read as follows:

(1) ~~Whenever ((a self-insuring))~~ an employer has notice or knowledge of an injury or occupational disease sustained by any workman in his employment who has received treatment from a physician, has been hospitalized, disabled from work or has died as the apparent result of such injury or occupational disease, he shall immediately report the same to the department on forms prescribed by ~~((the director))~~ it. The report shall include:

- (a) The name, address, and business of the employer;
- (b) The name, address, and occupation of the ~~((employee))~~ workman;
- (c) The date, time, cause, and nature of the injury or occupational disease;
- (d) Whether the injury or occupational disease arose in the course of the injured ~~((employee's occupation, and))~~ workman's employment;
- (e) All available information pertaining to the nature of the injury or occupational disease including but not limited to any visible signs, any complaints of the workman, any time lost from work, and the observable effect on the workman's bodily functions, so far as is known; and

(f) Such other pertinent information as the ~~((director))~~ department may prescribe by regulation.

(2) Failure or refusal to file the report required by subsection (1) shall subject the offending employer to a penalty of one hundred dollars for each offense, to be collected in a civil action in the name of the ~~((director))~~ department and paid into the ~~((medical aid))~~ supplemental pension fund.

Sec. 6. Section 51.28.070, chapter 23, Laws of 1961 and RCW 51.28.070 are each amended to read as follows:

Information contained in the claim files and records of injured workmen, under the provisions of this title, shall be deemed confidential and shall not be open to public inspection (other than to public employees in the performance of their official duties), but representatives of a claimant, be it an individual or an organization, may review a claim file or receive specific information therefrom upon the presentation of the signed authorization of the claimant. Employers or their duly authorized representatives may review ~~((the))~~ any files of their own injured workmen in connection with any pending claims. Physicians treating or examining workmen claiming benefits under this title, or physicians giving medical advice to the department regarding any claim may, at the discretion of the department, inspect the claim files and records of injured workmen, and other persons may make

such inspection, at the departments discretion, when such persons are rendering assistance to the department at any stage of the proceedings on any matter pertaining to the administration of this title.

Sec. 7. Section 51.32.010, chapter 23, Laws of 1961 as amended by section 40, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.010 are each amended to read as follows:

Each workman injured in the course of his employment, or his family or dependents in case of death of the workman, shall receive compensation in accordance with this chapter, and, except as in this title otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever: PROVIDED, That if an injured workman, or the surviving spouse of an injured workman shall not have the legal custody of a child for, or on account of whom payments are required to be made under this ((chapter)) title, such payment or payments shall be made to the person or persons having the ((lawful)) legal custody of such child but only for the periods of time after the department has been notified of the fact of such legal custody, and it shall be the duty of any such person or persons receiving payments because of legal custody of any child immediately to notify the department of any change in such legal custody.

Sec. 8. Section 1, chapter 30, Laws of 1974 ex. sess. and RCW 51.32.040 are each amended to read as follows:

No money paid or payable under this title shall, except as provided for in RCW 74.20A.090 and 74.20A.100, prior to the issuance and delivery of the check or warrant therefor, be capable of being assigned, charged, or ever be taken in execution or attached or garnished, nor shall the same pass, or be paid, to any other person by operation of law, or by any form of voluntary assignment, or power of attorney. Any such assignment or charge shall be void: PROVIDED, That if any workman suffers a permanent partial injury, and dies from some other cause than the accident which produced such injury before he shall have received payment of his award for such permanent partial injury, or if any workman suffers any other injury before he shall have received payment of any monthly installment covering any period of time prior to his death, the amount of such permanent partial award, or of such monthly payment or both, shall be paid to the surviving spouse, or to the child or children if there is no surviving spouse: PROVIDED FURTHER, That, if any workman suffers an injury and dies therefrom before he shall have received payment of any monthly installment covering time loss for any period of time prior to his death, the amount of such monthly payment shall be paid to the surviving spouse, or to the child or children if there is no surviving spouse: PROVIDED FURTHER, That any application for compensation under the foregoing provisos of this section shall be filed with the department or self-insuring employer within one year of the date of death: PROVIDED FURTHER, That if the injured workman resided in the United States as long as three years prior to the date of injury, such payment shall not be made to any surviving spouse or child who was at the time of the injury a nonresident of the United States: PROVIDED FURTHER, That any workman receiving benefits under this title who is subsequently confined in, or who subsequently becomes eligible therefor while confined in any institution under conviction and sentence

shall have all payments of such compensation canceled during the period of confinement but after discharge from the institution payment of benefits thereafter due shall be paid if such workman would, but for the provisions of this proviso, otherwise be entitled thereto: PROVIDED FURTHER, That if any prisoner is injured in the course of his employment while participating in a work or training release program authorized by chapter 72.65 RCW and is subject to the provisions of this title, he shall be entitled to payments under this title subject to the requirements of chapter 72.65 RCW unless his participation in such program has been canceled, or unless he is returned to a state correctional institution, as defined in RCW 72.65.010(3), as a result of revocation of parole or new sentence: PROVIDED FURTHER, That if such incarcerated workman has during such confinement period, any beneficiaries, they shall be paid directly the monthly benefits which would have been paid to him for himself and his beneficiaries had he not been so confined. Any lump sum benefits to which the workman would otherwise be entitled but for the provisions of ((this)) these provisos shall be paid on a monthly basis to his beneficiaries.

Sec. 9. Section 51.32.060, chapter 23, Laws of 1961 as last amended by section 1, chapter 147, Laws of 1973 and RCW 51.32.060 are each amended to read as follows:

When the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the workman shall receive monthly during the period of such disability:

(1) If married at the time of injury, sixty-five percent of his wages but not less than two hundred fifteen dollars per month.

(2) If married with one child at the time of injury, sixty-seven percent of his wages but not less than two hundred fifty-two dollars per month.

(3) If married with two children at the time of injury, sixty-nine percent of his wages but not less than two hundred eighty-three dollars.

(4) If married with three children at the time of injury, seventy-one percent of his wages but not less than three hundred six dollars per month.

(5) If married with four children at the time of injury, seventy-three percent of his wages but not less than three hundred twenty-nine dollars per month.

(6) If married with five or more children at the time of injury, seventy-five percent of his wages but not less than three hundred fifty-two dollars per month.

(7) If unmarried at the time of the injury, sixty percent of his wages but not less than one hundred eighty-five dollars per month.

(8) If unmarried with one child at the time of injury, sixty-two percent of his wages but not less than two hundred twenty-two dollars per month.

(9) If unmarried with two children at the time of injury, sixty-four percent of his wages but not less than two hundred fifty-three dollars per month.

(10) If unmarried with three children at the time of injury, sixty-six percent of his wages but not less than two hundred seventy-six dollars per month.

(11) If unmarried with four children at the time of injury, sixty-eight percent of his wages but not less than two hundred ninety-nine dollars per month.

(12) If unmarried with five or more children at the time of injury, seventy percent of his wages but not less than three hundred twenty-two dollars per month.

(13) For any period of time where both husband and wife are entitled to compensation as temporarily or totally disabled workmen, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes.

(14) In case of permanent total disability, if the character of the injury is such as to render the workman so physically helpless as to require the hiring of the services of an attendant, ~~((the monthly payment by))~~ the department shall make monthly payments to such attendant for such services ~~((shall be an amount not to exceed forty percent of the average monthly wage in the state as computed in RCW 51.08.018 per month))~~ as long as such requirement continues, but such payments shall not obtain or be operative while the workman is receiving care under or pursuant to the provisions of chapters 51.36 and 51.40 RCW.

(15) Should any further accident result in the permanent total disability of an injured workman, he shall receive the pension to which he would be entitled, notwithstanding the payment of a lump sum for his prior injury.

(16) In no event shall the monthly payments provided in this section exceed seventy-five percent of the average monthly wage in the state as computed under the provisions of RCW 51.08.018, except that this limitation shall not apply to the payments provided for in subsection (14) of this section.

Sec. 10. Section 17, chapter 289, Laws of 1971 ex. sess. as last amended by section 3, chapter 110, Laws of 1973 and RCW 51.32.073 are each amended to read as follows:

Each employer shall retain from the earnings of each workman that amount as shall be fixed from time to time by the director, the basis for measuring said amount to be determined by the director. The money so retained shall be matched in an equal amount by each employer, and all such moneys shall be remitted to the department in such manner and at such intervals as the department directs and shall be placed in the supplemental pension fund: PROVIDED, That the state apprenticeship council shall pay the entire amount into the supplemental pension fund for registered apprentices or trainees during their participation in supplemental and related instruction classes. The moneys so collected shall be used exclusively for the additional payments from the supplemental pension fund prescribed in ~~((RCW 51.32.070))~~ this title and shall be no more than necessary to make such payments on a current basis.

NEW SECTION. Sec. 11. There is added to chapter 23, Laws of 1961 and to chapter 51.32 RCW a new section to read as follows:

Any payments to or on account of any child or children of a deceased or temporarily or totally permanently disabled workman pursuant to any of the provisions of chapter 51.32 RCW shall terminate when any such child reaches the age of eighteen years unless such child is a dependent invalid child or is permanently enrolled at a full time course in an accredited school, in which case such payments after age eighteen shall be made directly to such child. Payments to any dependent invalid child over the age of eighteen years shall continue in the amount previously paid on account of such child until he shall cease to be dependent. Payments to any child over the age of eighteen years permanently enrolled at a full time course in an accredited school shall continue in the amount

previously paid on account of such child until he reaches an age over that provided for in the definition of "child" in this title or ceases to be permanently enrolled whichever occurs first. Where the workman sustains an injury or dies when any of his children is over the age of eighteen years and is either a dependent invalid child or is a child permanently enrolled at a full time course in an accredited school the payment to or on account of any such child shall be made as herein provided.

NEW SECTION. Sec. 12. There is added to chapter 23, Laws of 1961 and to chapter 51.32 RCW a new section to read as follows:

Notwithstanding any other provision of law, every surviving spouse and every permanently totally disabled workman or temporarily totally disabled workman, if such workman was unmarried at the time of his injury or was then married but the marriage was later terminated by judicial action, receiving a pension or compensation for temporary total disability under this title pursuant to compensation schedules in effect prior to July 1, 1971, shall after July 1, 1975, be paid fifty percent of the average monthly wage in the state as computed under RCW 51.08.018 per month and an amount equal to five percent of such average monthly wage per month to such totally disabled workman if married at the time of his injury and the marriage was not later terminated by judicial action, and an additional two percent of such average monthly wage for each child of such totally disabled workman at the time of injury in the legal custody of such totally disabled workman or such surviving spouse up to a maximum of five such children. The monthly payments such surviving spouse or totally disabled workman are receiving pursuant to compensation schedules in effect prior to July 1, 1971 shall be deducted from the monthly payments above specified.

Where such a surviving spouse has remarried, or where any such child of such workman, whether living or deceased, is not in the legal custody of such workman or such surviving spouse there shall be paid for the benefit of and on account of each such child a sum equal to two percent of such average monthly wage up to a maximum of five such children in addition to any payments theretofore paid under compensation schedules in effect prior to July 1, 1971 for the benefit of and on account of each such child. In the case of any child or children of a deceased workman not leaving a surviving spouse or where the surviving spouse has later died, there shall be paid for the benefit of and on account of each such child a sum equal to two percent of such average monthly wage up to a maximum of five such children in addition to any payments theretofore paid under such schedules for the benefit of and on account of each such child.

If the character of the injury or occupational disease is such as to render the workman so physically helpless as to require the hiring of the services of an attendant, the department shall make monthly payments to such attendant for such services as long as such requirement continues but such payments shall not obtain or be operative while the workman is receiving care under or pursuant to the provisions of this title except for care granted at the discretion of the supervisor pursuant to RCW 51.36.010: PROVIDED, That such payments shall not be considered compensation nor shall they be subject to any limitation upon total compensation payments.

No part of such additional payments shall be payable from the accident fund.

The director shall pay monthly from the supplemental pension fund such an amount as will, when added to the compensation theretofore paid under compensation schedules in effect prior to July 1, 1971, equal the amounts hereinabove specified.

In cases where money has been or shall be advanced to any such person from the pension reserve, the additional amount to be paid under this section shall be reduced by the amount of monthly pension which was or is predicated upon such advanced portion of the pension reserve.

NEW SECTION. Sec. 13. There is added to chapter 23, Laws of 1961 and to chapter 51.32 RCW a new section to read as follows:

(1) Whenever any payment of benefits under this title is made because of clerical error, mistake of identity, innocent misrepresentation by or on behalf of the recipient thereof mistakenly acted upon, or any other circumstance of a similar nature, all not induced by fraud, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The department or self-insurer, as the case may be, must make claim for such repayment or recoupment within one year of the making of any such payment or it will be deemed any claim therefor has been waived. The director, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.04 RCW, may exercise his discretion to waive, in whole or in part, the amount of any such timely claim where the recovery would be against equity and good conscience.

(2) Whenever any payment of benefits under this title has been made pursuant to an adjudication by the department or by order of the board or any court and timely appeal therefrom has been made where the final decision is that any such payment was made pursuant to an erroneous adjudication, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The director, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.04 RCW, may exercise his discretion to waive, in whole or in part, the amount of any such payments where the recovery would be against equity and good conscience.

(3) Whenever any payment of benefits under this title has been induced by fraud the recipient thereof shall repay any such payment together with a penalty of fifty percent of the total of any such payments and the amount of such total sum may be recouped from any future payments due to the recipient on any claim with the state fund or self-insurer against whom the fraud was committed, as the case may be, and the amount of such penalty shall be placed in the supplemental pension fund. Such repayment or recoupment must be demanded or ordered within one year of the discovery of the fraud.

Sec. 14. Section 51.36.020, chapter 23, Laws of 1961 as last amended by section 51, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.020 are each amended to read as follows:

When the injury to any workman is so serious as to require his being taken from the place of injury to a place of treatment, his employer shall, at the expense

of the medical aid fund, or self-insurer, as the case may be, furnish transportation to the nearest place of proper treatment.

Every workman whose injury results in the loss of one or more limbs or eyes shall be provided with proper artificial substitutes and every workman, who suffers an injury to an eye producing an error of refraction, shall be once provided proper and properly equipped lenses to correct such error of refraction and his disability rating shall be based upon the loss of sight before correction. Every workman, whose accident results in damage to or destruction of an artificial limb, eye, or tooth, shall have same repaired or replaced. Every workman whose hearing aid or eyeglasses or lenses are damaged, destroyed, or lost as a result of an industrial accident shall have the same restored or replaced. The department or self-insurer shall be liable only for the cost of restoring damaged hearing aids or eyeglasses to their condition at the time of the accident. All mechanical appliances necessary in the treatment of an injured workman, such as braces, belts, casts, and crutches, shall be provided and all mechanical appliances required as permanent equipment after treatment has been completed shall continue to be provided or replaced without regard to the date of injury or date treatment was completed, notwithstanding any other provision of law. A workman, whose injury is of such short duration as to bring him within the time limit provisions of ~~((subsection (4) of))~~ RCW 51.32.090, shall nevertheless receive during the omitted period medical, surgical, and hospital care and service and transportation under the provisions of this chapter.

Sec. 15. Section 53, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.060 are each amended to read as follows:

Physicians examining or attending injured ~~((employees))~~ workmen under this title shall comply with rules and regulations adopted by the director, and shall make such reports as may be requested by the department or self-insurer upon the condition or treatment of any ~~((injured employee))~~ such workman, or upon any other matters concerning ~~((injured employees))~~ such workmen in their care. All medical information in the possession or control of any person and relevant to the particular injury in the opinion of the department pertaining to any workman whose injury or occupational disease is the basis of a claim under this title shall be made available at any stage of the proceedings to the employer, the claimant's representative, and the department upon request, and no person shall incur any legal liability by reason of releasing such information.

Sec. 16. Section 18, chapter 289, Laws of 1971 ex. sess. and RCW 51.44.033 are each amended to read as follows:

There shall be, in the office of the state treasurer, a fund to be known and designated as the "supplemental pension fund". The director shall be the administrator thereof. Said fund shall be used for the sole purpose of making the additional payments therefrom prescribed in ~~((RCW 51.32.070))~~ this title.

Sec. 17. Section 60, chapter 289, Laws of 1971 ex. sess. and RCW 51.44.160 are each amended to read as follows:

The director is authorized to make periodic temporary interfund transfers between the reserve and supplemental pension funds as may be necessary to provide

for payments from the supplemental pension fund as prescribed in (~~RCW 51.32-070~~) this title. At least once annually, the director shall cause an audit to be made of all pension funds administered by the department to insure that proper crediting of funds has been made, and further to direct transfers between the funds for any interfund loans which may have been made in the preceding year and not fully reimbursed.

Sec. 18. Section 51.52.070, chapter 23, Laws of 1961 and RCW 51.52.070 are each amended to read as follows:

The notice of appeal to the board shall set forth in full detail the grounds upon which the person appealing considers such order, decision, or award is unjust or unlawful, and shall include every issue to be considered by the board, and it must contain a detailed statement of facts upon which such workman, beneficiary, employer, or other person relies in support thereof. The workman, beneficiary, employer, or other person shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those specifically set forth in such notice of appeal or appearing in the records of the department. The department shall promptly transmit its original record, or a legible copy thereof produced by mechanical, photographic, or electronic means, in such matter to the board.

NEW SECTION. Sec. 19. The following acts or parts of acts are each repealed:

(1) Section 51.32.005, chapter 23, Laws of 1961, section 2, chapter 77, Laws of 1969 ex. sess. and RCW 51.32.005; and

(2) Section 51.32.070, chapter 23, Laws of 1961, section 1, chapter 108, Laws of 1961, section 1, chapter 166, Laws of 1965 ex. sess., section 9, chapter 289, Laws of 1971 ex. sess., section 2, chapter 147, Laws of 1973, section 97, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.32.070.

NEW SECTION. Sec. 20. This 1975 amendatory act shall take effect on July 1, 1975.

Passed the House March 31, 1975.

Passed the Senate June 3, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 225
[House Bill No. 350]
LOCAL EXCISE TAX ON
LODGINGS—CREDITS, PREEMPTIONS

AN ACT Relating to public recreation, sports, culture and convention centers; amending section 11, chapter 236, Laws of 1967 as last amended by section 5, chapter 34, Laws of 1973 2nd ex. sess. and RCW 67.28.180; creating new sections; and declaring an emergency.

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

Section 1. Section 11, chapter 236, Laws of 1967 as last amended by section 5, chapter 34, Laws of 1973 2nd ex. sess. and RCW 67.28.180 are each amended to read as follows:

(1) Subject to the conditions set forth in subsection (2) of this section, the legislative body of any county(~~(, and of)~~) or any city, is authorized to levy and collect(;) a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: PROVIDED, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this chapter shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this chapter upon the same taxable event;

(b) In the event that any county has levied the tax authorized by this section and has, prior to effective date of this 1975 amendatory act, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of subsection (a), so long as, and to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued pursuant to the provisions of 67.28.150 through 67.28.160. No city within such county may levy the tax authorized by this section so long as said county is so exempt; PROVIDED, That in the event that any city in such county has levied the tax authorized by this section and has, prior to the effective date of this 1975 amendatory act, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as and to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued pursuant to the provisions of 67.28.150 through 67.28.160.

NEW SECTION. Sec. 2. There is added to chapter 236, Laws of 1967 and to chapter 67.28 RCW a new section to read as follows:

Any resolution or ordinance, enacted prior to the effective date of this 1975 amendatory act, shall be deemed to be invalid from and after the effective date of this 1975 amendatory act to the extent said resolution or ordinance is in conflict with subsection (2) of RCW 67.28.180, as now or hereafter amended.

NEW SECTION. Sec. 3. If any provision of this 1975 amendatory 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. 4. This 1975 amendatory 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 3, 1975.

Passed the Senate May 30, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 226

[Substitute House Bill No. 413]

PUBLIC SCHOOLS—SEX EQUALITY

AN ACT Relating to education; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28A RCW as a new chapter thereof; and providing penalties.

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

NEW SECTION. Section 1. Inequality in the educational opportunities afforded women and girls at all levels of the public schools in Washington state is a breach of Article XXXI, section 1, Amendment 61, of the Washington state Constitution, requiring equal treatment of all citizens regardless of sex. This violation of rights has had a deleterious effect on the individuals affected and on society. Recognizing the benefit to our state and nation of equal educational opportunities for all students, discrimination on the basis of sex for any student in grades K-12 of the Washington public schools is prohibited.

NEW SECTION. Sec. 2. The superintendent of public instruction shall develop regulations and guidelines to eliminate sex discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students.

(1) Specifically with respect to public school employment, all schools shall be required to:

- (a) Maintain credential requirements for all personnel without regard to sex;
- (b) Make no differentiation in pay scale on the basis of sex;
- (c) Assign school duties without regard to sex except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed.
- (d) Provide the same opportunities for advancement to males and females; and
- (e) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment, and assignment of, or pay for, instructional and noninstructional duties, on the basis of sex.

(2) Specifically with respect to counseling and guidance services for students, they shall be made available to all students equally. All certificated personnel shall be required to stress access to all career and vocational opportunities to students without regard to sex.

(3) Specifically with respect to recreational and athletic activities, they shall be offered to all students without regard to sex. Schools may provide separate teams for each sex. Schools which provide the following shall do so with no disparities

based on sex: Equipment and supplies; medical care; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; laundry services; assignment of game officials; opportunities for competition, publicity and awards; scheduling of games and practice times including use of courts, gyms, and pools; PROVIDED, That such scheduling of games and practice times shall be determined by local administrative authorities after consideration of the public and student interest in attending and participating in various recreational and athletic activities. Each school which provides showers, toilets, or training room facilities for athletic purposes shall provide comparable facilities for both sexes. Such facilities may be provided either as separate facilities or shall be scheduled and used separately by each sex.

The superintendent of public instruction shall also be required to develop a student survey to distribute every three years to each local school district in the state to determine student interest for male/female participation in specific sports.

(4) Specifically with respect to course offerings, all classes shall be required to be available to all students without regard to sex: PROVIDED, That separation is permitted within any class during sessions on sex education or gym classes.

(5) Specifically with respect to textbooks and instructional materials, which shall also include, but not be limited to, reference books and audio-visual materials, they shall be required to adhere to the guidelines developed by the superintendent of public instruction to implement the intent of this chapter: PROVIDED, That this subsection shall not be construed to prohibit the introduction of material deemed appropriate by the instructor for educational purposes.

NEW SECTION. Sec. 3. The office of the superintendent of public instruction shall be required to monitor the compliance by local school districts with this chapter, shall establish a compliance timetable and regulations for enforcement of this chapter, and shall establish guidelines for affirmative action programs to be adopted by all school districts.

NEW SECTION. Sec. 4. Any person aggrieved by a violation of this chapter, or aggrieved by the violation of any regulation or guideline adopted hereunder, shall have a right of action in superior court for civil damages and such equitable relief as the court shall determine.

NEW SECTION. Sec. 5. The superintendent of public instruction shall have the power to enforce and obtain compliance with the provisions of this chapter and the regulations and guidelines adopted pursuant thereto by appropriate order made pursuant to chapter 34.04 RCW, which order, by way of illustration, may include, the termination of all or part of state apportionment or categorical moneys to the offending school district, the termination of specified programs in which violations may be flagrant within the offending school district, the institution of a mandatory affirmative action program within the offending school district, and the placement of the offending school district on probation with appropriate sanctions until compliance is achieved.

NEW SECTION. Sec. 6. This chapter shall be supplementary to, and shall not supersede, existing law and procedures and future amendments thereto relating to unlawful discrimination based on sex.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act are added to chapter 223, Laws of 1969 ex. sess. and to Title 28A RCW as a new chapter thereof.

NEW SECTION. Sec. 8. 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 9, 1975.

Passed the Senate June 8, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 227

[Substitute House Bill No. 428]

STATE HIGHWAY COMMISSION—APPROPRIATIONS

AN ACT Relating to expenditures by the Washington state highway commission; making appropriations and authorizing expenditures for the biennium ending June 30, 1977; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby appropriated to the Washington state highway commission from the motor vehicle fund for the biennium ending June 30, 1977 \$68,259,972 consisting of \$50,680,000 from federal funds and \$17,579,972 from local funds or so much thereof as shall be necessary for reimbursable expenditures for the location, design, right of way, and construction on city streets and county roads, and other nonstate highways, including the unexpended balances of the funds from the sale of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951, chapter 311, Laws of 1955, and in chapter 121, Laws of 1965; for reimbursable expenditures on cooperative projects authorized by state and/or federal law; for expenditures to be reimbursed through federal emergency relief acts, reimbursable expenditures for maintenance on city streets, county roads and other nonstate highways, reimbursable expenditures for miscellaneous sales and services to others, reimbursement for all of the above expenditures to be substantially contemporaneous with the expenditures: PROVIDED, That the Washington state highway commission may expend from this appropriation, if necessary, not to exceed \$100,000 for each of the fiscal years of 1976 and 1977 to meet obligations arising from the Vernita toll bridge bond covenants and RCW 47.56.702 and any payments made pursuant to this proviso shall constitute a loan and shall be repaid from tolls on the bridge which shall be continued until such loan is fully repaid: PROVIDED FURTHER, That the Washington state highway commission shall conduct a feasibility study of an appropriate overhead charge for reimbursable activities and shall report such study findings and recommendations to the house and senate transportation and utilities committees by January 15, 1976.

NEW SECTION. Sec. 2. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission, the sum of \$985,000, or so much thereof as may be necessary for the completion of the construction of two lanes plus necessary interchange structures for a connection to The Evergreen

State College campus as provided in section 10, chapter 281, Laws of 1969 ex. sess.: PROVIDED, That no funds authorized by this appropriation shall be expended unless the highway commission determines that funds available in the biennium ending June 30, 1977, are adequate to fund the commission's operational construction program for the biennium, but in such event the project described in this section may be funded with appropriations to the highway commission under program "C" construction if the commission determines the need for the project is as great as other projects funded during the biennium under priority programming procedures.

NEW SECTION. Sec. 3. 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. 4. 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 13, 1975.

Passed the Senate May 30, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 228

[House Bill No. 436]

UNEMPLOYMENT COMPENSATION

AN ACT Relating to unemployment compensation; amending section 6, chapter 2, Laws of 1970 ex. sess. as amended by section 3, chapter 73, Laws of 1973 and RCW 50.04.355; amending section 46, chapter 35, Laws of 1945 and RCW 50.12.070; amending section 87, chapter 35, Laws of 1945 as last amended by section 7, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.20.190; amending section 11, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.020; amending section 1, chapter 200, Laws of 1969 ex. sess. and RCW 50.32.025; amending section 123, chapter 35, Laws of 1945 as amended by section 31, chapter 215, Laws of 1947 and RCW 50.32.070; adding a new section to chapter 50.04 RCW; adding a new chapter to Title 50 RCW to be codified as chapter 50.06 RCW; adding a new section to chapter 35, Laws of 1945 and to chapter 50.24 RCW to be codified as RCW 50.24.115; adding a new section to chapter 35, Laws of 1945 and to chapter 50.32 RCW to be codified as RCW 50.32.075; amending section 22, chapter 3, Laws of 1971, as amended by section 10, chapter 73, Laws of 1973, and RCW 50.44.050; repealing section 3, chapter 286, Laws of 1955, section 20, chapter 2, Laws of 1970 ex. sess., section 2, chapter 167, Laws of 1973 1st ex. sess. and RCW 50.20.030; and declaring an emergency.

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

Section 1. Section 6, chapter 2, Laws of 1970 ex. sess. as amended by section 3, chapter 73, Laws of 1973 and RCW 50.04.355 are each amended to read as follows:

On or before the fifteenth day of June of each year an "average annual wage", an "average weekly wage", a "qualifying annual wage", ~~((and))~~ a "qualifying weekly wage", and an "average annual wage for contributions purposes" shall be computed from information for the preceding calendar year including corrections thereof reported within three months after the close of that year by all employers

as defined in RCW 50.04.080 (~~on employers' contribution reports (including corrections thereof) filed within three months after the close of that year~~). The "average annual wage" is the quotient derived by dividing total remuneration reported by all employers by the average number of workers reported for all months and if the result is not a multiple of one dollar, ((and)) rounding the result to the next lower multiple of one dollar. The "average annual wage" thus obtained shall be divided by fifty-two and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar to determine the "average weekly wage". The "qualifying annual wage" shall be computed by multiplying the "average annual wage" by fifteen percent and if the result is not a multiple of fifty dollars, rounding the result to the next lower multiple of fifty dollars. The "qualifying weekly wage" shall be computed by multiplying the "average weekly wage" by fifteen percent and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar. The "average annual wage" for contribution purposes is the quotient derived by dividing total remuneration reported by all employers subject to contributions by the average number of workers reported for all months by these same employers and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar.

Sec. 2. Section 46, chapter 35, Laws of 1945 and RCW 50.12.070 are each amended to read as follows:

Each employing unit shall keep true and accurate work records, containing such information as the commissioner may prescribe. Such records shall be open to inspection and be subject to being copied by the commissioner or his authorized representatives at any reasonable time and as often as may be necessary. The commissioner may require from any employing unit any sworn or unsworn reports with respect to persons employed by it, which he deems necessary for the effective administration of this title. Each employer shall make periodic reports at such intervals as the commissioner may by regulation prescribe, setting forth the remuneration paid for employment to workers in its employ, the names of all such workers, the number of weeks for which the worker earned the "qualifying weekly wage" and such other information as the commissioner may by regulation prescribe.

In the event the employing unit fails or has failed to report the number of weeks in a reporting period for which a worker earned the "qualifying weekly wage" such number will be computed by the commissioner and given the same force and effect as if it had been reported by the employing unit. In computing the number of such weeks the total wages for the reporting period, as reported by the employing unit, shall be divided by the dollar amount of the "qualifying weekly wage" in effect for such reporting period and the quotient, disregarding any remainder, shall be credited to the worker: PROVIDED, That the total number of weeks credited to the worker for any quarterly period shall not exceed thirteen weeks: PROVIDED, FURTHER, That the computation so made will not be subject to appeal by the employing unit.

Sec. 3. Section 87, chapter 35, Laws of 1945 as last amended by section 7, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.20.190 are each amended to read as follows:

An individual who is paid any amount as benefits under this title to which he or she is not entitled shall, unless otherwise relieved pursuant to this section, be liable for repayment of the amount overpaid. The department shall issue an overpayment assessment setting forth the reasons for and the amount of the overpayment. The amount assessed, to the extent not collected, ~~((shall))~~ may be deducted from any future benefits payable to the individual: **PROVIDED**, That in the absence of fraud, misrepresentation, or wilful nondisclosure, every determination of liability shall be mailed or personally served not later than two years after the close of the individual's benefit year in which the purported overpayment was made unless the merits of the claim are subjected to administrative or judicial review in which event the period for serving the determination of liability shall be extended to allow service of the determination of liability during the six-month period following the final decision affecting the claim.

The commissioner may waive an overpayment if he finds that said overpayment was not the result of fraud, misrepresentation, wilful nondisclosure, or fault attributable to the individual and that the recovery thereof would be against equity and good conscience: **PROVIDED, HOWEVER**, That the overpayment so waived shall be charged against the individual's applicable entitlement for the eligibility period containing the weeks to which the overpayment was attributed as though such benefits had been properly paid.

Any assessment herein provided shall constitute a determination of liability from which an appeal may be had in the same manner and to the same extent as provided for appeals relating to determinations in respect to claims for benefits: **PROVIDED**, That an appeal from any determination covering overpayment only, shall be deemed to be an appeal from the determination which was the basis for establishing the overpayment unless the merits involved in the issue set forth in such determination have already been heard and passed upon by the appeal tribunal. If no such appeal is taken to the appeal tribunal by the individual within ten days of the delivery of the notice of determination of liability, or within ten days of the mailing of the notice of determination, whichever is the earlier, said determination of liability shall be deemed conclusive and final, and the court shall, upon application of the commissioner, enter a judgment in the amount provided by the notice of determination, which judgment shall have and be given the same effect as if entered pursuant to civil action.

On request of any agency which administers an employment security law of another state, the United States or a foreign government and which has found in accordance with the provisions of such law that a claimant is liable to repay benefits received under such law by reason of having knowingly made a false statement or misrepresentation of a material fact with respect to a claim taken in this state as an agent for such agency, the commissioner may collect the amount of such benefits from such claimant to be refunded to such agency. In any case in which under this section a claimant is liable to repay any amount to the agency of another state, the United States or a foreign government, such amounts may be collected without interest by civil action in the name of the commissioner acting as agent for such agency if the other state, the United States or the foreign government extends such collection rights to the employment security department of

the state of Washington, and provided that the court costs be paid by the governmental agency benefiting from such collection.

Sec. 4. Section 1, chapter 200, Laws of 1969 ex. sess. and RCW 50.32.025 are each amended to read as follows:

The appeal or petition from a determination, redetermination, order and notice of assessment, appeals decision, or commissioner's decision (~~(if such document be mailed, shall be deemed filed with the addressee on the postmarked date if said document is properly addressed and has sufficient postage affixed thereto)~~) which is (1) transmitted through the United States mail, shall be deemed filed and received by the addressee on the date shown by the United States postal service cancellation mark stamped by the United States postal service employees upon the envelope or other appropriate wrapper containing it or, (2) mailed but not received by the addressee, or where received and the United States postal service cancellation mark is illegible, erroneous or omitted, shall be deemed filed and received on the date it was mailed, if the sender establishes by competent evidence that the appeal or petition was deposited in the United States mail on or before the date due for filing; PROVIDED, That in the case of a metered cancellation mark by the sender and a United States postal service cancellation mark on the same envelope or other wrapper, the latter shall control; PROVIDED, FURTHER, That in any of the above circumstances, the appeal or petition must be properly addressed and have sufficient postage affixed thereto.

Sec. 5. Section 123, chapter 35, Laws of 1945 as amended by section 31, chapter 215, Laws of 1947 and RCW 50.32.070 are each amended to read as follows:

Within ten days from the date of notification or mailing, whichever is the earlier, of any decision of an appeal tribunal, the commissioner on his own order may, or upon petition of any interested party shall, take jurisdiction of the proceedings for the purpose of review thereof. Appeal from any decision of an appeal tribunal may be perfected so as to prevent finality of such decision if, within ten days from the date of mailing the appeal tribunal decision, or notification thereof, whichever is the earlier, a petition in writing for review by the commissioner is received by the commissioner or by such representative of the commissioner as the commissioner by regulation shall prescribe. The commissioner may also prevent finality of any decision of an appeal tribunal and take jurisdiction of the proceedings for his review thereof by entering an order so providing on his own motion and mailing a copy thereof to the interested parties within the same period allowed herein for receipt of a petition for review. The time limit provided herein (~~(for seeking review by the commissioner and)~~) for the commissioner's assumption of jurisdiction on his own motion for review shall be deemed to be jurisdictional.

Sec. 6. Section 11, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.020 are each amended to read as follows:

(1) An experience rating account shall be established and maintained for each employer based on existing records of the employment security department and shall be effective beginning with July 1, 1967. Benefits paid to any eligible individuals for benefit years beginning subsequent to June 30, 1967, shall be charged to the experience rating accounts of each of his employers during his base year in the same ratio that the wages paid by each employer to the individual during the

base year bear to the wages paid by all employers to that individual during that base year (~~(except that)~~).

(2) The legislature finds that certain benefit payments should not be charged to the experience rating accounts of employers whose employees are not covered under chapter 50.44 RCW, as follows:

(a) Benefits paid to any individuals later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer.

(b) Benefits paid to an individual under the provisions of RCW 50.12.050 shall not be charged to the account of any contribution paying employer if the wage credits earned in this state by the individual during his base year are less than the minimum amount necessary to qualify the individual for unemployment benefits.

(c) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer.

NEW SECTION. Sec. 7. This chapter is enacted for the purpose of providing the protection of the unemployment compensation system to workers who have suffered a temporary total disability compensable under industrial insurance and is a recognition by this legislature of the economic hardship confronting those workers who have not been promptly reemployed after a prolonged period of temporary total disability.

NEW SECTION. Sec. 8. Only individuals who have suffered a temporary total disability and have received compensation under the industrial insurance laws of this state, any other state or the United States for a period of not less than thirteen consecutive calendar weeks by reason of such temporary total disability shall be allowed the benefits of this chapter.

NEW SECTION. Sec. 9. An application for initial determination made pursuant to this chapter, to be considered timely, must be filed in writing with the employment security department within twenty-six weeks following the week in which the period of temporary total disability commenced. Notice from the department of labor and industries shall satisfy this requirement. The records of the agency supervising the award of compensation shall be conclusive evidence of the fact of temporary disability and the beginning date of such disability. The employment security department shall process and issue an initial determination of entitlement or nonentitlement as the case may be.

For the purpose of this chapter, a special base year is established for an individual consisting of the first four of the last five completed calendar quarters immediately prior to the first day of the calendar week in which the individual's temporary total disability commenced, and a special individual benefit year is established consisting of the entire period of disability and a fifty-two consecutive week period commencing with the first day of the calendar week immediately following the week or part thereof with respect to which the individual received his final temporary total disability compensation under the applicable industrial insurance laws except that no special benefit year shall have a duration in excess of three hundred twelve calendar weeks: PROVIDED HOWEVER, That such special benefit year will not be established unless the criteria contained in RCW 50.04.030 has been met, except that an individual meeting the disability and filing

requirements of this chapter and who has an unexpired benefit year established which would overlap the special benefit year provided by this chapter, notwithstanding the provisions in RCW 50.04.030 relating to the establishment of a subsequent benefit year and RCW 50.40.010 relating to waiver of rights, may elect to establish a special benefit year under this chapter: PROVIDED FURTHER, That the unexpired benefit year shall be terminated with the beginning of the special benefit year if the individual elects to establish such special benefit year.

NEW SECTION. Sec. 10. The individual's weekly benefit amount and maximum amount payable during the special benefit year shall be governed by the provision contained in RCW 50.20.120. The individual's basic and continuing right to benefits shall be governed by the general laws and regulations relating to the payment of unemployment compensation benefits to the extent that they are not in conflict with the provisions of this chapter.

NEW SECTION. Sec. 11. The fact that wages, hours or weeks worked during the special base year may have been used in the computation of a prior valid claim for unemployment compensation shall not affect a claim for benefits made pursuant to the provisions of this chapter; however, wages, hours and weeks worked used in computing entitlement on a claim filed pursuant to this chapter shall not be available or used for establishing entitlement or amount of benefits in any succeeding benefit year.

NEW SECTION. Sec. 12. This chapter shall be available only to individuals who suffer a temporary total disability, compensable by an industrial insurance program, after the effective date of this chapter.

NEW SECTION. Sec. 13. Should any part of this chapter be declared unconstitutional by the final decision of any court or declared out of conformity by the United States secretary of labor, the commissioner shall immediately discontinue the payment of benefits based on this chapter, declare it inoperative and report that fact to the governor and the legislature.

NEW SECTION. Sec. 14. Sections 7 through 13 of this 1975 act shall constitute a new chapter in Title 50 RCW and shall be codified as chapter 50.06 RCW.

NEW SECTION. Sec. 15. There is added to chapter 35, Laws of 1945 and to chapter 50.24 RCW, a new section to be codified as RCW 50.24.115 to read as follows:

Whenever any order and notice of assessment or jeopardy assessment shall have become final in accordance with the provisions of this title the commissioner may file with the clerk of any county within the state a warrant in the amount of the notice of assessment plus interest and a filing fee of five dollars. The clerk of the county wherein the warrant is filed shall immediately designate a superior court cause number for such warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the employer mentioned in the warrant, the amount of the tax, interest and filing fee and the date when such warrant was filed. The aggregate amount of such warrant as docketed shall become a lien upon the title to, and interest in all real and personal property of the employer against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of such clerk. Such warrant so docketed shall be sufficient to support the issuance of writs

of execution and writs of garnishment in favor of the state in the manner provided by law in the case of civil judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee of five dollars, which shall be added to the amount of the warrant, and charged by the commissioner to the employer or employing unit. A copy of the warrant shall be mailed to the employer or employing unit by certified mail to his last known address within five days of filing with the clerk.

NEW SECTION. Sec. 16. There is added to chapter 35, Laws of 1945, and to chapter 50.32 RCW a new section to be codified as RCW 50.32.075 to read as follows:

WAIVER OF TIME FOR APPEAL OR PETITION. For good cause shown the appeal tribunal or the commissioner may waive the time limitations for administrative appeals or petitions set forth in the provisions of this title.

Sec. 17. Section 22, chapter 3, Laws of 1971, as amended by section 10, chapter 73, Laws of 1973, and RCW 50.44.050, is amended to read as follows:

Benefits based on services in employment covered by or pursuant to this chapter shall be payable on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this title: **PROVIDED HOWEVER**, That benefits based on service in an instructional, research or principal administrative capacity in an institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for an institution or institutions of higher education for both such academic years or both such terms; or during any non-work period occurring during a term that does not diminish the individual's salary for the term: **PROVIDED FURTHER**, That benefits based on service in an instructional, research, or principal administrative capacity in an educational institution other than an institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity in an educational institution or institutions other than an institution of higher education for both such academic years or both such terms; or during any non-work period occurring during a term that does not diminish the individual's salary for the term: **PROVIDED FURTHER**, That any employee of a common school district who is conclusively presumed to have been reemployed pursuant to RCW 28A.67.070 shall be deemed to have a contract for the ensuing term.

NEW SECTION. Sec. 18. Section 3, chapter 286, Laws of 1955, section 20, chapter 2, Laws of 1970 ex. sess., section 2, chapter 167, Laws of 1973 1st ex. sess. and RCW 50.20.030 are each repealed.

NEW SECTION. Sec. 19. All sections of this 1975 amendatory act are 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 on the first Sunday following signature by the governor.

Passed the House June 7, 1975.

Passed the Senate June 6, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 229
[House Bill No. 612]
BOARD OF ACCOUNTANCY—
FEES, DETERMINATION

AN ACT Relating to accountancy; amending section 15, chapter 226, Laws of 1949 as amended by section 2, chapter 114, Laws of 1969 and RCW 18.04.160; amending section 19, chapter 226, Laws of 1949 as amended by section 3, chapter 114, Laws of 1969 and RCW 18.04.200; amending section 21, chapter 226, Laws of 1949 as amended by section 4, chapter 114, Laws of 1969 and RCW 18.04.220; amending section 27, chapter 226, Laws of 1949 as amended by section 5, chapter 114, Laws of 1969 and RCW 18.04.280; and amending section 28, chapter 226, Laws of 1949 as last amended by section 1, chapter 23, Laws of 1973 1st ex. sess. and RCW 18.04.290.

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

Section 1. Section 15, chapter 226, Laws of 1949 as amended by section 2, chapter 114, Laws of 1969 and RCW 18.04.160 are each amended to read as follows:

A candidate who fails an examination shall have the right to take succeeding examinations subject to such rules and regulations as the board may adopt governing reexaminations. The board may for good cause shown, waive the requirement that a candidate must have taken an examination at least once a year. An application for examination or reexamination in any subject shall be accompanied by a fee ~~((of forty dollars for all four sections of the examination, thirty dollars for three sections, and twenty dollars for one or two sections))~~ in an amount determined by the board in accordance with this chapter not to exceed seventy-five dollars.

Sec. 2. Section 19, chapter 226, Laws of 1949 as amended by section 3, chapter 114, Laws of 1969 and RCW 18.04.200 are each amended to read as follows:

The director of motor vehicles shall register a partnership as a partnership of certified public accountants if the partnership meets the following requirements:

(1) At least one partner must hold a valid certificate to practice in this state as a certified public accountant;

(2) Each partner personally engaged within this state in the practice of public accounting must hold a valid certificate to practice in this state as a certified public accountant; and

(3) Each partner must hold a valid certificate, license, permit or degree authorizing him to practice as a certified public accountant in a state, territory, or possession of the United States;

(4) Each resident manager in charge of an office of the partnership in this state must hold a valid certificate to practice in this state as a certified public accountant; and

(5) The application for registration as a partnership of certified public accountants must be approved by the board.

Application for such registration shall be in writing, sworn to by a partner of such partnership who holds a valid certificate to practice in this state as a certified public accountant. A notice of amendment shall be filed with the board within one month after the admission to, or withdrawal of a partner from, any partnership so registered. A fee ~~((of fifteen dollars))~~ in an amount determined by the board in accordance with this chapter not to exceed thirty dollars must accompany ~~((the))~~ each original application~~((:))~~ and ~~((a fee of ten dollars must accompany))~~ each notice of amendment.

Sec. 3. Section 21, chapter 226, Laws of 1949 as amended by section 4, chapter 114, Laws of 1969 and RCW 18.04.220 are each amended to read as follows:

The director of motor vehicles shall register a partnership as a partnership of licensed public accountants if the partnership meets the following requirements:

(1) At least one general partner must hold a valid certificate to practice in this state as a certified public accountant or a valid license to practice in this state as a licensed public accountant;

(2) Each partner personally engaged within this state in the practice of public accounting must hold a valid certificate to practice in this state as a certified public accountant or a valid license to practice in this state as a licensed public accountant;

(3) Each partner must hold a valid certificate, license, permit or degree authorizing him to practice as either a certified public accountant or a licensed public accountant in a state, territory, or possession of the United States;

(4) Each resident manager in charge of an office of the partnership in this state must hold a valid certificate to practice in this state as a certified public accountant or a valid license to practice in this state as a licensed public accountant; and

(5) The application for registration as a partnership of licensed public accountants must be approved by the board.

Application for such registration shall be in writing, sworn to by a partner of such partnership who holds a valid certificate to practice in this state as a certified public accountant or a valid license to practice in this state as a licensed public accountant. A notice of amendment shall be filed with the board within one month after the admission to, or withdrawal of a partner from, any partnership so registered. A fee ~~((of fifteen dollars))~~ in an amount determined by the board in accordance with this chapter not to exceed thirty dollars must accompany ~~((the))~~ each original application~~((:))~~ and ~~((a fee of ten dollars must accompany))~~ each notice of amendment.

Sec. 4. Section 27, chapter 226, Laws of 1949 as amended by section 5, chapter 114, Laws of 1969 and RCW 18.04.280 are each amended to read as follows:

Application for registration shall be in writing sworn to by a partner of the applicant partnership who holds a certificate to practice in this state as a certified public accountant or a license to practice in this state as a licensed public accountant or is a registered public accountant of this state. A notice of amendment shall be filed with the board within one month after the admission to, or withdrawal of a partner from, any partnership so registered. A fee ~~((of fifteen dollars))~~

in an amount determined by the board in accordance with this chapter not to exceed thirty dollars shall accompany ((the)) each original application and ((a fee of ten dollars shall accompany)) each notice of amendment.

Sec. 5. Section 28, chapter 226, Laws of 1949 as last amended by section 1, chapter 23, Laws of 1973 1st ex. sess. and RCW 18.04.290 are each amended to read as follows:

(1) The director of motor vehicles shall upon application issue an annual permit to practice public accounting in this state to any person or partnership authorized to engage in such practice in this state under a valid certificate, license, or registration, to any corporation presently authorized to do business under RCW 18.04.350, as now or hereafter amended, and to any candidate for a certificate as a certified public accountant who has passed the entire examination given by the examining committee as provided in RCW 18.04.120 as now or hereafter amended. Such permits shall expire on the thirtieth day of June of each year. The annual fee for a permit to practice public accounting in this state shall be ~~((twenty-five dollars:))~~ in an amount determined by the board in accordance with this chapter not to exceed fifty dollars. In the event the holder of a permit fails to renew the same prior to the expiration thereof such failure shall not deprive a person or partnership otherwise entitled to such permit of the right to renew the same upon the payment of the fees which the applicant would have been required to pay if the permit had been renewed prior to its expiration.

(2) Every person practicing public accounting shall as a prerequisite to annual renewal of such permit, submit to the Washington state board of accountancy satisfactory proof of having, during the preceding three years, completed fifteen days or an accumulation of one hundred twenty hours of continuing education recognized and approved by the board: PROVIDED, That this subsection shall not apply to applications for renewal until three years after July 16, 1973: PROVIDED, That this requirement may be waived by the board for good cause.

Passed the House June 8, 1975.

Passed the Senate June 7, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 230

[Substitute House Bill No. 693]

PUBLIC WORKS AND CONTRACTS—ADVERTISEMENT

AN ACT Relating to public contracts; amending section 36.32.250, chapter 4, Laws of 1963 as last amended by section 16, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.250; and amending section 2, chapter 183, Laws of 1923 as amended by section 1, chapter 70, Laws of 1967 and RCW 39.04.020.

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

Section 1. Section 36.32.250, chapter 4, Laws of 1963 as last amended by section 16, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.250 are each amended to read as follows:

No contract, lease or purchase shall be entered into by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority or by any elected or appointed officer of such county until after bids have been submitted to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the ~~((board))~~ county legislative authority for public inspection, and an advertisement thereof stating the date after which bids will not be received, the character of the work to be done, or material, equipment, or service to be purchased, and that specifications therefor may be seen at the office of the clerk of the ~~((board))~~ county legislative authority, shall be published in the county official newspaper and in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done: PROVIDED HOWEVER, That if the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such work is to be done publication of an advertisement of the applicable specifications in the county official newspaper only shall be sufficient. Such advertisements shall be published at least once in each week for two consecutive weeks prior to the last date upon which bids will be received and as many additional publications as shall be determined by the ~~((board))~~ county legislative authority. The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at a meeting of the ~~((board))~~ county legislative authority on the date named therefor in said advertisements, and after being opened, shall be filed for public inspection. No bid shall be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed. The contract for the public work, lease or purchase shall be awarded to the lowest responsible bidder; taking into consideration the quality of the articles or equipment to be purchased or leased. Any or all bids may be rejected for good cause. The ~~((board))~~ county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law. Should the bidder to whom the contract is awarded fail to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the ~~((board))~~ county legislative authority. In the letting of any contract, lease or purchase involving less than one thousand dollars advertisement and competitive bidding may be dispensed with on order of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority. Notice of intention to let contracts, enter into lease agreements or to make purchases involving amounts exceeding five hundred dollars and less than one thousand dollars, shall be posted by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority on a bulletin board in its office not less than three days prior to making such purchase, lease or contract. Wherever possible, supplies shall be purchased in quantities for a period of at least three months, and not to exceed one year. Supplies generally used throughout the various departments shall be standardized insofar as possible, and

may be purchased and stored for general use by all of the various departments which shall be charged for the supplies when withdrawn from the purchasing department.

Sec. 2. Section 2, chapter 183, Laws of 1923 as amended by section 1, chapter 70, Laws of 1967 and RCW 39.04.020 are each amended to read as follows:

Whenever the state, or any municipality shall determine that any public work is necessary to be done it shall cause plans and/or specifications thereof and an estimate of the cost of such work to be made and filed in the office of the director, supervisor, commissioner, trustee, board or agency having by law the authority to require such work to be done.

If the state, or such municipality shall determine that it is necessary or advisable that such work shall be executed by any means or method other than by contract, and it shall appear by such estimate that the probable cost of executing such work will exceed the sum of twenty-five hundred dollars, then the state or such municipality shall at least fifteen days before beginning work cause such estimate, together with a description of the work, to be published at least once in a legal newspaper of general circulation ((m)) published in or as near as possible to that part of the county in which such work is to be done(:

~~PROVIDED, That when such work is to be done by the state, publication in a newspaper of general circulation throughout the state shall be equivalent to publication in the county where the work is to be done.~~

~~AND~~); PROVIDED ((FURTHER)), That when any emergency shall require the immediate execution of such public work, upon a finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work.

Passed the House June 9, 1975.

Passed the Senate June 8, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 231

[House Bill No. 695]

MECHANICS' AND MATERIALMEN'S LIENS— DURATION—LIMITATION OF ACTION

AN ACT Relating to liens; and amending section 9, chapter 24, Laws of 1893 as amended by section 1, chapter 209, Laws of 1943 and RCW 60.04.100.

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

Section 1. Section 9, chapter 24, Laws of 1893 as amended by section 1, chapter 209, Laws of 1943 and RCW 60.04.100 are each amended to read as follows:

No lien created by this chapter binds the property subject to the lien for a longer period than eight calendar months after the claim has been filed unless an action be commenced in the proper court within that time to enforce such lien; or, if credit be given and the terms thereof be stated in the claim of lien, then eight calendar months after the expiration of such credit; and in case such action be

not prosecuted to judgment within two years after the commencement thereof, the court, in its discretion, may dismiss the same for want of prosecution, and the dismissal of such action or a judgment rendered therein, that no lien exists, shall constitute a cancellation of the lien: PROVIDED, That, for the purposes of this chapter, an action to enforce such lien shall not be timely commenced unless the filing of summons and complaint in a court of competent jurisdiction shall be made prior to the expiration of the eight-month period, and service of the summons and complaint shall be made upon all necessary parties personally, or by commencement of service by publication, not later than ninety days after the filing of the summons and complaint.

Passed the House June 7, 1975.

Passed the Senate June 7, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 232

[Second Substitute House Bill No. 720]

STATE COLLEGES—

DEGREE GRANTING AUTHORITY

AN ACT Relating to the state colleges; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.40 RCW; repealing section 28B.40.210, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.210; and repealing section 1, chapter 28, Laws of 1971 ex. sess., section 1, chapter 14, Laws of 1974 ex. sess. and RCW 28B.40.226.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.40 RCW a new section to read as follows:

In addition to all other powers and duties given to them by law, Central Washington State College, Eastern Washington State College, and Western Washington State College are hereby authorized to grant any degree through the master's degree to any student who has completed a program of study and/or research in those areas which are determined by the faculty and board of trustees of the college to be appropriate for the granting of such degree: PROVIDED, That any degree authorized under this section which has no fiscal impact shall be subject to the review and recommendation of the council on higher education: PROVIDED FURTHER, That any degree permitted under this section having additional fiscal impact shall not be authorized prior to review and recommendation by the council on higher education and approval of the legislature.

NEW SECTION. Sec. 2. The following acts or parts of acts are hereby repealed:

(1) Section 28B.40.210, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.210; and

(2) Section 1, chapter 28, Laws of 1971 ex. sess., section 1, chapter 14, Laws of 1974 ex. sess. and RCW 28B.40.226.

Passed the House May 9, 1975.

Passed the Senate May 31, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 233

[House Bill No. 796]

LANDLORD AND TENANTS—
TENANTS' SECURITY DEPOSITS

AN ACT Relating to lease or rental deposits; and amending section 27, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.270.

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

Section 1. Section 27, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18-.270 are each amended to read as follows:

All moneys paid to the landlord by the tenant as a deposit as security for performance of the tenant's obligations in a lease or rental agreement shall promptly be deposited by the landlord in a trust account, maintained by the landlord for the purpose of holding such security deposits for tenants of the landlord, in a bank, savings and loan association, mutual savings bank, or licensed escrow agent located in Washington. Unless otherwise agreed in writing, the landlord shall be entitled to receipt of interest paid on such trust account deposits. The landlord shall provide the tenant with a written receipt for the deposit and shall provide written notice of the name and address and location of the depository and any subsequent change thereof. If during a tenancy the status of landlord is transferred to another, any sums in the deposit trust account affected by such transfer shall simultaneously be transferred to an equivalent trust account of the successor landlord, and the successor landlord shall promptly notify the tenant of the transfer and of the name, address and location of the new depository. The tenant's claim to any moneys paid under this section shall be prior to that of any creditor of the landlord, including a trustee in bankruptcy or receiver, even if such moneys are commingled.

Passed the House May 30, 1975.

Passed the Senate June 4, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 234

[House Bill No. 798]

INDUSTRIAL INSURANCE—
CONTINUING MEDICATION

AN ACT Relating to industrial insurance; and amending section 51.36.010, chapter 23, Laws of 1961 as last amended by section 50, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.010.

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

Section 1. Section 51.36.010, chapter 23, Laws of 1961 as last amended by section 50, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.010 are each amended to read as follows:

Upon the occurrence of any injury to a workman entitled to compensation under the provisions of this title, he shall receive proper and necessary medical and surgical services at the hands of a physician of his own choice, if conveniently located, and proper and necessary hospital care and services during the period of his disability from such injury, but the same shall be limited in point of duration as follows:

In the case of permanent partial disability, not to extend beyond the date when compensation shall be awarded him, except when the workman returned to work before permanent partial disability award is made, in such case not to extend beyond the time when monthly allowances to him shall cease; in case of temporary disability not to extend beyond the time when monthly allowances to him shall cease: PROVIDED, That after any injured workman has returned to his work his medical and surgical treatment may be continued if, and so long as, such continuation is deemed necessary by the supervisor of industrial insurance to be necessary to his more complete recovery; in case of a permanent total disability not to extend beyond the date on which a lump sum settlement is made with him or he is placed upon the permanent pension roll: PROVIDED, HOWEVER, That the supervisor of industrial insurance, solely in his discretion, may authorize continued medical and surgical treatment for conditions previously accepted by the department when such medical and surgical treatment is deemed necessary by the supervisor of industrial insurance to protect such workman's life or provide for the administration of medical and therapeutic measures including payment of prescription medications, but not including those controlled substances currently scheduled by the state board of pharmacy as Schedule I, II, III, or IV substances under chapter 69.50 RCW, which are necessary to alleviate continuing pain which results from the industrial injury. In order to authorize such continued treatment the written order of the supervisor of industrial insurance issued in advance of the continuation shall be necessary.

Passed the House May 8, 1975.

Passed the Senate June 7, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 235

[House Bill No. 1043]

INDUSTRIAL INSURANCE—TEMPORARY TOTAL DISABILITY—AVAILABLE WORK

AN ACT Relating to industrial insurance; and amending section 51.32.090, chapter 23, Laws of 1961 as last amended by section 22, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.090.

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

Section 1. Section 51.32.090, chapter 23, Laws of 1961 as last amended by section 22, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.090 are each amended to read as follows:

(1) When the total disability is only temporary, the schedule of payments contained in subdivisions (1) through (13) of RCW 51.32.060 as amended shall apply, so long as the total disability continues.

(2) Any compensation payable under this section for children not in the custody of the injured workman as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.

(3) As soon as recovery is so complete that the present earning power of the workman, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable unless the loss of earning power shall exceed five percent.

(4) Whenever an employer requests that a workman who is entitled to temporary total disability under this chapter be certified by a physician as able to perform available work other than his usual work, the employer shall furnish to the physician, with a copy to the workman, a statement describing the available work in terms that will enable the physician to relate the physical activities of the job to the workman's disability. The physician shall then determine whether the workman is physically able to perform the work described. If the workman is released by his physician for said work, and the work thereafter comes to an end before the workman's recovery is sufficient in the judgment of his physician to permit him to return to his usual job, or to perform other available work, the workman's temporary total disability payments shall be resumed. Should the available work described, once undertaken by the workman, impede his recovery to the extent that in the judgment of his physician he should not continue to work, the workman's temporary total disability payments shall be resumed when the workman ceases such work.

Once the workman returns to work under the terms of this subsection, he shall not be assigned by the employer to work other than the available work described without the workman's written consent, or without prior review and approval by the workman's physician.

In the event of any dispute as to the workman's ability to perform the available work offered by the employer, the department shall make the final determination.

(5) No workman shall receive compensation for or during the day on which injury was received or the three days following the same, unless his disability shall continue for a period of fourteen consecutive calendar days from date of injury.

(6) Should a workman suffer a temporary total disability and should his employer at the time of the injury continue to pay him the wages which he was earning at the time of such injury, such injured workman shall not receive any payment provided in subsection (1) of this section during the period his employer shall so pay such wages.

(7) In no event shall the monthly payments provided in this section exceed seventy-five percent of the average monthly wage in the state as computed under the provisions of RCW 51.08.018.

Passed the House June 3, 1975.

Passed the Senate May 31, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 236

[Substitute House Bill No. 1143]

COMMUNITY COLLEGE CAPITAL PROJECTS— GENERAL OBLIGATION BOND FINANCING

AN ACT Relating to community colleges; authorizing the issuance and sale of state general obligation bonds, including bond anticipation notes, to fund community college capital projects; providing ways and means for the payment of such bonds; adding new sections as a new chapter to Title 28B RCW; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature has approved by its appropriation of funds from time to time, capital projects for the state community colleges, which appropriations have been funded primarily by the issuance of general tuition fee, limited obligation bonds by the state board for community college education (hereinafter in this act called the "college board"). In order that any future appropriations for such approved capital projects may be funded on terms most advantageous to the state, it is hereby determined to be in the public interest to provide for the issuance of state general obligation bonds, in lieu of general tuition fee, limited obligation bonds.

For purposes of this act, "community college capital projects" means the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto. 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. 2. For the purpose of financing the community college capital projects as determined by the legislature in its capital appropriations act, Chapter..., Laws of 1975 (ESHB 206), the state finance committee is hereby authorized to issue from time to time general obligation bonds of the state of Washington in the aggregate principal amount of fourteen million seven hundred seventy-six thousand dollars, or so much thereof as may be required for such purposes, to be paid and discharged within thirty years of the date or dates of issuance, in accordance with Article VIII, section 1 of the Constitution of the state of Washington.

NEW SECTION. Sec. 3. When the state finance committee has determined to issue such general obligation bonds, or a portion thereof, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of

the issuance of such bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for the payment of principal and redemption premium, if any, of and interest on such notes shall be applied thereto when such bonds are issued.

The state finance committee is authorized to prescribe the form, terms, conditions and covenants of the bonds and/or the bond anticipation notes, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each such bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and the interest thereon when due.

NEW SECTION. Sec. 4. Except for that portion of the proceeds required to pay bond anticipation notes pursuant to section 3 of this act, the proceeds from the sale of the bonds and/or bond anticipation notes authorized in this act, together with all grants, donations, transferred funds, and all other moneys which the state finance committee or the college board may direct the state treasurer to deposit therein, shall be deposited in the 1975 community college capital construction account in the state general fund.

NEW SECTION. Sec. 5. Subject to legislative appropriation, all proceeds of the bonds authorized in this act shall be administered by the college board exclusively for the purposes specified in this act and for the payment of the expenses incurred in connection with the sale and issuance of such bonds and bond anticipation notes.

NEW SECTION. Sec. 6. The 1975 community college capital construction bond retirement fund in the state treasury shall be used for the purpose of the payment of principal of and interest on the bonds authorized to be issued pursuant to this act.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and interest coming due on such bonds. On July 1st of each such year the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1975 community college capital construction bond retirement fund, an amount equal to the amount certified by the state finance committee.

NEW SECTION. Sec. 7. On or before June 30th of each year, the college board shall accumulate in the community college capital projects account from general tuition fees and other moneys deposited therein, an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued pursuant to this act. On July 1st of each such year, the state treasurer shall withdraw said sum from the community college capital projects account and deposit said sum in the state general fund: PROVIDED, That withdrawal of general tuition fees from the community college capital projects account for deposit into the general fund pursuant to the provisions of this section shall be made only after provision has first been made for the payment in full of the principal of and interest on all outstanding general tuition fee, limited obligation bonds of the college board coming due in the twelve

months next succeeding July 1st of each such year, and for any reserve account deposits necessary for such outstanding bonds in the same period.

NEW SECTION. Sec. 8. The bonds authorized in this act shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 9. The bonds authorized in this act shall be issued only after the college board has certified to the state finance committee that its projected general tuition fee revenue shall be adequate, based upon reasonable projections of student enrollments, for the college board to meet the requirements of section 7 of this act, during the life of the bonds proposed to be issued.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act are added to Title 28B RCW as a new chapter thereof.

NEW SECTION. Sec. 11. 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, shall in no way be affected.

NEW SECTION. Sec. 12. 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 8, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 237

[Second Substitute House Bill No. 1146]

INSTITUTIONS OF HIGHER EDUCATION CAPITAL PROJECTS— GENERAL OBLIGATION BOND FINANCING

AN ACT Relating to institutions of higher education; providing for the acquisition, construction, remodeling, furnishing and equipping of certain state buildings and facilities for said institutions of higher education and the financing thereof by the issuance of bonds, including bond anticipation notes; creating new sections; adding new sections to Title 28B RCW as a new chapter thereof; and declaring an emergency.

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

NEW SECTION. Section 1. For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for the institutions of higher education, the state finance committee is hereby authorized to issue from time to time general obligation bonds of the state of Washington in the aggregate principal amount of twelve million four hundred thousand one hundred dollars, or so much thereof as shall be required to finance the capital projects relating to institutions of higher education as determined by the legislature in its capital appropriations act, chapter...., Laws of 1975 (ESHB 206), for such purposes, to be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1, of the Constitution of the state of Washington. 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. 2. When the state finance committee has determined to issue such general obligation bonds or a portion thereof as authorized in section 1 of this act, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of such bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for the payment of principal and redemption premium, if any, of and interest on such notes shall be applied thereto when such bonds are issued.

NEW SECTION. Sec. 3. The state finance committee is authorized to prescribe the form, terms, conditions and covenants of the bonds and/or the bond anticipation notes provided for in sections 1 and 2 of this act, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each such bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and interest thereon when due.

NEW SECTION. Sec. 4. Except for that portion of the proceeds required to pay bond anticipation notes pursuant to section 2 of this act, the proceeds from the sale of the bonds and/or bond anticipation notes authorized in sections 1 through 6 of this act, together with all grants, donations, transferred funds, and all other moneys which the state finance committee may direct the state treasurer to deposit therein, shall be deposited in the state higher education construction account of the general fund in the state treasury. All such proceeds shall be used exclusively for the purposes specified in sections 1 through 6 of this act and for the payment of the expenses incurred in connection with the sale and issuance of such bonds and bond anticipation notes.

NEW SECTION. Sec. 5. The 1975 state higher education bond retirement fund is hereby created in the state treasury for the purpose of the payment of principal of and interest on the bonds authorized to be issued pursuant to sections 1 through 6 of this act.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on such bonds. On July 1st of each such year the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1975 state higher education bond retirement fund an amount equal to the amount certified by the state finance committee.

NEW SECTION. Sec. 6. The bonds authorized in sections 1 through 6 of this act shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act are added to Title 28B RCW as a new chapter thereof.

NEW SECTION. Sec. 8. 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, shall in no way be affected.

NEW SECTION. Sec. 9. 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 May 16, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 238

[Substitute House Bill No. 1174]

EMPLOYMENT OF CHILD BERRY PICKERS

AN ACT Relating to agriculture; adding new sections to chapter 15.04 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 15.04 RCW a new section to read as follows:

The legislature finds that the crops of berry growers in the state are imperiled by a recent change in the federal law relating to youthful agricultural workers. Since the berry harvest season is so short that few migrant agricultural workers find the trip to this state to pick berries worth the trouble, the long-established use of younger pickers must be permitted to the extent where such employment will not interfere with interstate commerce and the federal law. Further, the legislature finds that such employment is healthful, a good indoctrination for youth in the work ethic and the role of agriculture in society, and an opportunity youths welcome to earn extra spending money.

NEW SECTION. Sec. 2. There is added to chapter 15.04 RCW a new section to read as follows:

(1) An employee engaged to pick berries in this state outside of school hours for the school district where such employee is living while so employed may be less than twelve years of age: **PROVIDED**, That (a) the employee is employed with the consent of his parent or person standing in the place of his parent, (b) the berries are for sale within the state only, and are not to be shipped out of the state in any form; (c) the secretary of agriculture or his designated representative has certified that there are not sufficient workers available in the immediate area to harvest the crop without such youthful employees, and (d) all employees of any employer engaging youthful employees are paid at the same rate for picking berries.

(2) Each basket, package, or other container containing berries or berry products picked by an employee under twelve years of age shall be distinctively marked so as to insure that the berries do not enter interstate commerce: **PROVIDED HOWEVER**, That nothing in this act shall apply to employers who are exempt from the federal fair labor standards act.

NEW SECTION. Sec. 3. 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 7, 1975.

Passed the Senate June 6, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 239

[Substitute House Bill No. 1178]

STATE GOVERNMENT—CENTRAL PERSONNEL—PAYROLL SYSTEM

AN ACT Relating to state government; providing for a central personnel-payroll system; adding a new chapter to Title 41 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. (1) As used in this chapter "state agency" means all offices, departments, agencies, institutions, boards, and commissions of state government including those headed by an elected official and including institutions of higher education.

(2) As used in this chapter "central personnel-payroll system" means an automated data processing system capable of keeping records and processing necessary transactions in the process of employing persons, changing their employment status, and paying employees of any or all state agencies. Such system shall include production of reports and documents required or authorized by state or federal agencies.

NEW SECTION. Sec. 2. The department of personnel is authorized to administer, maintain, and operate the central personnel-payroll system and to provide its services for any state agency designated jointly by the director of the department of personnel and the director of the office of program planning and fiscal management.

The system shall be operated through state data processing centers. State agencies shall convert personnel and payroll processing to the central personnel-payroll system as soon as administratively and technically feasible as determined by the office of program planning and fiscal management and the department of personnel. It is the intent of the legislature to provide, through the central personnel-payroll system, for uniform reporting to the office of program planning and fiscal management and to the legislature regarding salaries and related costs, and to reduce present costs of manual procedures in personnel and payroll record keeping and reporting.

NEW SECTION. Sec. 3. The costs of administering, maintaining, and operating the central personnel-payroll system shall be distributed to the using state agencies. In order to insure proper and equitable distribution of costs the department of personnel shall utilize cost accounting procedures to identify all costs incurred in the administration, maintenance, and operation of the central personnel-payroll system. In order to facilitate proper and equitable distribution

of costs to the using state agencies the department of personnel is authorized to utilize the data processing revolving fund created by RCW 43.105.080 and the department of personnel service fund created by RCW 41.06.280.

NEW SECTION. Sec. 4. On October 1, 1975, or at such earlier time as may be mutually agreed upon by the director of general administration and the director of personnel, the staff of the data processing service center engaged in payroll data control and payroll data entry along with such records, files, data, materials, equipment, supplies, and other assets as are directly associated with their function shall be transferred to the department of personnel.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall constitute a new chapter in Title 41 RCW.

NEW SECTION. Sec. 6. 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 July 1, 1975.

Passed the House June 3, 1975.

Passed the Senate May 31, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 240

[Engrossed Senate Bill No. 2108]

UNIFORM FOREIGN MONEY-JUDGMENTS RECOGNITION ACT

AN ACT Relating to the recognition of foreign money-judgments; enacting the Uniform Foreign Money-Judgments Recognition Act; and creating a new chapter in Title 6 RCW.

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

NEW SECTION. Section 1. DEFINITIONS. As used in this act:

(1) "Foreign state" means any governmental unit other than the United States, or any state, district, commonwealth, territory, or insular possession thereof, or the Panama Canal Zone, the Trust Territory of the Pacific Islands, or the Ryukyu Islands;

(2) "Foreign judgment" means any judgment of a foreign state granting or denying recovery of a sum of money, other than a judgment for taxes, a fine or other penalty, or a judgment for support in matrimonial or family matters.

NEW SECTION. Sec. 2. APPLICABILITY. This act applies to any foreign judgment that is final and conclusive and enforceable where rendered even though an appeal therefrom is pending or it is subject to appeal.

NEW SECTION. Sec. 3. RECOGNITION AND ENFORCEMENT. Except as provided in section 4 of this act, a foreign judgment meeting the requirements of section 2 of this act is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. The foreign judgment is enforceable in the same manner as the judgment of a sister state which is entitled to full faith and credit.

NEW SECTION. Sec. 4. GROUNDS FOR NON-RECOGNITION. (1) A foreign judgment is not conclusive if

(a) the judgment was rendered under a system which does not provide impartial tribunals or procedures compatible with the requirements of due process of law;

(b) the foreign court did not have personal jurisdiction over the defendant; or

(c) the foreign court did not have jurisdiction over the subject matter.

(2) A foreign judgment need not be recognized if

(a) The defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him to defend;

(b) the judgment was obtained by fraud;

(c) the claim for relief on which the judgment is based is repugnant to the public policy of this state;

(d) the judgment conflicts with another final and conclusive judgment;

(e) the proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be settled otherwise than by proceedings in that court; or

(f) in the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action.

NEW SECTION. Sec. 5. PERSONAL JURISDICTION. (1) The foreign judgment shall not be refused recognition for lack of personal jurisdiction if

(a) the defendant was served personally in the foreign state;

(b) the defendant voluntarily appeared in the proceedings, other than for the purpose of protecting property seized or threatened with seizure in the proceedings or of contesting the jurisdiction of the court over him;

(c) the defendant prior to the commencement of the proceedings had agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved;

(d) the defendant was domiciled in the foreign state when the proceedings were instituted, or, being a body corporate had its principal place of business, was incorporated, or had otherwise acquired corporate status, in the foreign state;

(e) the defendant had a business office in the foreign state and the proceedings in the foreign court involved a claim for relief arising out of business done by the defendant through that office in the foreign state; or

(f) the defendant operated a motor vehicle or airplane in the foreign state and the proceedings involved a claim for relief arising out of such operation.

(2) The courts of this state may recognize other bases of jurisdiction.

NEW SECTION. Sec. 6. STAY IN CASE OF APPEAL. If the defendant satisfies the court either that an appeal is pending or that he is entitled and intends to appeal from the foreign judgment, the court may stay the proceedings until the appeal has been determined or until the expiration of a period of time sufficient to enable the defendant to prosecute the appeal.

NEW SECTION. Sec. 7. SAVING CLAUSE. This act does not prevent the recognition of a foreign judgment in situations not covered by this act.

NEW SECTION. Sec. 8. UNIFORMITY OF INTERPRETATION. This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

NEW SECTION. Sec. 9. SHORT TITLE. This act may be cited as the Uniform Foreign Money—Judgments Recognition Act.

NEW SECTION. Sec. 10. This act shall apply to all foreign judgments in effect on the date this act becomes effective as well as all judgments rendered after such date.

NEW SECTION. Sec. 11. LEGISLATIVE DIRECTION. Sections 1 through 10 of this act shall constitute a new chapter in Title 6 RCW.

NEW SECTION. Sec. 12. Section headings as used in this act shall not constitute part of the law.

Passed the Senate May 1, 1975.

Passed the House June 7, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 241

[Engrossed Senate Bill No. 2172]

DISTRICT AND MUNICIPAL COURTS— CLERKS—COLLECTION OF FEES

AN ACT Relating to district and municipal courts; amending section 99, chapter 299, Laws of 1961 as amended by section 7, chapter 73, Laws of 1971 and RCW 3.54.020; amending section 108, chapter 299, Laws of 1961 and RCW 3.62.040; amending section 59, chapter 299, Laws of 1961 and RCW 3.50.100; and amending section 46, chapter 299, Laws of 1961 and RCW 3.46.120.

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

Section 1. Section 99, chapter 299, Laws of 1961 as amended by section 7, chapter 73, Laws of 1971 and RCW 3.54.020 are each amended to read as follows:

The district courts shall prescribe the duties of the clerk and deputy clerks. Such duties shall include all of the requirements of RCW 3.62.020 and RCW 3.62.040 as now or hereafter amended and the receipt of bail and additionally the power to:

- (1) Accept and enter pleas;
- (2) Receive bail as set by the court;
- (3) Set cases for trial;
- (4) Administer oaths.

Sec. 2. Section 108, chapter 299, Laws of 1961 and RCW 3.62.040 are each amended to read as follows:

All costs, fines, forfeitures and penalties assessed and collected by ~~((justice))~~ district courts because of violations of city ordinances shall be collected and remitted by the clerk of the district court at least monthly directly to the treasurer of the city wherein the violation occurred.

Sec. 3. Section 59, chapter 299, Laws of 1961 and RCW 3.50.100 are each amended to read as follows:

All fees, costs, fines, forfeitures and other moneys imposed ~~((or collected))~~ by any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other revenues received by the ~~((court))~~ clerk, shall be deposited with the city or town treasurer as a part of

the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

Sec. 4. Section 46, chapter 299, Laws of 1961 and RCW 3.46.120 are each amended to read as follows:

All revenue received by the clerk of a municipal department including penalties, fines, bail forfeitures, fees and costs shall be paid by the clerk to the city treasurer for the use of the city. .

Passed the Senate June 8, 1975.

Passed the House June 7, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 242

[Substitute Senate Bill No. 2211]

MOTOR VEHICLES—

AUXILIARY LIGHTING SYSTEMS

AN ACT Relating to motor vehicle lighting and other equipment; and amending section 46.37.210, chapter 12, Laws of 1961 as amended by section 16, chapter 154, Laws of 1963 and RCW 46.37.210.

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

Section 1. Section 46.37.210, chapter 12, Laws of 1961 as amended by section 16, chapter 154, Laws of 1963 and RCW 46.37.210 are each amended to read as follows:

(1) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(2) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(3) Any motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

(4) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this chapter. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than fifteen hundred feet under normal atmospheric conditions at night.

(5) Any vehicle eighty inches or more in over-all width, if not otherwise required by RCW 46.37.090, may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in RCW 46.37.090(6).

(6)(a) Every motor vehicle, trailer, semitrailer, truck tractor, and pole trailer used in the state of Washington may be equipped with an auxiliary lighting system consisting of:

(i) One green light to be activated when the accelerator of the motor vehicle is depressed;

(ii) Not more than two amber lights to be activated when the motor vehicle is moving forward, or standing and idling, but is not under the power of the engine;

(b) Such auxiliary system shall not interfere with the operation of vehicle stop lamps or turn signals, as required by RCW 46.37.070. Such system, however, may operate in conjunction with such stop lamps or turn signals;

(c) Only one color of the system may be illuminated at any one time, and at all times either the green light, or amber light or lights shall be illuminated when the stop lamps of the vehicle are not illuminated;

(d) The green light, and the amber light or lights, when illuminated shall be plainly visible at a distance of one thousand feet to the rear;

(e) Only one such system may be mounted on a motor vehicle, trailer, semitrailer, truck tractor, or pole trailer; and such system shall be rear mounted in a horizontal fashion, at a height of not more than 72", nor less than 20", as provided by RCW 46.37.050;

(f) On a combination of vehicles, only the lights of the rearmost vehicle need actually be seen and distinguished as provided in subparagraph (d) of this subsection; and

(g) Each manufacturers model of such a system as described in this subsection shall be approved by the commission on equipment as provided for in RCW 46.37.005 and 46.37.320, before it may be sold or offered for sale in the state of Washington.

Passed the Senate April 21, 1975.

Passed the House June 7, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 243

[Engrossed Senate Bill No. 2346]

SCHOOL DISTRICTS—

SALES OF REAL PROPERTY

AN ACT Relating to school district real property; amending section 28A.58.045, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.045; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and repealing section 4, chapter 142, Laws of 1972 ex. sess. and RCW 28A.58.046.

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

Section 1. Section 28A.58.045, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.045 are each amended to read as follows:

The board of directors of any school district of this state may:

(1) Sell for cash, at public or private sale, and convey by deed all interest of the district in or to any of the real property of the district which is no longer required for school purposes if the value thereof is thirty-five thousand dollars or less; and

(2) Purchase real property for the purpose of locating thereon and affixing thereto any house or houses and appurtenant buildings removed from school sites owned by the district and sell for cash, at public or private sale, and convey by deed all interest of the district in or to such acquired and improved real property if the value of any single parcel thereof is thirty-five thousand dollars or less (~~and is at least equal in funds received to ninety percent of the relocated value thereof. PROVIDED, HOWEVER, That prior to selling any of such real property of the district the board of directors shall appoint three licensed real estate brokers who shall appraise the real property to be sold, and such real property shall not be sold for less than ninety percent of the appraised value thereof~~).

Any sale of school district real property authorized pursuant to this section shall be preceded by a market value appraisal by three licensed real estate brokers selected by the board of directors and no sale shall take place if the sale price would be less than ninety percent of such appraised market value: PROVIDED, That if the property has been on the market for three years or more the property may be sold for not less than seventy-five percent of the appraised value with the unanimous consent of the board.

If the appraised value of any ((such)) parcel of real property considered for sale is found by the board of directors to be greater than thirty-five thousand dollars, the question of the sale thereof shall be submitted to a vote of the voters of the district, either at a general or special election called for that purpose. If a majority of the votes cast thereat favor the sale of such real property the board may make the sale. The sale ((must)) may be made at public auction ((for cash and good title shall be conveyed by deed of the school district, executed by the president or the vice president and the secretary of the board)) or by other means consistent with realizing the highest sale price.

If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through use of the services of licensed real estate brokers, a contract for such services may be negotiated and concluded: PROVIDED, That the fee or commissions charged for any broker services shall not exceed seven percent of the resulting sale value for a single parcel: PROVIDED FURTHER, That any licensed real estate broker selected by the board to appraise the market value of a parcel of property to be sold may not be a party to any contract with the school district to sell such parcel of property for a period of three years after the appraisal.

If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through sale on contract terms, a real estate sales contract may be executed between the district and buyer: PROVIDED, That the terms

and conditions of any such sales contract must comply with rules and regulations of the state board of education, herein authorized, governing school district real property contract sales.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

The proceeds from any sale of school district real property by a board of directors shall be used solely for the purposes of school district bond retirement, real property improvements, and the equipping or furnishing of school district buildings or grounds.

NEW SECTION. Sec. 3. Section 4, chapter 142, Laws of 1972 ex. sess. and RCW 28A.58.046 are each repealed.

Passed the Senate June 9, 1975.

Passed the House June 9, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 244

[Engrossed Senate Bill No. 2613]

COURTS OF LIMITED JURISDICTION— DEFERRED PROSECUTION PROGRAM

AN ACT Relating to criminal procedure; and adding a new chapter to Title 10 RCW.

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

NEW SECTION. Section 1. Upon arraignment in a court of limited jurisdiction a person charged with a misdemeanor or gross misdemeanor may petition the court to be considered for a deferred prosecution program.

NEW SECTION. Sec. 2. The petition shall allege that the wrongful conduct charged is the result of or caused by alcohol problems, drug problems, or mental problems for which the person is in need of treatment and unless treated the probability of future reoccurrence is great, along with a statement that the person agrees to pay the cost of a diagnosis of the alleged problem or problems if financially able to do so. The petition shall also contain a case history of the person supporting the allegations.

NEW SECTION. Sec. 3. The arraigning judge upon consideration of the petition and with the concurrence of the prosecuting attorney may continue the arraignment and refer such person for a diagnostic investigation and evaluation to an approved alcoholism treatment facility as designated in chapter 70.96A RCW, if the petition alleges an alcohol problem, an approved drug treatment center as designated in chapter 71.24 RCW, if the petition alleges a drug problem, or to an approved mental health center, if the petition alleges a mental problem.

NEW SECTION. Sec. 4. The facility or center to which such person is referred shall conduct an investigation and examination to determine:

- (1) Whether the person suffers from the problem alleged;
- (2) Whether the problem is such that if not treated there is a probability that similar misconduct will occur in the future;

- (3) Whether extensive and long term treatment is required; and
- (4) Whether effective treatment for the person's problem is available.

NEW SECTION. Sec. 5. The facility or center shall make a written report to the court stating its findings and recommendations after the investigation and examination required by section 4 of this act. If its findings and recommendations support treatment, it shall also recommend a treatment plan setting out:

- (1) The type;
- (2) Nature;
- (3) Length;
- (4) A treatment time schedule; and
- (5) Approximate cost of the treatment.

The report with the treatment plan shall be filed with the court and a copy given to the defendant and defendant's counsel.

NEW SECTION. Sec. 6. If the report recommends treatment, the court shall examine the treatment plan. If it approves the plan and the defendant agrees to comply with its terms and conditions and agrees to pay the cost thereof or arrange for the treatment, an entry shall be made upon the person's court docket showing that the person has been accepted for deferred prosecution. A copy of the treatment plan shall be attached to the docket, which shall then be removed from the regular court dockets and filed in a special court deferred prosecution file. If the charge be one that an abstract is required to be sent to the department of motor vehicles, an abstract of the docket showing the charge and the date of defendant's acceptance for deferred prosecution shall be sent to the department of motor vehicles, which shall make an entry of the charge and of the defendant's acceptance for deferred prosecution on the department's driving record of the defendant.

NEW SECTION. Sec. 7. When treatment is either not recommended or not approved by the judge, or the defendant declines to accept the treatment plan, the defendant shall be arraigned on the charge.

NEW SECTION. Sec. 8. Evidence pertaining to or resulting from the petition and/or investigation is inadmissible in any trial on the charges, but shall be available for use after a conviction in determining a sentence.

NEW SECTION. Sec. 9. If a defendant, who has been accepted for deferred prosecution, fails or neglects to carry out and fulfill any term or condition of the defendant's treatment plan, the facility, center, institution, or agency administering the treatment shall immediately report such breach to the court. The court upon receiving such a report shall hold a hearing to determine whether the defendant should be removed from the deferred prosecution program. At the hearing, evidence shall be taken of the defendant's alleged failure to comply with the treatment plan and the defendant shall have the right to present evidence on his or her own behalf. The court shall either order that the defendant continue on the treatment plan or be removed from deferred prosecution. If removed from deferred prosecution, the defendant's docket shall be returned to the regular court files and the defendant shall be arraigned on the original charge.

NEW SECTION. Sec. 10. If a defendant is convicted in any court of an offense similar and committed subsequent to the one for which the defendant is in a deferred prosecution program, the court in which the defendant is under deferred

prosecution shall upon notice of conviction in another court remove the defendant's docket from the deferred prosecution file and require the defendant to enter a plea to the original charge.

NEW SECTION. Sec. 11. Delay in bringing a case to trial caused by a defendant requesting deferred prosecution as provided for in this chapter shall not be grounds for dismissal.

NEW SECTION. Sec. 12. Two years from the date of the court's approval of deferred prosecution for an individual defendant, those dockets that remain in the special court deferred prosecution file relating to such defendant shall be dismissed and the records removed.

NEW SECTION. Sec. 13. Funds shall be appropriated from the fines and forfeitures of the court to provide investigation, examination, report and treatment plan for any indigent person who is unable to pay the cost of any program of treatment.

NEW SECTION. Sec. 14. Sections 1 through 13 of this act shall constitute a new chapter in Title 10 RCW.

Passed the Senate June 8, 1975.

Passed the House June 7, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 245

[Engrossed Senate Bill No. 2670]

ALCOHOLIC BEVERAGE CONTROL— INTERSTATE PASSENGER CARRIERS

AN ACT Relating to liquor licenses and taxes; amending section 2, chapter 13, Laws of 1970 ex. sess. as amended by section 2, chapter 208, Laws of 1971 ex. sess. and RCW 66.24.420; adding a new section to chapter 66.24 RCW; and repealing section 23L added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.390.

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

Section 1. Section 2, chapter 13, Laws of 1970 ex. sess. as amended by section 2, chapter 208, Laws of 1971 ex. sess. and RCW 66.24.420 are each amended to read as follows:

(1) The class H license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for said license, if issued to a club, whether inside or outside of incorporated cities and towns, shall be three hundred thirty dollars.

(b) The annual fee for said license, if issued to any other class H licensee in incorporated cities and towns, shall be graduated according to the population thereof as follows:

Incorporated cities and towns of less than 10,000 population; fee \$550.00;

Incorporated cities and towns of 10,000 and less than 100,000 population; fee \$825.00;

Incorporated cities and towns of 100,000 population and over; fee \$1,100.00.

(c) The annual fee for said license when issued to any other class H licensee outside of incorporated cities and towns shall be: one thousand one hundred dollars; this fee shall be prorated according to the calendar months, or major portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

~~(d) ((The fee for any dining, club or buffet car, or any boat or airplane shall be as provided in subsection (4) of this section.~~

~~(e))~~ Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a restaurant in an airport terminal facility shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and such food service shall be available on request in other licensed places on the premises: PROVIDED, FURTHER, That an additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

~~((f))~~ (e) Where the license shall be issued to any corporation, association, or person operating dining places at publicly owned civic centers with facilities for sports, entertainment, and conventions, with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a dining place at such a publicly owned civic center shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and food service shall be available on request in other licensed places on the premises: PROVIDED FURTHER, That an additional license fee of ten dollars shall be required for such duplicate licenses.

(2) The board, so far as in its judgment is reasonably possible, shall confine class H licenses to the business districts of cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, with out being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue class H licenses outside of cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

~~(4) ((Where the license shall be issued to any corporation, association or person operating as a common carrier for hire any dining, club and buffet car or any~~

~~boat or airplane, such license shall be issued upon the payment of a fee of one hundred sixty-five dollars per annum, which shall be a master license and shall permit such sale upon one such car or boat or airplane, and upon payment of an additional sum of five dollars per car or per boat or airplane per annum, such license shall extend to additional cars or boats or airplanes operated by the same licensee within the state, and a duplicate license for each such additional car and boat and airplane shall be issued: PROVIDED, That such licensee may make such sales upon cars or boats or airplanes in emergency for not more than five consecutive days without such license: AND PROVIDED FURTHER, That such license shall be valid only while such cars or boats or airplanes are actively operated as common carriers for hire and not while they are out of common carrier service.~~

~~(5))~~ The total number of class H licenses issued in the state of Washington by the board shall not in the aggregate at any time exceed one license for each fifteen hundred of population in the state, determined according to the last available federal census.

~~((6))~~ (5) Notwithstanding the provisions of subsection ~~((5))~~ (4) of this section, the board shall refuse a class H license to any applicant if in the opinion of the board the class H licenses already granted for the particular locality are adequate for the reasonable needs of the community.

NEW SECTION. Sec. 2. There is added to chapter 66.24 RCW a new section to read as follows:

(1) (a) There shall be a license that may be issued to corporations, associations, or persons operating as federally licensed commercial common passenger carriers engaged in interstate commerce, in or over territorial limits of the state of Washington on passenger trains, vessels, or airplanes. Such license shall permit the sale of spirituous liquor, wine, and beer at retail for passenger consumption within the state upon one such train passenger car, vessel, or airplane, while in or over the territorial limits of the state. Such license shall include the privilege of transporting into and storing within the state such liquor for subsequent retail sale to passengers in passenger train cars, vessels or airplanes. The fees for such master license shall be six hundred dollars per annum (class CCI-1): PROVIDED, That where the sale and/or service of alcoholic beverages by such federally licensed common passenger carrier does not include spirituous liquor, the fee shall be two hundred dollars per annum (class CCI-2): PROVIDED, FURTHER, That upon payment of an additional sum of five dollars per annum per car, or vessel, or airplane, the privileges authorized by such license classes shall extend to additional cars, or vessels, or airplanes operated by the same licensee within the state, and a duplicate license for each additional car, or vessel, or airplane shall be issued: PROVIDED, FURTHER, That such licensee may make such sales and/or service upon cars, or vessels, or airplanes in emergency for not more than five consecutive days without such license: AND PROVIDED, FURTHER, That such license shall be valid only while such cars, or vessels, or airplanes are actively operated as common carriers for hire in interstate commerce and not while they are out of such common carrier service.

(b) Alcoholic beverages sold and/or served for consumption by such interstate common carriers while within or over the territorial limits of this state shall be

subject to such board markup and state liquor taxes in an amount to approximate the revenue that would have been realized from such markup and taxes had the alcoholic beverages been purchased in Washington: PROVIDED, That the board's markup shall be applied on spirituous liquor only. Such common carriers shall report such sales and/or service and pay such markup and taxes in accordance with procedures prescribed by the board.

(2) Where such an interstate federally licensed common carrier does not sell spirituous liquor, wine, or beer at retail for passenger consumption while within or over the territorial limits of this state, but the business operation of the interstate common carrier requires the bringing in and storing of liquor within the state the license fee shall be four hundred dollars per annum (class CCI-3): PROVIDED, That where such transporting and/or storage of alcoholic beverages by such common carrier does not include spirituous liquor, the license fee shall be one hundred dollars per annum (class CCI-4).

(3) Alcoholic beverages sold and delivered in this state to interstate common carriers for use under the provisions of this section shall be considered exported from the state, subject to the conditions provided in subsection (1) (b). The storage facilities for liquor within the state by common carriers licensed under this section shall be subject to written approval by the board.

NEW SECTION. Sec. 3. Section 23L added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.390 are each hereby repealed.

Passed the Senate May 12, 1975.

Passed the House June 7, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 246

[Engrossed Senate Bill No. 2735]

MENTALLY AND/OR PHYSICALLY DEFICIENT PERSONS—STATE CARE

AN ACT Relating to mentally and/or physically deficient persons; amending section 72.33.020, chapter 28, Laws of 1959 as amended by section 101, chapter 154, Laws of 1973 1st ex. sess. and RCW 72.33.020; amending section 72.33.130, chapter 28, Laws of 1959 and RCW 72.33.130; amending section 72.33.140, chapter 28, Laws of 1959 and RCW 72.33.140; amending section 72.33.150, chapter 28, Laws of 1959 and RCW 72.33.150; amending section 72.33.160, chapter 28, Laws of 1959 as amended by section 4, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.160; amending section 72.33.170, chapter 28, Laws of 1959 and RCW 72.33.170; amending section 72.33.200, chapter 28, Laws of 1959 and RCW 72.33.200; amending section 72.33.220, chapter 28, Laws of 1959 and RCW 72.33.220; amending section 72.33.240, chapter 28, Laws of 1959 as amended by section 135, chapter 81, Laws of 1971 and RCW 72.33.240; adding new sections to chapter 72.33 RCW; and repealing section 72.33.120, chapter 28, Laws of 1959, section 1, chapter 154, Laws of 1959 and RCW 72.33.120.

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

Section 1. Section 72.33.020, chapter 28, Laws of 1959 as amended by section 101, chapter 154, Laws of 1973 1st ex. sess. and RCW 72.33.020 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Mental deficiency" is a state of subnormal development of the human organism in consequence of which the individual affected is mentally incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

(2) "Physical deficiency" is a state of physical impairment of the human organism in consequence of which the individual affected is physically incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

(3) "Parent" is the person or persons having the legal right to custody of a child by reason of kinship by birth or adoption.

(4) "State school" shall mean any residential school of the department established, operated and maintained by the state of Washington for the education, guidance, care, treatment and rehabilitation of mentally and/or physically deficient persons as defined herein.

(5) "Resident of a state school" shall mean a person, whose mental and/or physical involvement requires the specialized care, treatment and educational instruction therein provided, and who has been admitted upon parental or guardian's application, or found in need of residential care by proper court and duly received.

(6) "Court" shall mean the superior court of the state of Washington.

(7) "Division" shall mean the division of children and youth services of the department of institutions or its successor.

(8) "Resident of the state of Washington" shall mean a person who has acquired his domicile in this state by continuously residing within the state for a period of not less than one year before application for admission is made: PROVIDED, That the residence of an unemancipated minor shall be imputed from the residence of the parents if they are living together, or from the residence of the parent with whom the child resides, and if the parental rights and responsibilities regarding a minor have been transferred by the court, then the residence of such minor shall be imputed from the person to whom such have been awarded.

(9) "Superintendent" shall mean the superintendent of Lakeland Village, Rainier school and other like residential schools that may be hereafter established.

(10) "Custody" shall mean ~~((the right of))~~ immediate physical attendance, retention and supervision.

(11) "Placement" shall mean an extramural status for the resident's best interests granted ~~((by the superintendent))~~ after reasonable notice and consultation with the parents or guardian ~~((of))~~ and such resident.

(12) "Discharge" shall mean the relinquishment by ~~((a))~~ the state ~~((school))~~ of all rights and responsibilities it may have acquired by reason of the acceptance for admission of any resident.

(13) "Residential placement" is any out-of-home placement providing domiciliary type care among other services for which the state makes payment in whole or in part including, but not limited to, state residential schools, group homes, group training homes, boarding homes and nursing homes, but does not include placement in a state juvenile or adult correctional facility without consultation as provided for in section 6 of this 1975 amendatory act.

(14) "Domiciliary care services" shall mean the furnishing of necessary room, board, laundry, clothing, housekeeping, and other personal care services.

(15) "Secretary" means the secretary of social and health services or his designee.

NEW SECTION. Sec. 2. There is added to chapter 72.33 RCW a new section to read as follows:

(1) In order to provide ongoing points of contact with the mentally deficient and/or physically deficient individual and his family so that they may have a place of entry for state services and return to the community as the need may appear; to provide a link between those individuals and services of the community and state operated services so that the individuals with mental or physical deficiencies and their families may have access to the facilities best suited to them throughout the life of the individual; to offer viable alternatives to state residential school admission; and to encourage the placement of persons from state residential schools, the secretary of social and health services or his designee, pursuant to rules and regulations of the department, shall receive applications of persons for care, treatment, hospitalization, support, training, or rehabilitation provided by state programs or services for the mentally and/or physically deficient. Written applications shall be submitted in accordance with the following requirements:

(a) In the case of a minor person, the application shall be made by his parents or by the parent, guardian, person or agency legally entitled to custody, which application shall be in the form and manner required by the department; and

(b) In the case of an adult person, the application shall be made by such person, by his parents, or by a parent, guardian, or agency legally entitled to custody, which application shall be in the form and manner required by the department.

(2) Upon receipt of the written application the secretary shall determine if the individual to receive services has a mental deficiency and/or a physical deficiency as defined in RCW 72.33.020 qualifying him for services. In order to determine eligibility for services, the secretary may require a supporting affidavit of a physician or a clinical psychologist, or one of each profession, certifying that the individual is mentally and/or physically deficient as herein defined.

(3) After determination of eligibility because of mental and/or physical deficiency, the secretary shall determine the necessary services to be provided for the individual. Individuals may be temporarily admitted, for a period not to exceed thirty days, to departmental residential facilities for observation prior to determination of needed services, where such observation is necessary to determine the extent and necessity of services to be provided.

Sec. 3. Section 72.33.130, chapter 28, Laws of 1959 and RCW 72.33.130 are each amended to read as follows:

In the event a minor person under the age of eighteen years shall be found under the juvenile court law to be "dependent" or "delinquent" and mentally and/or physically deficient as herein defined, and that placement for care, custody, treatment, or education in a state school is to the minor's welfare, the ~~((superintendent))~~ secretary shall receive such minor upon commitment from the superior court pursuant to such terms and conditions as may therein be set forth for placement by the department in a facility most appropriate to his needs, subject to the provisions of RCW 72.33.070.

Sec. 4. Section 72.33.140, chapter 28, Laws of 1959 and RCW 72.33.140 are each amended to read as follows:

Subject to the provisions of RCW 72.33.150, as now or hereafter amended, no person ~~((accepted))~~ under the age of eighteen years residing at a state school ((upon voluntary application as herein provided, and no person over eighteen years regardless of the manner of his admittance to the school,)) or in other residential placement pursuant to section 2 of this 1975 amendatory act shall be retained therein for more than ~~((thirty days))~~ forty-eight hours after the parent entitled to custody or the guardian has given notice of their desire to remove such person from said state school or facility unless held pursuant to court order. Subject to the provisions of RCW 72.33.150 as now or hereafter amended, no person over eighteen years residing at a state school or in other residential placement pursuant to section 3 of this 1975 amendatory act shall be retained therein for more than forty-eight hours after said person, his guardian, or his court appointed personal representative entitled to custody has given notice of desire to remove such person unless held pursuant to court order.

Such notice shall indicate to the superintendent or other person in charge the proposed plan of future residence of such person and whether placement or discharge ~~((from the state school))~~ is desired. In the event withdrawal is upon a placement basis, it shall be understood that readmission will be available to the former resident if it is found necessary to return such person to the school. In the event withdrawal is upon a discharge basis it shall be understood that ~~((if the parent or guardian desires to apply for readmission for such former resident, such person shall wait his turn for admission))~~ application for readmission shall be considered as if it were a first application.

Sec. 5. Section 72.33.150, chapter 28, Laws of 1959 and RCW 72.33.150 are each amended to read as follows:

Whenever it is deemed not to be the best interests of a resident that he should be removed from ~~((a state school))~~ residential custody, the ~~((superintendent))~~ secretary shall promptly file a petition in the probate department of the superior court of the county of residence of such person setting forth his reasons why continued residence is indicated.

If a petition is filed the department may continue its custody over the individual for a period not to exceed five days pending disposition of the petition or preliminary hearing as to temporary custody.

Upon due notice and hearing, the court shall resolve the matter and in the event the person is found in need of further residential care ~~((in a state school))~~ the court shall so order and ~~((in such proceeding))~~ shall name a fit and proper person to serve as guardian or other personal representative over the resident pursuant to state law if none has been previously named.

Sec. 6. Section 72.33.160, chapter 28, Laws of 1959 as amended by section 4, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.160 are each amended to read as follows:

Whenever in the judgment of the ~~((superintendent of any state school))~~ secretary, the treatment and training of any resident of a state residential school has progressed to the point that it is deemed advisable to return such resident to the community, the ~~((superintendent))~~ secretary may grant placement on such terms

and conditions as he may deem advisable after reasonable notice to and consultation with the resident, and with any available parent, ((entitled to custody or the acting)) guardian, or other court appointed personal representative of such person.

~~((Whenever any person who has been a resident of a state school leaves said school on placement, responsibility of the school to provide care, support or medical attention shall cease unless such person shall be returned to such state school or unless arrangements have been made either to assume special expenses of such person while on placement, or to assume all or a portion of the costs of care, support and training for such person while on placement in a group home:))~~

The department of ~~((institutions))~~ social and health services shall periodically evaluate at reasonable intervals the adjustment of the resident to the placement to determine whether the resident should be continued in the placement or returned to the institution or given a different placement.

Sec. 7. Section 72.33.170, chapter 28, Laws of 1959 and RCW 72.33.170 are each amended to read as follows:

Whenever in the judgment of ~~((a superintendent of a state school))~~ the secretary a person no longer needs the services ~~((of such school))~~ provided by the department for mentally and/or physically deficient persons, he may be discharged from services after reasonable notice and consultation with the person to be discharged and any available parent, ((or)) guardian ((and if neither exists then approval for such discharge shall first be obtained from the supervisor of the division)), or other court appointed personal representative.

Sec. 8. Section 72.33.200, chapter 28, Laws of 1959 and RCW 72.33.200 are each amended to read as follows:

The department shall not be responsible for the support, welfare or actions of any person until such person ~~((attains the status of a resident at a state school))~~ is admitted to a residential school or other state-operated facility for services pursuant to section 2 of this 1975 amendatory act.

Sec. 9. Section 72.33.220, chapter 28, Laws of 1959 and RCW 72.33.220 are each amended to read as follows:

Whenever it appears to serve the best interests of the resident concerned, the department ~~((acting through the division;)),~~ after consultation as provided for in section 6 of this 1975 amendatory act, shall have authority to transfer such resident between state schools and other residential placements conducting or having access to the type of program contemplated by this chapter.

Sec. 10. Section 72.33.240, chapter 28, Laws of 1959 as amended by section 135, chapter 81, Laws of 1971 and RCW 72.33.240 are each amended to read as follows:

Any parent or guardian feeling aggrieved by an adverse decision ~~((of a superintendent of a state school))~~ pertaining to admission, placement, or discharge of his ward may apply to the ~~((supervisor of the division))~~ secretary in writing within thirty days of notification of the decision for a review and reconsideration of the decision. ((The supervisor shall rule)) An administrative hearing shall be held within ten days from the date of receipt of the written request for review. In the event of an unfavorable ruling by the ((supervisor)) secretary, such parent or guardian may institute proceedings in the superior court of the state of

Washington in the county of residence of such parent or guardian, otherwise in Thurston county, and have such decision reviewed and its correctness, reasonableness, and lawfulness decided in an appeal heard as in initial proceeding on an original application. Said parent or guardian shall have the right to appeal from the decision of the superior court to the supreme court or the court of appeals of the state of Washington, as in civil cases.

NEW SECTION. Sec. 11. There is added to chapter 72.33 RCW a new section to read as follows:

The secretary of social and health services is authorized to make payments for nonresidential services which exceed the cost of caring for an average individual at home, and which are reasonably necessary for the care, treatment, maintenance, support, and training of mentally and/or physically deficient persons, upon application pursuant to section 2 of this 1975 amendatory act. The department shall adopt rules and regulations determining the extent and type of care and training for which the department will pay all or a portion of the costs.

NEW SECTION. Sec. 12. Section 72.33.120, chapter 28, Laws of 1959, section 1, chapter 154, Laws of 1959 and RCW 72.33.120 are each repealed.

Passed the Senate May 23, 1975.

Passed the House June 7, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 247

[Engrossed Senate Bill No. 2840]

CONVICTED FIRST DEGREE RAPISTS— PAROLE OR WORK RELEASE ELIGIBILITY

AN ACT Relating to the sentencing of persons convicted of criminal offenses; amending section 4, chapter 14, Laws of 1975 1st ex. sess. and RCW _____.; defining crimes; and prescribing penalties.

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

Section 1. Section 4, chapter 14, Laws of 1975 1st ex. sess. and RCW _____. are each amended to read as follows:

(1) A person is guilty of rape in the first degree when such person engages in sexual intercourse with another person not married to the perpetrator by forcible compulsion where the perpetrator or an accessory:

(a) Uses or threatens to use a deadly weapon; or

(b) Kidnaps the victim; or

(c) Inflicts serious physical injury; or

(d) Feloniously enters into the building or vehicle where the victim is situated.

(2) Rape in the first degree is a felony, and shall be punished by imprisonment in the state penitentiary for a term of not less than twenty years. No person convicted of rape in the first degree shall be granted a deferred or suspended sentence except for the purpose of commitment to an inpatient treatment facility: PROVIDED, That every person convicted of rape in the first degree shall be confined for a minimum of three years: PROVIDED FURTHER, That the board of prison

terms and paroles shall have authority to set a period of confinement greater than three years but shall never reduce the minimum three-year period of confinement nor shall the board release the convicted person during the first three years of confinement as a result of any type of automatic good time calculation nor shall the department of social and health services permit the convicted person to participate in any work release program or furlough program during the first three years of confinement.

Passed the Senate June 8, 1975.
Passed the House June 7, 1975.
Approved by the Governor June 26, 1975.
Filed in Office of Secretary of State June 27, 1975.

CHAPTER 248

[Engrossed Senate Bill No. 2863]

PHYSICAL SAFETY OF SCHOOL CHILDREN

AN ACT Relating to the physical safety of school children; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

The board of directors of each school district by rule or regulation shall set forth proper procedure to ensure that each school within their district is carrying out district policy providing that no child will be removed from any school grounds or building thereon during school hours except by a person so authorized by a parent or legal guardian having legal custody thereof: PROVIDED, That such rules and regulations need not be applicable to any child in grades nine through twelve.

Passed the Senate June 8, 1975.
Passed the House June 7, 1975.
Approved by the Governor June 26, 1975.
Filed in Office of Secretary of State June 27, 1975.

CHAPTER 249

[Engrossed Senate Bill No. 2886]

CAPITAL CAMPUS FACILITIES —
GENERAL OBLIGATION BOND FINANCING

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, furnishing, and equipping of state buildings and facilities, together with all improvements and enhancements thereto; providing for the financing thereof by the issuance of bonds and anticipation notes; authorizing certain charges against state agencies; creating new sections; and declaring an emergency.

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

NEW SECTION. Section 1. For the purpose of providing funds for the planning, acquisition, construction, remodeling, and furnishing, together with all improvements, enhancements, and fixed equipment of capital campus facilities and

such other buildings and facilities as are determined to be necessary to provide space for the legislature by way of offices, committee rooms, hearing rooms, and work rooms and such other state agencies as may be necessary, as provided in the capital appropriations act, chapter ..., Laws of 1975, for such purposes, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the aggregate principal amount of six million four hundred thousand dollars or so much thereof as may be required to finance said projects, to be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the Constitution of the state of Washington.

NEW SECTION. Sec. 2. The issuance, sale and retirement of said bonds as authorized in section 1 of this 1975 act shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of such bonds and the conditions of sale and issuance thereof. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and notes, if any. Such bonds shall be payable at such places as the committee may provide.

NEW SECTION. Sec. 3. At the time the state finance committee determines to issue such bonds as authorized in this 1975 act or a portion thereof, pending the issuance of such bonds, it may issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". The proceeds from the sale of bonds and notes authorized by this 1975 act shall be deposited in the state building construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in this 1975 act and for the payment of expenses incurred in the issuance and sale of such bonds and notes: PROVIDED, That such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes as have been issued, shall be deposited in the bond redemption fund created in section 5 of this 1975 act.

NEW SECTION. Sec. 4. The principal proceeds from the sale of the bonds or notes authorized in this 1975 act and deposited in the state building construction account of the general fund shall be administered by the state department of general administration, subject to legislative appropriation.

NEW SECTION. Sec. 5. The state building bond redemption fund, 1975, is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds and notes authorized by this 1975 act. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in such state building bond redemption fund from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues.

NEW SECTION. Sec. 6. Bonds issued under the provisions of this 1975 act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds, by a mandamus or other appropriate proceeding, may require the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 7. In addition to any other charges authorized by law and to assist in reimbursing the state general fund for expenditures from the general state revenues in paying the principal and interest on the bonds and notes authorized in this 1975 act, the director of general administration may assess a charge against each state board, commission, agency, office, department, activity, or other occupant or user of any facility or other building as authorized in section 1 of this 1975 act for payment of a proportion of costs for each square foot of floor space assigned to or occupied by it. Payment of the amount so billed to the entity for such occupancy shall be made annually and in advance at the beginning of each fiscal year. The director of general administration shall cause the same to be deposited in the state treasury to the credit of the general fund.

NEW SECTION. Sec. 8. The legislature may provide additional means for raising moneys for the payment of the principal of an interest on the bonds authorized in this 1975 act, and this 1975 act shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 9. The bonds authorized in this 1975 act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 10. If any provision of this 1975 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. 11. This 1975 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 Senate May 16, 1975.

Passed the House June 9, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 250

[Engrossed Senate Bill No. 2894]

LIENS FOR MEDICAL SERVICE— TRANSPORTATION AND CARE

AN ACT Relating to liens for medical service; amending section 1, chapter 69, Laws of 1937 and RCW 60.44.010; and amending section 2, chapter 69, Laws of 1937 and RCW 60.44.020.

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

Section 1. Section 1, chapter 69, Laws of 1937 and RCW 60.44.010 are each amended to read as follows:

Every operator, whether private or public, of an ambulance service or of a hospital, and every duly licensed nurse, practitioner, physician, and surgeon rendering service, or transportation and care, for any person who has received a traumatic injury and which is rendered by reason thereof shall have a lien upon any claim, right of action, and/or money to which such person is entitled against any tort-feasor and/or insurer of such tort-feasor for the value of such service, together with costs and such reasonable attorney's fees as the court may allow, incurred in enforcing such lien: PROVIDED, HOWEVER, That nothing in this chapter shall apply to any claim, right ~~((or))~~ of action, or money accruing under the workmen's compensation act of the state of Washington, and: PROVIDED, FURTHER, That all the said liens for service rendered to any one person as a result of any one accident or event shall not exceed twenty-five percent of the amount of an award, verdict, report, decision, decree, judgment, or settlement.

Sec 2. Section 2, chapter 69, Laws of 1937 and RCW 60.44.020 are each amended to read as follows:

No person shall be entitled to the lien given by RCW 60.44.010 unless ~~((he))~~ such person shall, within twenty days after the date of such injury or receipt of transportation or care, or, if settlement has not been ~~((affect))~~ accomplished and payment made to such injured person, then at any time before such settlement and payment, file for record with the county auditor of the county in which said service was performed, a notice of claim stating the name and address of the person claiming the lien and whether ~~((he))~~ such person claims as a practitioner, physician, nurse, ambulance service, or hospital, the name and address of the patient and ~~((his))~~ place of domicile ~~((, if other than his actual address))~~ or residence, the time when and place where the alleged fault or negligence of the tort-feasor occurred, and the nature of the injury if any, the name and address of the tort-feasor, if same or any thereof are known, which claim shall be subscribed by the claimant and verified before a person authorized to administer oaths.

Passed the Senate June 8, 1975.

Passed the House June 7, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 251

[Engrossed Senate Bill No. 2895]

VENDING OPERATIONS IN PUBLIC

BUILDINGS—PRIORITY TO BLIND

PERSONS—BUSINESS ENTERPRISES REVOLVING FUND

AN ACT Relating to blind persons and vending operations in public buildings; adding a new chapter to Title 74 RCW; and repealing section 1, chapter 144, Laws of 1963 and RCW 74.16.310.

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

NEW SECTION. Section 1. There is added to Title 74 RCW a new section to read as follows:

The terms defined in this section shall have the indicated meanings when used in this chapter.

(1) "Department" means the department of social and health services.

(2) "Blind person" means a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than twenty degrees. In determining whether an individual is blind there shall be an examination by a physician skilled in diseases of the eye, or by an optometrist, whichever the individual shall select.

(3) "Licensee" means a blind person licensed by the state of Washington pursuant to federal law, 49 Stat. 1559, as amended, 20 U.S.C. sec. 107, this chapter, and the rules and regulations issued hereunder.

(4) "Public building" means any building owned by the state of Washington or any political subdivision thereof and any space leased by the state of Washington or any political subdivision thereof in any privately owned building and designated by the department as being appropriate for inclusion in the business enterprises program: PROVIDED, HOWEVER, That any vending facility or vending machine under the jurisdiction and control of another established state or local board or authority responsible for its maintenance and operation shall not be designated without the consent and approval of such state or local board or authority.

(5) "Vending facility" means any vending stand, facility, cafeteria, or snack bar at which food, tobacco, or sundries are offered for sale.

(6) "Vending machine" means any coin operated machine offering food, tobacco, or sundries for sale.

(7) "Business enterprises program" is that program operated by the department pursuant to applicable federal law and this chapter in support of blind persons operating vending businesses in public buildings.

NEW SECTION. Sec. 2. There is added to Title 74 RCW a new section to read as follows:

(1) The department is authorized to license blind persons for the operation of vending facilities and machines on federal property and in public buildings.

(2) The state, political subdivisions thereof, and agencies of the state or political subdivisions thereof shall give priority to licensees in the operation of vending facilities and machines in a public building.

NEW SECTION. Sec. 3. There is added to Title 74 RCW a new section to read as follows:

(1) There is established in the general fund an account known as "the business enterprises revolving fund".

(2) The net proceeds from any vending machine operation in a public building, other than such an operation managed by a licensee, shall be made payable to the business enterprises revolving fund. "Net proceeds", for purposes of this section, shall mean the gross amount received less the costs of the operation, including a fair minimum return to the operator, which return shall not exceed a reasonable amount to be determined by the department.

(3) All moneys in the business enterprises revolving fund shall be expended only for equipment, services, and payment to licensees in the business enterprises programs.

NEW SECTION. Sec. 4. There is added to Title 74 RCW a new section to read as follows:

(1) The department shall promulgate rules and regulations necessary to implement this chapter.

(2) This chapter and rules promulgated thereunder shall not apply to any franchise, concession, or contract governing operation of a vending facility in a public building if such franchise, concession, or contract was in existence immediately prior to the effective date of this act.

NEW SECTION. Sec. 5. Section 1, chapter 144, Laws of 1963 and RCW 74.16.310 are each repealed.

NEW SECTION. Sec. 6. Sections 1 through 4 of this act shall constitute a new chapter in Title 74 RCW.

Passed the Senate June 8, 1975.

Passed the House June 7, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 252

[Senate Bill No. 2944]

AUTHORIZED INVESTMENTS BY STATE FINANCE COMMITTEE ETC., ASIAN DEVELOPMENT BANK SECURITIES

AN ACT Relating to the Asian development bank; and amending section 12, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.84.150.

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

Section 1. Section 12, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.84.150 are each amended to read as follows:

Except where otherwise specifically provided by law, the state finance committee and those boards otherwise responsible for the management of their respective funds shall have full power to invest and reinvest funds in the following classes of securities, and not otherwise:

(1) Bonds, notes, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States, or those guaranteed by, or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof, or the obligation of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system.

(2) Bonds, debentures, notes, or other obligations issued, assumed, or unconditionally guaranteed by the international bank for reconstruction and development, the inter-American development bank, the Asian development bank, or by the federal national mortgage association; in addition to bonds, debentures, or

other obligations issued by a federal land bank, or by a federal intermediate credit bank, under the act of congress of July 17, 1961, known as the "Federal Farm Loan Act", (as from time to time amended).

(3) First mortgages on unencumbered real property which are insured by the federal housing administration under the national housing act (as from time to time amended) or are guaranteed by the veterans' administration under the servicemen's readjustment act of 1944 (as from time to time amended), or are otherwise insured or guaranteed by the United States of America, or by an agency or instrumentality thereof to the extent that the investor protection thereby given is essentially the same as that as provided under the foregoing federal enactments.

(4) Conventional fee simple or leasehold first mortgages on real property located within the state of Washington.

(5) Bonds or other evidences of indebtedness of this state or a duly authorized authority or agency thereof; bonds, notes, or other obligations of any municipal corporation, political subdivision or state supported institution of higher learning of this state, issued pursuant to the laws of this state; obligations of any public housing authority or urban redevelopment authority issued pursuant to the laws of this state relating to the creation or operation of a public housing or urban redevelopment authority.

(6) Bonds, notes, or other obligations issued, guaranteed or assumed by any other state or municipal or political subdivision thereof.

(7) Bonds, debentures, notes or other full faith and credit obligations issued, guaranteed, or assumed as to both principal and interest by the government of the Dominion of Canada, or by any province of Canada, or by any city of Canada, which has a population of not less than one hundred thousand inhabitants: PROVIDED, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder: PROVIDED FURTHER, That such securities are rated "A" or better by at least one nationally recognized rating agency.

(8) Bonds, debentures, notes, or other obligations of any corporation duly organized and operating in any state of the United States: PROVIDED, That such securities are rated "A" or better by at least one nationally recognized rating agency.

(9) Capital notes, debentures, or other obligations of any national or state commercial or mutual savings bank doing business in the United States of America.

(10) Equipment trust certificates issued by any corporation duly organized and operating in any state of the United States of America: PROVIDED, That the bonds or debentures of the company are rated "A" or better by at least one nationally recognized rating agency.

(11) Commercial paper: PROVIDED, That it is given the highest attainable rating by at least two nationally recognized rating agencies.

(12) Subject to the limitations hereinafter provided, those funds created under chapters 2.10, 2.12, 41.24, 41.26, 41.32, 41.40, and 43.43 RCW and the accident reserve fund created by RCW 51.44.010 may be invested in the common or preferred stock or shares, whether or not convertible as well as convertible bonds and

debentures of corporations created or existing under the laws of the United States, or any state, district or territory thereof: PROVIDED, That:

(a) Those trustees responsible for the management of their respective funds shall contract with an investment counseling firm or firms or the trust department of a national or state chartered commercial bank having its principal office or a branch in this state and/or the staff of the state finance committee for the purpose of managing issues defined by subsection (12) of this section. The trustees shall receive advice which shall become part of the official minutes of the next succeeding meeting of the board. No investment counseling firm shall be engaged in buying, selling or otherwise marketing securities in which commissions or profit credits arising from these activities accrue to the firm during the time of its employment by the boards. Nothing in the preceding sentence shall be deemed to apply to the marketing of bonds, notes or other obligations of the United States or any agency thereof, or of a state or any municipal or political subdivision thereof by a bank in the normal course of its business.

(b) Stock investments to include convertible preferred stock investments, and investments in convertible bonds and debentures shall not exceed twenty-five percent of the total investments (cost basis) of the system: PROVIDED, That in the case of the accident reserve fund created by RCW 51.44.010 such stock investments shall not exceed ten percent of the total investments.

(c) Investment in the stock of any one corporation shall not exceed five percent of the common shares outstanding.

(d) No single common stock investment, based on cost, may exceed two percent of the assets of the total investments (cost basis) of the system.

(e) Such corporation has paid a cash and/or stock dividend on its common stock in at least eight of the ten years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash and/or stock dividend in each of the last three years.

(f) In the case of convertible bond, debenture, and convertible preferred stock investments, the common stock into which such investments are convertible otherwise qualifies as an authorized investment under the provisions of this section.

(g) The common stock of any corporation concerned is registered on a national securities exchange provided in the "Securities Exchange Act of 1934" (as from time to time amended). Such registration shall not be required with respect to the following stocks:

(i) The common stock of a bank which is a member of the federal deposit insurance corporation and has capital funds represented by capital, surplus, and undivided profits of at least fifty million dollars.

(ii) The common stock of an insurance company which has capital funds, represented by capital, special surplus, and unassigned surplus of at least fifty million dollars.

(iii) Any preferred stock, as well as any convertible bond, debenture or preferred stock.

(iv) The common stock of Washington corporations meeting all the other qualifications except that of being registered on a national exchange.

(13) Investments in savings and loan associations organized under federal or state law, insured by the federal savings and loan insurance corporation, and operating in this state, including investment in their savings accounts, deposit accounts, bonds, debentures and other obligations or securities (except capital stock) which are insured or guaranteed by an agency of the federal government or by a private corporation approved by the state insurance commissioner and licensed to insure real estate loans in the state of Washington; savings deposits in commercial banks and mutual savings banks organized under federal or state law, insured by the federal deposit insurance corporation, and operating in this state: PROVIDED, That the investment of any one fund in the foregoing institutions shall not exceed the amount insured or guaranteed.

(14) Appropriate contracts of life insurance or annuities from insurers duly organized to do business in the state of Washington, if and when such purchase or purchases would in the judgment of the board be appropriate or necessary to carry out the purposes of this chapter.

Subject to the above limitations, the trustees of the several funds shall have the power to authorize the state finance committee to make purchases, sales, exchanges, investments, and reinvestments, of any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of said investments and any money belonging to said funds.

Passed the Senate April 16, 1975.

Passed the House June 7, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 253

[Substitute House Bill No. 47]

URBAN ARTERIALS

AN ACT Relating to urban arterials; amending section 10, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.040; amending section 24, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.180; and adding new sections to chapter 47.26 RCW.

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

Section 1. Section 10, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.040 are each amended to read as follows:

The term "urban area" means every area of this state designated as an urban area by the state highway commission with the approval of the federal department of the secretary of transportation or the federal highway administrator in accordance with federal law, or areas within incorporated cities as determined by the office of program planning and fiscal management.

Sec. 2. Section 24, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.180 are each amended to read as follows:

Arterial designation and classification, as provided for by this chapter, shall be required to be an integral and coordinated portion of its planning process as authorized by chapters 35.63 or 36.70 RCW. The legislative authority of each county and city lying within or having within its boundaries an urban area shall with the

advice and assistance of its chief engineer and its planning office divide all of its roads or streets into arterial roads or streets and access roads or streets and shall further subdivide the arterials into three functional classes to be known as major arterials, secondary arterials, and collector arterials, all in accordance with uniform standards established by the urban arterial board. ~~((This classification of roads and streets shall be submitted to the urban arterial board by July 1, 1968.))~~ Upon receipt of the classification plans of the several counties and cities, the urban arterial board shall review and revise the classification for the urban arterials as necessary to conform with its uniform standards for classifying urban arterials.

NEW SECTION. Sec. 3. There is added to chapter 47.26 RCW a new section to read as follows:

Political subdivisions that have previously been ineligible to apply for urban arterial trust funds, that are made eligible for such application by this 1975 amendatory act, shall be afforded an opportunity by the urban arterial board to make such application.

NEW SECTION. Sec. 4. There is added to chapter 47.26 RCW a new section to read as follows:

The urban arterial board may adopt rules establishing qualifications for cities and counties administering and supervising the design and construction of urban arterial projects financed in part from the urban arterial trust account. The rules establishing qualification shall take into account the resources and population of the city or county, its permanent engineering staff, its design and construction supervision experience and such other factors as the board deems appropriate. Any city or county failing to meet the qualifications established by the board for administering and supervising an urban arterial project, shall contract with a qualified city or county or the department of highways for the administration and supervision of the design and construction of any approved urban arterial project as a condition for receiving urban arterial trust account funds for the project.

Passed the House June 3, 1975.

Passed the Senate May 30, 1975.

Approved by the Governor June 27, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 254

[House Bill No. 173]

PUBLIC SCHOOLS—STUDENT

DISCIPLINE AND RIGHTS—TEACHERS'

AUTHORITY—QUALIFICATION OF DISTRICT SUPERINTENDENTS

AN ACT Relating to education; and amending section 28A.58.101, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 268, Laws of 1971 ex. sess. and RCW 28A.58.101; amending section 28A.58.137, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.137; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW.

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

Section 1. Section 28A.58.101, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 268, Laws of 1971 ex. sess. and RCW 28A.58.101 are each amended to read as follows:

Every board of directors, unless otherwise specifically provided by law, shall:

(1) Enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils, and certificated employees.

(2) Adopt and make available to each pupil, teacher and parent in the district reasonable written rules and regulations regarding pupil conduct, discipline, and rights. Such rules and regulations shall not be inconsistent with law or the rules and regulations of the superintendent of public instruction or the state board of education and shall include such substantive and procedural due process guarantees as prescribed by the state board of education under RCW 28A.04.132. Commencing with the 1976-77 school year, when such rules and regulations are made available to each pupil, teacher and parent, they shall be accompanied by a detailed description of rights, responsibilities and authorities of teachers with respect to pupils as prescribed by state and local law, rule and regulation.

(3) Suspend, expel, or discipline pupils in accordance with RCW 28A.04.132.

Sec. 2. Section 28A.58.137, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.137, are each amended to read as follows:

In all districts the board of directors shall elect a superintendent who shall ~~((hold a valid teacher's certificate and such other credentials as required by the state board of education))~~ have such qualifications as the local school board alone shall determine. He shall have supervision over the several departments of the schools thereof and carry out such other powers and duties as prescribed by law. Notwithstanding the provisions of RCW 28A.58.100(1), the board may contract with such superintendent for a term not to exceed three years when deemed in the best interest of the district.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW a new section to read as follows:

Notwithstanding any other provision of Title 28A, RCW, the state board of education or superintendent of public instruction shall not require any professional certification or other qualifications of any person elected superintendent of a local school district by that district's board of directors, or any person hired in any manner to fill a position designated as, or which is, in fact, deputy superintendent, or assistant superintendent.

NEW SECTION. Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW a new section to read as follows:

If any provision of this 1975 amendatory act, or its application to any person or circumstances 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 6, 1975.

Passed the Senate June 5, 1975.

Approved by the Governor June 27, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 255

[House Bill No. 230]

HIGHWAYS—MOTOR VEHICLE
TRACTION DEVICES—SIGNING

AN ACT Relating to highways; and amending section 2, chapter 7, Laws of 1969 ex. sess. and RCW 47.36.250.

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

Section 1. Section 2, chapter 7, Laws of 1969 ex. sess. and RCW 47.36.250 are each amended to read as follows:

If the highway commission or its delegate determines at any time for any part of the public highway system that the unsafe conditions of the roadway require particular tires, tire chains or traction equipment in addition to or beyond the ordinary pneumatic rubber tires the commission may establish the following recommendations or requirements with respect to the use of such equipment for all persons using such public highway:

(1) Dangerous road conditions, chains ((or studded tires)), or other approved traction devices recommended.

(2) Dangerous road conditions, chains ((or studded tires)), or other approved traction devices required.

(3) Dangerous road conditions, chains required.

Any equipment which may be required by this section shall be approved by the state commission on equipment as authorized under RCW 46.37.420.

The highway commission shall place and maintain signs and other traffic control devices on the public highways which shall indicate the tire, tire chain or traction equipment recommendation or requirement determined under this section. Such signs or traffic control devices shall in no event prohibit the use of studded tires from November 1 to April 1, but when the highway commission determines that chains are required and that no other traction equipment will suffice, such requirement shall be applicable to all types of tires including studded tires. Such signs or traffic control devices may specify different recommendations or requirements for four wheel drive vehicles in gear.

Failure to obey a requirement indicated by a sign or other traffic control device placed or maintained under this section shall be a misdemeanor.

Passed the House June 3, 1975.

Passed the Senate May 30, 1975.

Approved by the Governor June 27, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 256

[House Bill No. 561]

EXCESS LIQUOR IMPORTS—CLASS
H LICENSE PROXIMATE TO BORDER

AN ACT Relating to the importation of alcoholic beverages into the state of Washington from without the United States; and amending section 1, chapter 38, Laws of 1967 and RCW 66.12.110.

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

Section 1. Section 1, chapter 38, Laws of 1967 and RCW 66.12.110 are each amended to read as follows:

A person twenty-one years of age or over may bring into the state from without the United States, free of tax and markup, for his personal or household use such alcoholic beverages as have been declared and permitted to enter the United States duty free under federal law.

Such entry of alcoholic beverages in excess of that herein provided may be authorized by the board upon payment of an equivalent markup and tax as would be applicable to the purchase of the same or similar liquor at retail from a Washington state liquor store. The board shall adopt appropriate regulations pursuant to chapter 34.04 RCW for the purpose of carrying out the provisions of this section. The board may issue a class H license to a charitable or non-profit corporation of the state of Washington, the majority of the officers and directors of which are United States citizens and the minority of the officers and directors of which are citizens of the Dominion of Canada, and where the location of the premises for such class H license is not more than ten miles south of the border between the United States and the province of British Columbia.

Passed the House June 8, 1975.

Passed the Senate June 7, 1975.

Approved by the Governor June 27, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 257

[House Bill No. 962]

AGRICULTURE

AN ACT Relating to agriculture; amending section 25, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.470; amending section 47, chapter 63, Laws of 1969 as amended by section 13, chapter 199, Laws of 1969 ex. sess. and RCW 15.49.470; amending section 2, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.901; amending section 4, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9014; amending section 6, chapter 31, Laws of 1965 ex. sess. as amended by section 32, chapter 240, Laws of 1967 and RCW 15.53.9018; amending section 15, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9036; amending section 16, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9038; amending section 19, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9044; amending section 23, chapter 22, Laws of 1967 ex. sess. and RCW 15.54.350; amending section 24, chapter 22, Laws of 1967 ex. sess. and RCW 15.54.360; amending section 36, chapter 22, Laws of 1967 ex. sess. and RCW 15.54.480; repealing section 10, chapter 31, Laws of 1965 ex. sess., section 33, chapter 240, Laws of 1967 and RCW 15.53.9026; repealing sections 11 through 14, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9028 through 15.53.9034; providing an effective date; and declaring an emergency.

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

Section 1. Section 25, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.470 are each amended to read as follows:

All ~~((fees))~~ moneys except assessment collected under the provisions of this chapter shall be paid ~~((to the state treasurer to be deposited in))~~ into the nursery inspection ~~((account in the state general))~~ fund ~~((as provided in RCW 43.79.330 to be used only for the enforcement of this chapter))~~ in the state treasury which is hereby established. ~~((All moneys collected under the provisions of RCW 15.13.010~~

through 15.13.210, 15.13.900 and 15.13.910 and remaining in such nursery inspection account on July 1, 1971;)) Such fund shall be used ((for) only in the administration and enforcement of this chapter. ((All the moneys in such nursery inspection account shall be subject to the provisions of RCW 43.79.330;)) All moneys collected under the provisions of chapter 15.13 RCW and remaining in such nursery inspection account in the state general fund on July 1, 1975, shall likewise be used only in the administration and enforcement of this chapter: PROVIDED, That all fees collected for fruit tree, fruit tree seedling and fruit tree rootstock assessments as set forth in this chapter shall be deposited in the north-west nursery fund to be used only for the Washington fruit tree certification and nursery improvement programs as set forth in this chapter and chapter 15.14 RCW.

Sec. 2. Section 47, chapter 63, Laws of 1969 as amended by section 13, chapter 199, Laws of 1969 ex. sess. and RCW 15.49.470 are each amended to read as follows:

All ~~((fees))~~ moneys collected under the provisions of this chapter shall be paid ~~((to the state treasurer to be deposited in))~~ into the seed fund ~~((account))~~ in the state ~~((general fund as provided for in RCW 43.79.330, as is now or hereafter amended, to))~~ treasury which is hereby established. Such fund shall be used only in the administration and enforcement of this chapter. All moneys collected under the provisions of ((RCW 15.48.010 through 15.48.260)) chapter 15.49 RCW and remaining in such seed fund account on July 1, ((1969)) 1975, shall likewise be used only in the enforcement of this chapter: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 3. Section 2, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.901 are each amended to read as follows:

For the purposes of this chapter:

(1) "Department" means the department of agriculture of the state of Washington or its duly authorized representative.

(2) "Person" means a natural person, individual, firm, partnership, corporation, company, society, or association.

(3) "Distribute" means to ~~((offer for sale, hold for sale, sell, or barter, commercial feed, or to supply, furnish or otherwise provide commercial feed to a contract feeder))~~ import, consign, manufacture, produce, compound, mix, or blend commercial feed, or to offer for sale, sell, barter, or otherwise supply commercial feed in this state.

(4) "Distributor" means any person who distributes.

(5) "Sell" or "sale" includes exchange.

(6) "Commercial feed" means all materials including customer-formula feed which are distributed for use as feed or for mixing in feed, for animals other than man except:

(a) Unmixed seed, whole or processed, made directly from the entire seed;

(b) Unground hay, straw, stover, silage, cobs, husks, and hulls when not mixed with other materials;

(c) Individual chemical compounds when not mixed with other materials; or

(d) Bona fide experimental feeds, on which accurate records and experimental programs are maintained.

(7) "Feed ingredient" means each of the constituent materials making up a commercial feed.

(8) "Customer-formula feed" means a mixture of commercial feed and/or materials each batch of which mixture is mixed according to the specific instructions of the final purchaser, or contract feeder.

(9) "Brand" means the term, design, trademark, or other specific designation under which an individual commercial feed is distributed in this state.

(10) "Label" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed is distributed.

(11) "Ton" means a net weight of two thousand pounds avoirdupois.

(12) "Percent" or "percentage" means percentage by weight.

(13) "Official sample" means any sample of feed taken by the department, obtained and analyzed as provided in RCW 15.53.9024.

(14) "Contract feeder" means an independent contractor, or any other person who feeds commercial feed to animals pursuant to an oral or written agreement whereby such commercial feed is supplied, furnished or otherwise provided to such person by any distributor and whereby such person's remuneration is determined all or in part by feed consumption, mortality, profits, or amount or quality of product: PROVIDED, That it shall not include a bona fide employee of a manufacturer or distributor of commercial feed.

(15) "Retail" means to distribute to the ultimate consumer.

Sec. 4. Section 4, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9014 are each amended to read as follows:

(1) Each commercial feed shall be registered with the department and such registration shall be renewed annually before such commercial feed may be distributed in this state: PROVIDED, That customer-formula feeds are exempt from such registration.

(a) ~~((The first and original application for a brand registration for a commercial feed, under the provisions of this chapter, shall be accompanied by a registration fee of ten dollars.~~

~~(b) Each annual renewal of a brand registration for a commercial feed shall be accompanied by a renewal fee of five dollars.~~

~~(c) Any person who distributes a commercial feed in packages of less than ten pounds shall pay an annual registration fee of ten dollars on each such commercial feed so distributed: PROVIDED, That no inspection fee shall be collected on packages of less than ten pounds of the commercial feed so registered)) Beginning January 1, 1976, each annual brand registration for a commercial feed distributed in packages of ten pounds or more shall be accompanied by a fee of five dollars: PROVIDED, That if such commercial feed is also distributed in packages of less than ten pounds they shall be registered under subsection (b) of this section.~~

(b) Beginning January 1, 1976, each annual brand registration for a commercial feed distributed in packages of less than ten pounds shall be accompanied by

an annual registration fee of twenty dollars on each such commercial feed so distributed: PROVIDED, That no inspection fee shall be collected on packages of less than ten pounds of the commercial feed so registered.

(2) The application for registration shall be on forms provided by the department.

(3) The department may require that such application be accompanied by a label and/or other printed matter describing the product. All registrations issued on or after January 1, ~~((1966))~~ 1975, shall be renewable ~~((as provided in (1)(b) of this section))~~ unless such registration is canceled by the department or it has called for a new registration, or unless canceled by the registrant.

(4) The application shall include the information required by subsections (1)(b) through (1)(e) of RCW 15.53.9016.

(5) A distributor shall not be required to register any brand of commercial feed which is already registered under the provisions of this chapter by any other person.

(6) Changes in the guarantee of either chemical or ingredient composition of a commercial feed registered under the provisions of this chapter may be permitted provided there is satisfactory evidence that such changes would not result in a lowering of the feed value of the product for the purpose for which designed.

(7) The department is empowered to refuse registration of any application not in compliance with the provisions of this chapter and to cancel any registration subsequently found not to be in compliance with any provisions of this chapter: PROVIDED, That no registration shall be refused or canceled until the registrant shall have been given opportunity to be heard before the department and to amend his application in order to comply with the requirements of this chapter.

Sec. 5. Section 6, chapter 31, Laws of 1965 ex. sess. as amended by section 32, chapter 240, Laws of 1967 and RCW 15.53.9018 are each amended to read as follows:

(1) ~~On or after ((October 1, 1965, there shall be due and owing)), July 1, 1975 each initial distributor of a commercial feed in this state shall pay to the department an inspection fee of ((four)) six cents per ton on all commercial feed ((distributed in this state)) Sold by such person during the year. ((Such inspection fee shall be paid by any person who distributes twenty-five tons or more of commercial feed in this state in any calendar year: PROVIDED, That when more than one person is involved in the distribution of a commercial feed, the person who distributes to the consumer is responsible for reporting the tonnage and paying the inspection fee unless the report and payment have been made by a prior distributor of the feed: AND PROVIDED FURTHER, That no inspection fee shall be paid on that part of any commercial feed on which an inspection fee has been paid to the department, or any commercial feed which is shipped out of state.~~

~~(2) The distributor of any commercial feed to a consumer in this state shall:~~

~~(a) File, not later than the last day of January, April, July, and October of each year, a quarterly statement under oath, setting forth the number of net tons of commercial feed distributed in this state during the preceding calendar quarter; and upon filing such statement shall pay the inspection fee at the rate stated in subsection (1) hereof)~~

(2) In computing the tonnage on which the inspection fee must be paid, sales of commercial feed to other feed registrants, sales of commercial feed in packages weighing less than ten pounds, and sales of commercial feed for shipment to points outside this state may be excluded.

(3) When more than one distributor is involved in the distribution of a commercial feed, the last registrant or initial distributor who distributes to a nonregistrant (dealer or consumer) is responsible for reporting the tonnage and paying the inspection fee, unless the reporting and paying of fees have been made by a prior distributor of the feed.

(4) Each person made responsible by this chapter for the payment of inspection fees for commercial feed sold in this state shall file a report with the department on October 1st, January 1st, April 1st, and July 1st of each year showing the number of tons of such commercial feed sold during the three calendar months immediately preceding the date the report is due. The proper inspection fee shall be remitted with the report. The person required to file the report and pay the fee shall have a thirty-day period of grace immediately following the day the report and payment are due to file the report, and pay the fee: PROVIDED, That upon permission of the department, an annual statement under oath may be filed by any person distributing within the state less than ~~((twenty-five))~~ fifty tons per quarter during any ~~((calendar))~~ year, and upon filing such statement such person shall pay the inspection fee at the rate stated in subsection (1) ~~((hereof;))~~ of this section.

~~((b))~~ (5) Each distributor shall keep such reasonable and practical records as may be necessary or required by the department to indicate accurately the tonnage of commercial feed distributed in this state, and the department shall have the right to examine such records to verify statements of tonnage. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided herein shall constitute a violation of this chapter.

~~((3))~~ (6) Inspection fees which are due and owing and have not been remitted to the department within thirty days following the due date shall have a collection fee of ~~((ten))~~ twenty-five percent, but not less than five dollars, added to the amount due when payment is finally made. The assessment of this collection fee shall not prevent the department from taking other actions as provided for in this chapter.

(7) The report required by subsection (4) of this section shall not be a public record, and it shall be a misdemeanor for any person to divulge any information given in such report which would reveal the business operation of the person making the report: PROVIDED, That nothing contained in this subsection shall be construed to prevent or make unlawful the use of information concerning the business operation of a person if any action, suit, or proceeding instituted under the authority of this chapter, including any civil action for collection of unpaid inspection fees, which action is hereby authorized and which shall be as an action at law in the name of the director of the department.

~~((4))~~ (8) Any commercial feed purchased by a consumer or contract feeder outside the jurisdiction of this state and brought into this state for use shall be subject to all the provisions of this chapter, including inspection fees.

Sec. 6. Section 15, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9036 are each amended to read as follows:

All hearings for a denial, suspension, or revocation of any ~~((license or))~~ registration provided for in this chapter shall be subject to the provisions of chapter 34.04 RCW (The Administrative Procedure Act) concerning contested cases, as enacted or hereafter amended.

Sec. 7. Section 16, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9038 are each amended to read as follows:

(1) When the department has determined that any lot of commercial feed is adulterated or misbranded ~~((and))~~ or is being distributed in violation of this chapter or any regulations hereunder it may issue and enforce a written or printed "withdrawal from distribution" order, warning the distributor not to dispose of the lot of feed in any manner until written permission is given by the department or a court of competent jurisdiction. The department shall release the lot of commercial feed so withdrawn when said provisions and regulations have been complied with. If compliance is not obtained within thirty days, the department may begin proceedings for condemnation.

(2) Any lot of commercial feed not in compliance with said provisions and regulations shall be subject to seizure on complaint of the department to a court of competent jurisdiction in the area in which said commercial feed is located. In the event the court finds the said commercial feed to be in violation of this chapter and orders the condemnation of said commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of the state: PROVIDED, That in no instance shall the disposition of said commercial feed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial feed or for permission to process or relabel said commercial feed to bring it into compliance with this chapter.

Sec. 8. Section 19, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9044 are each amended to read as follows:

All ~~((fees))~~ moneys collected under the provisions of this chapter shall be paid ~~((to the state treasurer to be deposited in))~~ into the commercial feed ~~((account))~~ fund in the state ~~((general fund as provided in RCW 43.79.330 to))~~ treasury which is hereby established. Such fund shall be used only in the administration and enforcement of this chapter. All moneys collected under the provisions of ~~((RCW 15.53.010 through 15.53.900))~~ chapter 15.53 RCW and remaining in such commercial feed account in the state general fund on the effective date of this chapter, shall be used in enforcement of this chapter.

Sec. 9. Section 23, chapter 22, Laws of 1967 ex. sess. and RCW 15.54.350 are each amended to read as follows:

(1) Each distributor of a commercial fertilizer in this state shall pay to the department an inspection fee of ~~((five))~~ seven cents per ton of lime and ~~((ten))~~ thirteen cents per ton of all other commercial fertilizer sold by such person during the year beginning ~~((January))~~ July 1st and ending ~~((December 31))~~ June 30th.

(2) In computing the tonnage on which the inspection fee must be paid, sales of commercial fertilizers to fertilizer manufacturers, sales of commercial fertilizers

in packages weighing five pounds net or less, and sales of commercial fertilizers for shipment to points outside this state may be excluded.

(3) When more than one distributor is involved in the distribution of a commercial fertilizer, the last registrant who distributes to a nonregistrant (dealer or consumer) is responsible for reporting the tonnage and paying the inspection fee, unless the reporting and paying of fees have been made by a prior distributor of the fertilizer.

Sec. 10. Section 24, chapter 22, Laws of 1967 ex. sess. and RCW 15.54.360 are each amended to read as follows:

(1) Each person made responsible by this chapter for the payment of inspection fees for commercial fertilizers sold in this state shall file a report with the department on October 1st, January 1st, April 1st, and July 1st of each year showing the number of tons of such commercial fertilizers sold during the three calendar months immediately preceding the date the report is due: PROVIDED, That upon permission of the department, an annual statement under oath may be filed by any person distributing within the state less than fifty tons per quarter during any calendar year, and upon filing such statement such person shall pay the inspection fee at the rate stated in RCW 15.54.350(1) as now or hereafter amended. The department may accept sales records or other records accurately reflecting the tonnage sold in verifying such reports. The proper inspection fee shall be remitted with the report. The person required to file the report and pay the fee shall have a thirty-day period of grace immediately following the day the report and payment are due to file the report, and pay the fee.

(2) Inspection fees which are due and owing and have not been remitted to the department within thirty days following the due date shall have a late-collection fee of ten percent, but not less than five dollars, added to the amount due when payment is finally made. The assessment of this late-collection fee shall not prevent the department from taking any other action as provided for in this chapter.

(3) The report required by subsection (1) hereof shall not be a public record, and it shall be a misdemeanor for any person to divulge any information given in such report which would reveal the business operation of the person making the report: PROVIDED, That nothing contained in this subsection shall be construed to prevent or make unlawful the use of information concerning the business operation of a person in any action, suit, or proceeding instituted under the authority of this chapter, including any civil action for collection of unpaid inspection fees, which action is hereby authorized and which shall be as an action at law in the name of the director of the department.

Sec. 11. Section 36, chapter 22, Laws of 1967 ex. sess. and RCW 15.54.480 are each amended to read as follows:

All ~~((fees))~~ moneys collected under the provisions of this chapter shall be paid ~~((to the state treasurer to be deposited in))~~ into the fertilizer, agricultural mineral and lime ~~((account in the state general fund as provided for in RCW 43.79.330, which))~~ fund in the state treasury which is hereby established. Such fund shall be used only in the administration and enforcement of this chapter. All moneys collected under the provisions of ~~((RCW 15.54.010 through 15.54.250 and 15.54.900))~~ chapter 15.54 RCW and remaining in such fertilizer, agricultural mineral and lime

account in the state general fund on July 1, ((1967)) 1975, shall likewise be used only in the enforcement of this chapter.

NEW SECTION. Sec. 12. (1) The following acts or parts of acts are each repealed:

(a) Section 10, chapter 31, Laws of 1965 ex. sess., section 33, chapter 240, Laws of 1967 and RCW 15.53.9026; and

(b) Sections 11 through 14, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9028 through 15.53.9034.

(2) The enactment of this act and the repeal of the sections listed in subsection (1) of this section shall not have the effect of terminating, or in any way modify any liability, civil or criminal, which shall already be in existence on the effective date of this 1975 amendatory act.

(3) All licenses and registrations in effect on the effective date of this 1975 amendatory act shall continue in full force and effect until their regular expiration date, December 31, 1975. No registration or license that has already been paid under the requirements of prior law shall be refunded.

NEW SECTION. Sec. 13. 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 on July 1, 1975.

Passed the House June 4, 1975.

Passed the Senate May 31, 1975.

Approved by the Governor June 27, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 258

[Substitute House Bill No. 972]

SOCIAL AND HEALTH SERVICES FACILITIES— GENERAL OBLIGATION BOND FINANCING

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, improving, and equipping of social and health services facilities; providing for the financing thereof by the issuance of bonds and anticipation notes; creating new sections; and declaring an emergency.

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

NEW SECTION. Section 1. For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, improving, and equipping of social and health services facilities, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of twenty-three million six hundred twenty thousand dollars or so much thereof as shall be required to finance social and health services facilities as is set forth by appropriation from the social and health services facilities construction account in the general fund by chapter . . . , Laws of 1975, the capital appropriation act, for such purposes, to be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the Constitution of the state of Washington.

The state finance committee is authorized to prescribe the form of such bonds, the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

NEW SECTION. Sec. 2. As used in this act, the term "social and health services facilities" shall include, without limitation, facilities for use in adult correction programs, juvenile rehabilitation programs, mental health programs, and developmental disabilities programs for which an appropriation is made from the social and health services facilities construction account in the general fund by chapter . . . , Laws of 1975, the capital appropriations act, or subsequent capital appropriations acts.

NEW SECTION. Sec. 3. At the time the state finance committee determines to issue such bonds authorized in section 1 of this 1975 act or a portion thereof, pending the issuance of such bonds, it may issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". The proceeds from the sale of bonds and notes authorized by this 1975 act shall be deposited in the state social and health services facilities construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in this 1975 act and for the payment of expenses incurred in the issuance and sale of such bonds and notes: PROVIDED, Such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes as have been issued, shall be deposited in the bond redemption fund created in section 5 of this 1975 act.

NEW SECTION. Sec. 4. The principal proceeds from the sale of the bonds authorized in this 1975 act and deposited in the social and health services facilities construction account in the general fund shall be administered by the secretary of the department of social and health services.

NEW SECTION. Sec. 5. The state social and health services construction bond redemption fund of 1975 is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds and notes authorized by this 1975 act or any social and health services facilities bonds and notes hereafter authorized by the legislature. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the state social and health services facilities bond redemption fund of 1975 from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues.

The owner and holder of each of the bonds or the trustee for any of the bonds, by mandamus or other appropriate proceeding, may require and compel the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 6. The bonds authorized by this 1975 act shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 7. If any provision of this 1975 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. 8. This 1975 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 8, 1975.

Approved by the Governor June 27, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 259

[Engrossed Senate Bill No. 2046]

GAMBLING—FISHING DERBIES

AN ACT Relating to gambling; amending section 1, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.010; amending section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.020; amending section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.030; and amending section 7, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.070.

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

Section 1. Section 1, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.010 are each amended to read as follows:

It is hereby declared to be the policy of the legislature, recognizing the close relationship between professional gambling and organized crime, to restrain all persons from seeking profit from professional gambling activities in this state; to restrain all persons from patronizing such professional gambling activities; to safeguard the public against the evils induced by common gamblers and common gambling houses engaged in professional gambling; and at the same time, both to preserve the freedom of the press and to avoid restricting participation by individuals in activities and social pastimes, which activities and social pastimes are more for amusement rather than for profit, do not maliciously affect the public, and do not breach the peace.

The legislature further declares that the raising of funds for the promotion of bona fide charitable or nonprofit organizations is in the public interest as is participation in such activities and social pastimes as are hereinafter in this chapter authorized.

The legislature further declares that the conducting of bingo, raffles, and amusement games and the operation of punch boards, pull-tabs, card games and other social pastimes, when conducted pursuant to the provisions of this chapter and any rules and regulations adopted pursuant thereto, are hereby authorized, as are only such lotteries for which no valuable consideration has been paid or agreed to be paid as hereinafter in this chapter provided.

The legislature further declares that fishing derbys shall not constitute any form of gambling and shall not be considered as a lottery, a raffle, or an amusement game and shall not be subject to the provisions of this chapter or any rules and regulations adopted hereunder.

All factors incident to the activities authorized in this chapter shall be closely controlled, and the provisions of this chapter shall be liberally construed to achieve such end.

Sec. 2. Section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.020 are each amended to read as follows:

- (1) "Amusement game" means a game played for entertainment in which:
 - (a) The contestant actively participates;
 - (b) The outcome depends in a material degree upon the skill of the contestant;
 - (c) Only merchandise prizes are awarded;
 - (d) The outcome is not in the control of the operator;
 - (e) The wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game; and
 - (f) Said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, including the furnishing of equipment, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting such game or said game is conducted as part of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW or said game is conducted as part of and upon the site of:
 - (i) a civic center of a city with a population of twenty thousand or more persons as of the most recent decennial census of the federal government; or
 - (ii) a worlds fair or similar exposition which is approved by the Bureau of International Expositions at Paris, France; or
 - (iii) a community-wide civic festival held not more than once annually and sponsored or approved by a city or town.

(2) "Bingo" means a game in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized

under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee of said organization takes any part in the management or operation of said game, and no person who takes any part in the management or operation of said game takes any part in the management or operation of any game conducted by any other organization or any other branch of the same organization and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(3) "Bona fide charitable or nonprofit organization" means: (a) any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or (b) any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(4) "Bookmaking" means accepting bets as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

(5) "Commission" means the Washington state gambling commission created in RCW 9.46.040.

(6) "Contest of chance" means any contest, game, gaming scheme, or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

(7) "Fishing derby" means a fishing contest, with or without the payment or giving of an entry fee or other consideration by some or all of the contestants(;;) wherein ~~((the contestants compete with each other for a prize or prizes, whether money, merchandise or other thing of value; the prize or prizes is or are awarded based upon the lawful catching of fish by any one or more of the contestants; and~~

~~when such contest is conducted by a bona fide charitable or nonprofit organization)) prizes are awarded for the specie, size, weight, or quality of fish caught in a bona fide fishing or recreational event.~~

(8) "Gambling". A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include fishing derbys as defined by this chapter, parimutuel betting as authorized by chapter 67.16 RCW, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health or accident insurance. In addition, a contest of chance which is specifically excluded from the definition of lottery under subsection (13) of this section shall not constitute gambling.

(9) "Gambling device" means: (a) Any device or mechanism the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as the result of the operation of an element of chance; (b) any device or mechanism which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; (c) any device, mechanism, furniture, fixture, construction or installation designed primarily for use in connection with professional gambling; and (d) any subassembly or essential part designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation. But in the application of this definition, a pinball machine or similar mechanical amusement device which confers only an immediate and unrecorded right of replay on players thereof, which does not contain any mechanism which varies the chance of winning free games or the number of free games which may be won or a mechanism or a chute for dispensing coins or a facsimile thereof, and which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls individually upon the insertion of a nickel or dime, as the case may be, to complete any one operation thereof, shall not be deemed a gambling device: PROVIDED FURTHER, That owning, possessing, buying, selling, renting, leasing, financing, holding a security interest in, storing, repairing and transporting such pinball machines or similar mechanical amusement devices shall not be deemed engaging in professional gambling for the purposes of this chapter and shall not be a violation of this chapter: PROVIDED FURTHER, That any fee for the purchase or rental of any such pinball machines or similar amusement devices shall have no relation to the use to which such machines are put but be based only upon the market value of any such machine, regardless of the location of or type of premises where used, and any fee for the storing, repairing and transporting thereof shall have no relation to the use to which such machines are put, but be commensurate with the cost of labor and other expenses incurred in any such storing, repairing and transporting.

(10) "Gambling information" means any wager made in the course of and any information intended to be used for professional gambling. In the application of this definition information as to wagers, betting odds and changes in betting odds

shall be presumed to be intended for use in professional gambling: PROVIDED, HOWEVER, That this subsection shall not apply to newspapers of general circulation or commercial radio and television stations licensed by the federal communications commission.

(11) "Gambling premises" means any building, room, enclosure, vehicle, vessel or other place used or intended to be used for professional gambling. In the application of this definition, any place where a gambling device is found, shall be presumed to be intended to be used for professional gambling.

(12) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made[,] used or intended to be used in connection with professional gambling.

(13) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance.

For the purpose of this chapter, the following activities do not constitute "valuable consideration" as an element of a lottery:

(a) Listening to or watching a television or radio program or subscribing to a cable television service;

(b) Filling out and returning a coupon or entry blank or facsimile which is received through the mail or published in a bona fide newspaper or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program;

(c) Sending a coupon or entry blank by United States mail to a designated address in connection with a promotion conducted in this state;

(d) Visitation to any business establishment to obtain a coupon, or entry blank;

(e) Mere registration without purchase of goods or services;

(f) Expenditure of time, thought, attention and energy in perusing promotional material;

(g) Placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer; or

(h) Furnishing the container of any product as packaged by the manufacturer, or a particular portion thereof but only if furnishing a plain piece of paper or card with the name of the manufacturer or product handwritten on it is acceptable in lieu thereof: PROVIDED, That where any drawing is held by or on behalf of in-state retail outlets in connection with business promotions authorized under subsections (d) and (e) hereof, no such in-state retail outlet may conduct more than one such drawing during each calendar year and the period of the drawing and its promotion shall not extend for more than seven consecutive days: PROVIDED FURTHER, That if the sponsoring organization has more than one outlet in the state such drawings must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate drawing in connection with the initial opening of any such outlet.

For purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the rules applicable

thereto by the federal communications commission. Broadcast programming, including advertising and promotion, that complies with said federal statutes and regulations is hereby authorized.

(14) "Player" means a natural person who engages, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which no person may receive or become entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor, and supplying cards or other equipment used therein. A person who engages in "bookmaking" as defined in this section is not a "player".

(15) A person is engaged in "professional gambling" when:

(a) Acting other than as a player or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly engages in conduct which materially aids any other form of gambling activity; or

(b) Acting other than as a player, or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;

(c) He engages in bookmaking; or

(d) He conducts a lottery as defined in subsection (13) of this section.

Conduct under subparagraph (a), except as exempted under RCW 9.46.030 as now or hereafter amended, includes but is not limited to conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases, or toward any other phase of its operation. If a person having substantial proprietary or other authoritative control over any premises shall permit said premises to be used with the person's knowledge for the purpose of conducting gambling activity other than gambling activities as set forth in RCW 9.46.030 as now or hereafter amended, and acting other than as a player, and said person permits such to occur or continue or makes no effort to prevent its occurrence or continuation, he shall be considered as being engaged in professional gambling: PROVIDED, That the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable pins being placed in a specified position or combination of positions, as designated by the posted rules of the bowling establishment, where the proprietor does not participate in the proceeds of the "prize fund" shall not be construed to be engaging in "professional gambling" within the meaning of this chapter: PROVIDED, FURTHER, That the books and records of the game shall be open to public inspection.

(16) "Punch boards" and "pull-tabs" shall be given their usual and ordinary meaning as of July 16, 1973, except that such definition may be revised by the commission pursuant to rules and regulations promulgated pursuant to this chapter.

(17) "Raffle" means a game in which tickets bearing an individual number are sold for not more than one dollar each and in which a prize or prizes are awarded on the basis of a drawing from said tickets by the person or persons conducting the game, when said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(18) "Social card game" means a card game, including but not limited to the game commonly known as "Mah Jongg", which constitutes gambling and contains each of the following characteristics:

(a) There are two or more participants and each of them are players; and

(b) A player's success at winning money or other thing of value by overcoming chance is in the long run largely determined by the skill of the player; and

(c) No organization, corporation or person collects or obtains or charges any percentage of or collects or obtains any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That this item (c) shall not preclude a player from collecting or obtaining his winnings; and

(d) No organization or corporation, or person collects or obtains any money or thing of value from, or charges or imposes any fee upon, any person which either enables him to play or results in or from his playing: PROVIDED, That this item (d) shall not apply to the membership fee in any bona fide charitable or nonprofit organization or to an admission fee allowed by the commission pursuant to RCW 9.46.070; and

(e) The type of card game is one specifically approved by the commission pursuant to RCW 9.46.070; and

(f) The extent of wagers, money or other thing of value which may be wagered or contributed by any player does not exceed the amount or value specified by the commission pursuant to RCW 9.46.070.

(19) "Thing of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise, directly or indirectly, contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

(20) "Whoever" and "person" include natural persons, corporations and partnerships and associations of persons; and when any corporate officer, director or stockholder or any partner authorizes, participates in, or knowingly accepts benefits from any violation of this chapter committed by his corporation or partnership, he shall be punishable for such violation as if it had been directly committed by him.

Sec. 3. Section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.030 are each amended to read as follows:

(1) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct bingo games, raffles, amusement games, ~~((fishing derby;))~~ to utilize punch boards and pull-tabs and to allow their premises and facilities to be used by members and guests only to play social card games authorized by the commission, when licensed, conducted or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(2) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of raffles, are hereby authorized to conduct raffles without obtaining a license to do so from the commission when such raffles are held in accordance with all other requirements of chapter 9.46 RCW, other applicable laws, and rules of the commission; when gross revenues from all such raffles held by the organization during the calendar year do not exceed five thousand dollars; and when tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle: PROVIDED, That the term members for this purpose shall mean only those persons who have become members prior to the commencement of the raffle and whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles.

(3) The legislature hereby authorizes any person, association or organization to conduct social card games and to utilize punch boards and pull-tabs as a commercial stimulant when licensed and utilized or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(4) The legislature hereby authorizes the management of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW to conduct amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto as well as authorizing said amusement games as so licensed and operated to be conducted as a part of and upon the site of:

(a) A civic center of a city with a population of twenty thousand or more persons as of the most recent decennial census of the federal government; or

(b) A worlds fair or similar exposition which is approved by the Bureau of International Expositions at Paris, France; or

(c) A community-wide civic festival held not more than once annually and sponsored or approved by a city or town.

The penalties provided for professional gambling in this chapter, shall not apply to bingo games, raffles, punch boards, pull-tabs, or amusement games ~~((or fishing derby;))~~ when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations of the commission.

Sec. 4. Section 7, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.070 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said organizations to conduct bingo games, ~~((fishing derby;))~~

raffles, amusement games, and social card games to utilize punch boards and pull-tabs in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter or any rules and regulations adopted pursuant thereto: PROVIDED, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission or director shall not issue, deny, suspend or revoke any license because of considerations of race, sex, creed, color, or national origin: AND PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any person, association or organization approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said person, association or organization to utilize punch boards and pull-tabs and to conduct social card games as a commercial stimulant in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter and any rules and regulations adopted pursuant thereto: PROVIDED, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(3) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association or organization to engage in the selling, distributing, or otherwise supplying or in the manufacturing of devices for use within this state for those activities authorized by RCW 9.46.030 as now or hereafter amended.

(4) To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises, and for such other activities as may be licensed by the commission, which shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules and regulations adopted pursuant thereto: PROVIDED, That all licensing fees shall be submitted with an application therefor and not less than fifty percent of any such license fee shall be retained by the commission upon the denial of any such license as its reasonable expense for investigation into the granting thereof: PROVIDED FURTHER, That the commission may establish fees for the furnishing by it to licensees of identification stamps to be affixed to such devices and equipment as required by the commission and for such other special services or programs required or offered by the commission, the amount of each of these fees to be not less than is adequate to offset the cost to the commission of the stamps and of administering their dispersal to licensees or the cost of administering such other special services, requirements or programs.

Notwithstanding any other provision of this subsection, raffles may be conducted by any bona fide charitable or nonprofit organization not more than once

each year without payment of a license fee if such organization shall not receive in gross receipts therefrom an amount over five thousand dollars.

(5) To require that applications for all licenses contain such information as may be required by the commission: PROVIDED, That all persons having a managerial or ownership interest in any gambling activity, or the building in which any gambling activity occurs, or the equipment to be used for any gambling activity, or participating as an employee in the operation of any gambling activity, shall be listed on the application for the license and the applicant shall certify on the application, under oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity, building, or equipment by the person making such application: PROVIDED FURTHER, That the commission may require fingerprinting and background checks on any persons seeking licenses under this chapter or of any person holding an interest in any gambling activity, building or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity;

(6) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;

(7) To require that all income from bingo games, raffles, and amusement games be recorded and reported as established by rule or regulation of the commission to the extent deemed necessary by considering the scope and character of the gambling activity in such a manner that will disclose gross income from any gambling activity, amounts received from each player, the nature and value of prizes, and the fact of distributions of such prizes to the winners thereof;

(8) To regulate and establish maximum limitations on income derived from bingo: PROVIDED, That in establishing limitations pursuant to this subsection the commission shall take into account (i) the nature, character and scope of the activities of the licensee; (ii) the source of all other income of the licensee; (iii) the percentage or extent to which income derived from bingo is used for charitable, as distinguished from nonprofit, purposes;

(9) To regulate and establish the type and scope of and manner of conducting social card games permitted to be played, and the extent of wager, money or other thing of value which may be wagered or contributed or won by a player in a social card game;

(10) To regulate and establish a reasonable admission fee which may be imposed by an organization, corporation or person licensed to conduct a social card game on a person desiring to become a player in a social card game. A "reasonable admission fee" under this item shall be limited to a fee which would defray or help to defray the expenses of the game and which would not be contrary to the purposes of this chapter;

(12) To cooperate with and secure the cooperation of county, city and other local or state agencies in investigating any matter within the scope of its duties and responsibilities;

(13) In accordance with RCW 9.46.080, to adopt such rules and regulations as are deemed necessary to carry out the purposes and provisions of this chapter. All rules and regulations shall be adopted pursuant to the administrative procedure act, chapter 34.04 RCW;

(14) To set forth for the perusal of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended;

(15) To publish and make available at the office of the commission or elsewhere to anyone requesting it a list of the commission licensees, including the name, address, type of license, and license number of each licensee; and

(16) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Passed the Senate June 9, 1975.

Passed the House June 9, 1975.

Approved by the Governor June 27, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 260

[Engrossed Substitute Senate Bill No. 2092]

WASHINGTON CRIMINAL CODE

AN ACT Relating to crimes and criminal procedure; adding a new title to the Revised Code of Washington to be designated as Title 9A; repealing section 51, chapter 249, Laws of 1909 and RCW 9.01.010; repealing section 11, page 78, Laws of 1854, section 11, page 106, Laws of 1859, section 11, page 200, Laws of 1869, section 11, page 200, Laws of 1873, section 781, Code of 1881, section 1, chapter 249, Laws of 1909 and RCW 9.01.020; repealing section 125, page 98, Laws of 1854, section 124, page 129, Laws of 1859, section 134, page 229, Laws of 1869, section 140, page 213, Laws of 1873, section 957, Code of 1881, section 8, chapter 249, Laws of 1909 and RCW 9.01.030; repealing section 2, chapter 249, Laws of 1909 and RCW 9.01.040; repealing section 2, chapter 249, Laws of 1909 and RCW 9.01.050; repealing section 127, page 98, Laws of 1854, section 136, page 229, Laws of 1869, section 142, page 213, Laws of 1873, section 956, Code of 1881, section 10, chapter 249, Laws of 1909 and RCW 9.01.060; repealing section 30, page 185, Laws of 1873, section 1161, Code of 1881, section 12, chapter 249, Laws of 1909 and RCW 9.01.070; repealing section 1, chapter 233, Laws of 1927 and RCW 9.01.080; repealing section 784, Code of 1881, section 17, chapter 249, Laws of 1909 and RCW 9.01.090; repealing section 18, chapter 249, Laws of 1909 and RCW 9.01.100; repealing section 5, chapter 249, Laws of 1909 and RCW 9.01.111; repealing section 4, chapter 249, Laws of 1909 and RCW 9.01.112; repealing section 3, chapter 249, Laws of 1909 and RCW 9.01.113; repealing section 6, chapter 249, Laws of 1909 and RCW 9.01.114; repealing section 2, chapter 76, Laws of 1967 and RCW 9.01.116; repealing section 1, Code of 1881, section 47, chapter 249, Laws of 1909 and RCW 9.01.150; repealing section 46, chapter 249, Laws of 1909 and RCW 9.01.170; repealing section 48, chapter 249, Laws of 1909 and RCW 9.01.180; repealing section 49, chapter 249, Laws of 1909 and RCW 9.01.190; repealing section 376, chapter 249, Laws of 1909 and RCW 9.08.040; repealing section 40, page 82, Laws of 1854, section 44, page 189, Laws of 1873, section 823, Code of 1881, section 40, page 77, Laws of 1886, section 1, chapter 87, Laws of 1895, section 320, chapter 249, Laws of 1909, section 1, chapter 11, Laws of 1863 and RCW 9.09.010; repealing section 40, page 82, Laws of 1854, section 44, page 189, Laws of 1873, section 823, Code of 1881, section 40, page 77, Laws of 1886, section 1, chapter 87, Laws of 1895, section 321, chapter 249, Laws of 1909, section 1, chapter 265, Laws of 1927, section 2, chapter 11, Laws of 1963, section 1, chapter 17, Laws of 1965 ex. sess. and RCW 9.09.020; repealing section 322, chapter 249, Laws of 1909 and RCW 9.09.030; repealing section 323, chapter 249, Laws of 1909 and RCW 9.09.040; repealing section 324, chapter 249, Laws of 1909 and RCW 9.09.050; repealing section 6, chapter 87, Laws of 1895, section 325, chapter 249, Laws of 1909 and RCW 9.09.060; repealing section 24, page 79, Laws of 1854, section 28, page 80, Laws of 1854, sections 24 through 30, page 202, Laws of 1869, sections 29 through 34, page 185, Laws of 1873, sections 801 through 809, Code of 1881, section 161, chapter 249, Laws of 1909 and RCW 9.11.010; repealing section 24, page 79, Laws of 1854, section 28, page 80, Laws of 1854, sections 24 through 30, page 202, Laws of 1869, sections 29 through 34, page 185, Laws of 1873, sections 801 through 809, Code of 1881, section 162, chapter 249, Laws of 1909 and RCW 9.11.020; repealing section 24, page 79, Laws of 1854, section 28, page 80, Laws of 1854, sections 24 through 30, page 202, Laws of 1869, sections 29 through 34, page 185, Laws of

1873, sections 801 through 809, Code of 1881, section 163, chapter 249, Laws of 1909 and RCW 9.11.030; repealing section 164, chapter 249, Laws of 1909 and RCW 9.11.040; repealing section 165, chapter 249, Laws of 1909 and RCW 9.11.050; repealing section 122, page 226, Laws of 1869, section 128, page 210, Laws of 1873, section 945, Code of 1881, sections 6 and 7, chapter 149, Laws of 1895, section 201, chapter 249, Laws of 1909 and RCW 9.15.010; repealing section 202, chapter 249, Laws of 1909 and RCW 9.15.020; repealing sections 74 and 75, page 89, Laws of 1854, section 75, page 119, Laws of 1859, section 80, page 216, Laws of 1869, section 84, page 200, Laws of 1873, section 880, Code of 1881, section 68, chapter 249, Laws of 1909 and RCW 9.18.010; repealing section 74, page 89, Laws of 1854, section 74, page 119, Laws of 1859, section 79, page 216, Laws of 1869, section 83, page 200, Laws of 1873, section 879, Code of 1881, section 69, chapter 249, Laws of 1909 and RCW 9.18.020; repealing section 73, page 89, Laws of 1854-55, section 73, page 118, Laws of 1859-60, section 78, page 216, Laws of 1869, section 82, page 199, Laws of 1873, section 878, Code of 1881, section 70, chapter 249, Laws of 1909 and RCW 9.18.030; repealing section 71, page 89, Laws of 1854, section 71, page 118, Laws of 1859, section 77, page 216, Laws of 1869, section 81, page 199, Laws of 1873, section 877, Code of 1881, section 71, chapter 249, Laws of 1909 and RCW 9.18.040; repealing section 72, chapter 249, Laws of 1909 and RCW 9.18.050; repealing section 84, page 200, Laws of 1873, section 880, Code of 1881, section 73, chapter 249, Laws of 1909 and RCW 9.18.060; repealing section 74, chapter 249, Laws of 1909 and RCW 9.18.070; repealing section 79, page 90, Laws of 1854, section 885, Code of 1881, section 79, chapter 249, Laws of 1909 and RCW 9.18.090; repealing section 75, page 89, Laws of 1854, section 880, Code of 1881, section 80, chapter 249, Laws of 1909 and RCW 9.18.100; repealing section 81, chapter 249, Laws of 1909 and RCW 9.18.110; repealing section 44, page 83, Laws of 1854, section 48, page 190, Laws of 1873, section 827, Code of 1881, section 1, page 14, Laws of 1888, section 326, chapter 249, Laws of 1909 and RCW 9.19.010; repealing section 49, page 190, Laws of 1873, section 828, Code of 1881, section 328, chapter 249, Laws of 1909 and RCW 9.19.030; repealing section 329, chapter 249, Laws of 1909 and RCW 9.19.040; repealing section 1, chapter 90, Laws of 1893, section 330, chapter 249, Laws of 1909 and RCW 9.19.050; repealing section 130, chapter 249, Laws of 1909 and RCW 9.22.010; repealing section 131, chapter 249, Laws of 1909 and RCW 9.22.020; repealing section 132, chapter 249, Laws of 1909 and RCW 9.22.030; repealing section 1, chapter 211, Laws of 1961 and RCW 9.22.040; repealing section 1, page 15, Laws of 1862, section 70, page 196, Laws of 1873, sections 856 and 857, Code of 1881, section 339, chapter 249, Laws of 1909 and RCW 9.26.010; repealing section 340, chapter 249, Laws of 1909 and RCW 9.26.020; repealing section 7, page 15, Laws of 1862, section 70, page 196, Laws of 1873, section 857, Code of 1881 and RCW 9.26.030; repealing section 1, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.010; repealing section 2, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.020; repealing section 3, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.030; repealing section 4, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.040; repealing section 5, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.050; repealing section 6, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.060; repealing section 7, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.070; repealing section 8, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.080; repealing section 295, chapter 249, Laws of 1909 and RCW 9.27.010; repealing section 282, chapter 249, Laws of 1909 and RCW 9.27.020; repealing section 309, chapter 249, Laws of 1909 and RCW 9.27.030; repealing section 64, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 296, chapter 249, Laws of 1909 and RCW 9.27.040; repealing section 65, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 297, chapter 249, Laws of 1909 and RCW 9.27.050; repealing section 65, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 298, chapter 249, Laws of 1909 and RCW 9.27.060; repealing sections 65 and 66, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 299, chapter 249, Laws of 1909 and RCW 9.27.070; repealing section 863, Code of 1881, section 300, chapter 249, Laws of 1909 and RCW 9.27.080; repealing section 301, chapter 249, Laws of 1909 and RCW 9.27.090; repealing section 302, chapter 249, Laws of 1909 and RCW 9.27.100; repealing section 22, page 79, Laws of 1854, section 22, page 202, Laws of 1869, section 799, Code of 1881, section 167, chapter 249, Laws of 1909 and RCW 9.30.010; repealing section 23, page 79, Laws of 1854, section 23, page 202, Laws of 1869, section 25, page 185, Laws of 1873, section 800, Code of 1881, section 168, chapter 249, Laws of 1909 and RCW 9.30.020; repealing section 169, chapter 249, Laws of 1909 and RCW 9.30.030; repealing section 170, chapter 249, Laws of 1909 and RCW 9.30.040; repealing section 171, chapter 249, Laws of 1909 and RCW 9.30.050; repealing section 1, chapter 320, Laws of 1955 and RCW 9.31.005; repealing section 90, chapter 249, Laws of 1909, section 2, chapter 320, Laws of 1955 and RCW 9.31.010; repealing section 76, page 89, Laws of 1854, section 85, page 200, Laws of 1873, section 881, Code of 1881, sections 1 and 2, chapter 46, Laws of 1905, section 91, chapter 249, Laws of 1909 and RCW 9.31.020; repealing section 77, page 90, Laws of 1854, section 86, page 201, Laws of 1873, section 882, Code of 1881, section 92, chapter 249, Laws of 1909 and RCW 9.31.030; repealing section 77, page 90, Laws of 1854, sections 86 and 87, page 201,

Laws of 1873, section 882, Code of 1881, section 93, chapter 249, Laws of 1909 and RCW 9.31.040; repealing section 94, chapter 249, Laws of 1909 and RCW 9.31.050; repealing section 87, chapter 249, Laws of 1909 and RCW 9.31.060; repealing section 88, chapter 249, Laws of 1909 and RCW 9.31.070; repealing section 125, chapter 249, Laws of 1909 and RCW 9.31.080; repealing section 1, chapter 182, Laws of 1951 and RCW 9.31.100; repealing section 822, Code of 1881, section 358, chapter 249, Laws of 1909 and RCW 9.33.010; repealing section 87, page 91, Laws of 1854, section 96, page 203, Laws of 1873, section 894, Code of 1881, section 359, chapter 249, Laws of 1909 and RCW 9.33.020; repealing section 87, page 91, Laws of 1854, section 96, page 203, Laws of 1873, section 894, Code of 1881, section 360, chapter 249, Laws of 1909 and RCW 9.33.040; repealing section 822, Code of 1881, section 361, chapter 249, Laws of 1909 and RCW 9.33.050; repealing section 362, chapter 249, Laws of 1909 and RCW 9.33.060; repealing section 108, page 95, Laws of 1854, section 119, page 208, Laws of 1873, section 923, Code of 1881 and RCW 9.33.070; repealing section 363, chapter 249, Laws of 1909 and RCW 9.34.010; repealing section 364, chapter 249, Laws of 1909 and RCW 9.34.020; repealing section 365, chapter 249, Laws of 1909 and RCW 9.37.010; repealing section 367, chapter 249, Laws of 1909 and RCW 9.37.020; repealing section 421, chapter 249, Laws of 1909 and RCW 9.37.030; repealing section 422, chapter 249, Laws of 1909 and RCW 9.37.040; repealing section 1, chapter 46, Laws of 1911 and RCW 9.37.050; repealing section 1, chapter 78, Laws of 1937 and RCW 9.37.060; repealing section 370, chapter 249, Laws of 1909 and RCW 9.38.030; repealing section 409, chapter 249, Laws of 1909 and RCW 9.38.050; repealing section 267, chapter 249, Laws of 1909 and RCW 9.40.010; repealing section 268, chapter 249, Laws of 1909 and RCW 9.40.020; repealing section 269, chapter 249, Laws of 1909 and RCW 9.40.030; repealing section 847, Code of 1881, section 9, page 127, Laws of 1890 and RCW 9.40.050; repealing section 2, page 300, Laws of 1877, section 1225, Code of 1881, section 13, chapter 69, Laws of 1891 and RCW 9.40.060; repealing section 1, page 300, Laws of 1877, section 1224, Code of 1881, section 14, chapter 69, Laws of 1891 and RCW 9.40.070; repealing section 4, page 300, Laws of 1877, section 1227, Code of 1881, section 15, chapter 69, Laws of 1891 and RCW 9.40.080; repealing section 338, chapter 249, Laws of 1909 and RCW 9.44.010; repealing section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 331, chapter 249, Laws of 1909 and RCW 9.44.020; repealing section 332, chapter 249, Laws of 1909 and RCW 9.44.030; repealing section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 333, chapter 249, Laws of 1909 and RCW 9.44.040; repealing section 334, chapter 249, Laws of 1909 and RCW 9.44.050; repealing section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 335, chapter 249, Laws of 1909 and RCW 9.44.060; repealing section 336, chapter 249, Laws of 1909 and RCW 9.44.070; repealing section 122, chapter 249, Laws of 1909 and RCW 9.45.010; repealing section 219, chapter 249, Laws of 1909 and RCW 9.45.030; repealing section 375, chapter 249, Laws of 1909 and RCW 9.45.050; repealing section 1, page 99, Laws of 1890 and RCW 9.45.200; repealing section 138, chapter 249, Laws of 1909, section 1, chapter 49, Laws of 1970 ex. sess. and RCW 9.48.010; repealing section 139, chapter 249, Laws of 1909 and RCW 9.48.020; repealing section 12, page 78, Laws of 1854, section 12, page 200, Laws of 1869, section 12, page 182, Laws of 1873, section 786, Code of 1881, section 1, chapter 69, Laws of 1891, section 140, chapter 249, Laws of 1909 and RCW 9.48.030; repealing section 13, page 78, Laws of 1854, sections 13 and 14, page 200, Laws of 1869, section 13, page 182, Laws of 1873, section 790, Code of 1881, section 141, chapter 249, Laws of 1909 and RCW 9.48.040; repealing section 14, page 78, Laws of 1854, section 14, page 201, Laws of 1869, section 16, page 183, Laws of 1873, section 791, Code of 1881, section 142, chapter 249, Laws of 1909 and RCW 9.48.050; repealing section 16, page 78, Laws of 1854, section 16, page 201, Laws of 1869, section 18, page 183, Laws of 1873, section 793, Code of 1881, section 2, chapter 69, Laws of 1891, section 143, chapter 249, Laws of 1909, section 2, chapter 49, Laws of 1970 ex. sess. and RCW 9.48.060; repealing sections 37 and 38, page 81, Laws of 1854, sections 37 and 38, page 209, Laws of 1863, sections 41 and 42, page 188, Laws of 1873, section 820, Code of 1881, section 144, chapter 249, Laws of 1909 and RCW 9.48.070; repealing sections 37 and 38, page 81, Laws of 1854, sections 37 and 38, page 209, Laws of 1863, sections 41 and 42, page 188, Laws of 1873, section 821, Code of 1881, section 145, chapter 249, Laws of 1909 and RCW 9.48.080; repealing section 146, chapter 249, Laws of 1909 and RCW 9.48.090; repealing section 147, chapter 249, Laws of 1909 and RCW 9.48.100; repealing section 18, page 78, Laws of 1854, section 18, page 201, Laws of 1869, section 20, page 184, Laws of 1873, section 795, Code of 1881, section 148, chapter 249, Laws of 1909 and RCW 9.48.110; repealing section 19, page 78, Laws of 1854, section 19, page 201, Laws of 1869, section 21, page 184, Laws of 1873, section 796, Code of 1881, section 149, chapter 249, Laws of 1909 and RCW 9.48.120; repealing section 124, page 97, Laws of 1854, section 130, page 227, Laws of 1869, section 136, page 211, Laws of 1873, section 995, Code of 1881, section 150, chapter 249, Laws of 1909 and RCW 9.48.130; repealing section 151, chapter 249, Laws of 1909 and RCW 9.48.140; repealing section 152, chapter 249, Laws of 1909 and RCW 9.48.150; repealing section 153, chapter 249, Laws of 1909 and RCW 9.48.160; repealing section 154, chapter 249, Laws of 1909 and RCW 9.48.170; repealing section 1, chapter 6, Laws of 1933 ex. sess. and RCW 9.52.010;

repealing section 3, chapter 6, Laws of 1933 ex. sess. and RCW 9.52.020; repealing section 159, chapter 249, Laws of 1909 and RCW 9.52.030; repealing section 36, page 84, Laws of 1854, section 38, page 205, Laws of 1869, section 40, page 187, Laws of 1873, section 819, Code of 1881, section 160, chapter 249, Laws of 1909 and RCW 9.52.040; repealing section 45, page 83, Laws of 1854, section 50, page 190, Laws of 1873, section 830, Code of 1881, section 349, chapter 249, Laws of 1909, section 3, chapter 165, Laws of 1915 and RCW 9.54.010; repealing section 1, chapter 155, Laws of 1915, section 1, chapter 64, Laws of 1919 and RCW 9.54.020; repealing section 1, chapter 60, Laws of 1917, section 1, chapter 124, Laws of 1974 ex. sess. and RCW 9.54.030; repealing section 2, chapter 60, Laws of 1917 and RCW 9.54.040; repealing section 1, chapter 156, Laws of 1915 and RCW 9.54.050; repealing section 350, chapter 249, Laws of 1909 and RCW 9.54.060; repealing section 351, chapter 249, Laws of 1909 and RCW 9.54.070; repealing section 352, chapter 249, Laws of 1909 and RCW 9.54.080; repealing section 353, chapter 249, Laws of 1909, section 1, chapter 97, Laws of 1955 and RCW 9.54.090; repealing section 354, chapter 249, Laws of 1909 and RCW 9.54.100; repealing section 355, chapter 249, Laws of 1909 and RCW 9.54.110; repealing section 1, chapter 63, Laws of 1961 and RCW 9.54.115; repealing section 356, chapter 249, Laws of 1909 and RCW 9.54.120; repealing section 1, chapter 32, Laws of 1965 and RCW 9.54.140; repealing section 85, chapter 249, Laws of 1909 and RCW 9.55.010; repealing section 1, chapter 111, Laws of 1899, section 1, chapter 112, Laws of 1903, section 404, chapter 249, Laws of 1909, section 2, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.010; repealing section 1, chapter 64, Laws of 1893, section 1, chapter 41, Laws of 1897, section 405, chapter 249, Laws of 1909, section 3, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.020; repealing section 16, chapter 69, Laws of 1891, section 406, chapter 249, Laws of 1909, section 4, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.030; repealing section 1, page 30, Laws of 1862, section 1, page 300, Laws of 1877, sections 842, 843, 847, 848, 1224, Code of 1881, section 5, page 126, Laws of 1890, section 11, page 122, Laws of 1890, section 10, page 127, Laws of 1890, sections 4, 8, 11, 12, 13, 14, 16, 17, chapter 69, Laws of 1891, section 1, chapter 83, Laws of 1897, section 407, chapter 249, Laws of 1909, section 5, chapter 152, Laws of 1971 ex. sess., section 1, chapter 28, Laws of 1975 and RCW 9.61.040; repealing section 408, chapter 249, Laws of 1909, section 6, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.050; repealing section 414, chapter 249, Laws of 1909 and RCW 9.61.060; repealing section 415, chapter 249, Laws of 1909, section 1, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.070; repealing section 2, page 71, Laws of 1883, section 17, chapter 69, Laws of 1891 and RCW 9.61.080; repealing section 1, chapter 114, Laws of 1899, section 7, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.090; repealing section 2, chapter 114, Laws of 1899 and RCW 9.61.100; repealing section 3, chapter 114, Laws of 1899 and RCW 9.61.110; repealing section 1, chapter 133, Laws of 1963 and RCW 9.61.220; repealing section 26, page 79, Laws of 1854, section 26, page 202, Laws of 1869, section 28, page 185, Laws of 1873, section 103, Code of 1881, section 155, chapter 249, Laws of 1909 and RCW 9.65.010; repealing section 156, chapter 249, Laws of 1909 and RCW 9.65.020; repealing section 157, chapter 249, Laws of 1909 and RCW 9.65.030; repealing section 303, chapter 249, Laws of 1909 and RCW 9.69.010; repealing section 78, page 90, Laws of 1854, section 87, page 201, Laws of 1873, section 883, Code of 1881, section 112, chapter 249, Laws of 1909 and RCW 9.69.020; repealing section 79, page 90, Laws of 1854, section 88, page 201, Laws of 1873, section 886, Code of 1881, section 113, chapter 249, Laws of 1909 and RCW 9.69.030; repealing section 79, page 90, Laws of 1854, section 88, page 201, Laws of 1873, section 885, Code of 1881, section 114, chapter 249, Laws of 1909 and RCW 9.69.040; repealing section 116, chapter 249, Laws of 1909 and RCW 9.69.050; repealing section 420, chapter 249, Laws of 1909 and RCW 9.69.060; repealing section 110, chapter 249, Laws of 1909 and RCW 9.72.070; repealing section 1, chapter 17, Laws of 1901, section 111, chapter 249, Laws of 1909, section 1, chapter 56, Laws of 1969 ex. sess. and RCW 9.69.080; repealing section 115, chapter 249, Laws of 1909 and RCW 9.69.090; repealing section 69, page 88, Laws of 1854, section 69, page 118, Laws of 1859, section 79, page 199, Laws of 1873, section 867, Code of 1881, section 99, chapter 249, Laws of 1909, section 1, chapter 46, Laws of 1957 and RCW 9.72.010; repealing section 870, Code of 1881, section 100, chapter 249, Laws of 1909 and RCW 9.72.020; repealing section 101, chapter 249, Laws of 1909 and RCW 9.72.030; repealing section 868, Code of 1881, section 102, chapter 249, Laws of 1909 and RCW 9.72.040; repealing section 869, Code of 1881, section 103, chapter 249, Laws of 1909 and RCW 9.72.050; repealing section 872, Code of 1881, section 104, chapter 249, Laws of 1909, section 2, chapter 46, Laws of 1957 and RCW 9.72.060; repealing section 873, Code of 1881, section 105, chapter 249, Laws of 1909 and RCW 9.72.070; repealing section 106, chapter 249, Laws of 1909 and RCW 9.72.080; repealing section 81, page 199, Laws of 1873, section 876, Code of 1881, section 108, chapter 249, Laws of 1909 and RCW 9.72.100; repealing section 71, page 89, Laws of 1854, section 77, page 216, Laws of 1869, section 81, page 199, Laws of 1873, section 877, Code of 1881, section 109, chapter 249, Laws of 1909 and RCW 9.72.110; repealing sections 3 and 4, page 81, Laws of 1854, section 36, page 204, Laws of 1869, section 38, page 187, Laws of 1873, section 829, Code of 1881, section 166, chapter 249, Laws of 1909 and RCW 9.75.010; repealing section 399, chapter 249, Laws of 1909 and RCW 9.75.020; repealing section 6, page 126, Laws of 1890 and RCW 9.75.030;

repealing section 244, chapter 249, Laws of 1909 and RCW 9.76.020; repealing section 245, chapter 249, Laws of 1909 and RCW 9.76.030; repealing section 246, chapter 249, Laws of 1909 and RCW 9.76.040; repealing section 865, Code of 1881, section 247, chapter 249, Laws of 1909 and RCW 9.76.050; repealing section 1, chapter 229, Laws of 1959, section 1, chapter 76, Laws of 1967 and RCW 9.78.010; repealing section 2, chapter 229, Laws of 1959 and RCW 9.78.020; repealing section 4, chapter 229, Laws of 1959 and RCW 9.78.040; repealing section 813, Code of 1881, section 186, chapter 249, Laws of 1909, section 125, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.040; repealing section 815, Code of 1881, section 187, chapter 249, Laws of 1909, section 126, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.050; repealing section 188, chapter 249, Laws of 1909, section 1, chapter 186, Laws of 1927, section 127, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.060; repealing section 816, Code of 1881, section 1, chapter 33, Laws of 1905, section 189, chapter 249, Laws of 1909, section 128, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.070; repealing section 190, chapter 249, Laws of 1909, section 2, chapter 74, Laws of 1937, section 1, chapter 127, Laws of 1955, section 129, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.080; repealing section 121, page 225, Laws of 1869, section 127, page 209, Laws of 1873, sections 1 and 2, chapter 149, Laws of 1895, section 203, chapter 249, Laws of 1909, section 1, chapter 111, Laws of 1943 and RCW 9.79.090; repealing section 2, chapter 139, Laws of 1893, section 204, chapter 249, Laws of 1909, section 3, chapter 74, Laws of 1937 and RCW 9.79.100; repealing section 120, page 225, Laws of 1869, section 126, page 209, Laws of 1873, sections 943, 944, Code of 1881, sections 3, 4, chapter 149, Laws of 1895, section 205, chapter 249, Laws of 1909, section 1, chapter 98, Laws of 1917 and RCW 9.79.110; repealing section 117, page 95, Laws of 1854, section 120, page 225, Laws of 1869, section 126, page 209, Laws of 1873, section 948, Code of 1881, section 206, chapter 249, Laws of 1909 and RCW 9.79.120; repealing section 2, chapter 65, Laws of 1961 and RCW 9.79.130; repealing section 133, chapter 249, Laws of 1909 and RCW 9.80.010; repealing section 134, chapter 249, Laws of 1909 and RCW 9.80.020; repealing section 17, page 78, Laws of 1854, section 17, page 201, Laws of 1869, section 19, page 184, Laws of 1873, section 794, Code of 1881, section 135, chapter 249, Laws of 1909 and RCW 9.80.030; repealing section 136, chapter 249, Laws of 1909 and RCW 9.80.040; repealing section 137, chapter 249, Laws of 1909 and RCW 9.80.050; repealing section 412, chapter 249, Laws of 1909 and RCW 9.83.010; repealing section 1, chapter 128, Laws of 1913 and RCW 9.83.020; repealing section 2, chapter 128, Laws of 1913 and RCW 9.83.030; repealing section 3, chapter 128, Laws of 1913 and RCW 9.83.040; repealing section 4, chapter 128, Laws of 1913 and RCW 9.83.050; repealing section 1, page 124, Laws of 1890, section 413, chapter 249, Laws of 1909, section 1, chapter 139, Laws of 1913 and RCW 9.83.060; repealing section 64, page 212, Laws of 1869, section 67, page 195, Laws of 1873 and RCW 9.83.070; repealing section 1, chapter 7, Laws of 1969 and RCW 9.83.080; repealing section 1, page 85, Laws of 1875, section 1271, Code of 1881, section 436, chapter 249, Laws of 1909, section 1, chapter 11, Laws of 1965, section 29, chapter 122, Laws of 1972 ex. sess. and RCW 9.87.010; repealing section 1, chapter 62, Laws of 1915 and RCW 9.87.020; repealing section 3, page 90, Laws of 1875, section 1273, Code of 1881 and RCW 9.87.030; repealing section 932, Code of 1881 and RCW 9.91.040; repealing section 382, chapter 249, Laws of 1909 and RCW 9.91.070; repealing section 383, chapter 249, Laws of 1909 and RCW 9.91.080; repealing section 4, chapter 241, Laws of 1955 and RCW 9.94.060; repealing section 3, chapter 28, Laws of 1891 and RCW 10.01.010; and repealing section 10, page 77, Laws of 1854, section 779, Code 1881, section 2, chapter 28, Laws of 1891, section 1, chapter 12, Laws of 1937 and RCW 10.01.020; defining crimes; prescribing penalties; and prescribing an effective date.

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

CHAPTER 9A.04 PRELIMINARY ARTICLE

NEW SECTION. Sec. 9A.04.010. TITLE, EFFECTIVE DATE, APPLICATION, SEVERABILITY, CAPTIONS. (1) This title shall be known and may be cited as the Washington Criminal Code and shall become effective on July 1, 1976.

(2) The provisions of this title shall apply to any offense committed on or after July 1, 1976, which is defined in this title or the general statutes, unless otherwise expressly provided or unless the context otherwise requires, and shall also apply to any defense to prosecution for such an offense.

(3) The provisions of this title do not apply to or govern the construction of and punishment for any offense committed prior to the effective date of this title, or to the construction and application of any defense to a prosecution for such an

offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this title had not been enacted.

(4) If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this title are declared to be severable.

(5) Chapter, section, and subsection captions are for organizational purposes only and shall not be construed as part of this title.

NEW SECTION. Sec. 9A.04.020. PURPOSES—PRINCIPLES OF CONSTRUCTION. (1) The general purposes of the provisions governing the definition of offenses are:

(a) To forbid and prevent conduct that inflicts or threatens substantial harm to individual or public interests;

(b) To safeguard conduct that is without culpability from condemnation as criminal;

(c) To give fair warning of the nature of the conduct declared to constitute an offense;

(d) To differentiate on reasonable grounds between serious and minor offenses, and to prescribe proportionate penalties for each.

(2) The provisions of this title shall be construed according to the fair import of their terms but when the language is susceptible of differing constructions it shall be interpreted to further the general purposes stated in this title.

NEW SECTION. Sec. 9A.04.030. STATE CRIMINAL JURISDICTION. The following persons are liable to punishment:

(1) A person who commits in the state any crime, in whole or in part.

(2) A person who commits out of the state any act which, if committed within it, would be theft and is afterward found in the state with any of the stolen property.

(3) A person who being out of the state, counsels, causes, procures, aids, or abets another to commit a crime in this state.

(4) A person who, being out of the state, abducts or kidnaps by force or fraud, any person, contrary to the laws of the place where the act is committed, and brings, sends, or conveys such person into this state.

(5) A person who commits an act without the state which affects persons or property within the state, which, if committed within the state, would be a crime.

NEW SECTION. Sec. 9A.04.040. CLASSES OF CRIMES. (1) An offense defined by this title or by any other statute of this state, for which a sentence of imprisonment is authorized, constitutes a crime. Crimes are classified as felonies, gross misdemeanors, or misdemeanors.

(2) A crime is a felony if it is so designated in this title or by any other statute of this state or if persons convicted thereof may be sentenced to imprisonment for a term in excess of one year. A crime is a misdemeanor if it is so designated in this title or by any other statute of this state or if persons convicted thereof may be sentenced to imprisonment for no more than ninety days. Every other crime is a gross misdemeanor.

NEW SECTION. Sec. 9A.04.050. PEOPLE CAPABLE OF COMMITTING CRIMES. Children under the age of eight years are incapable of committing crime. Children of eight and under twelve years of age are presumed to be incapable of committing crime, but this presumption may be removed by proof that they have sufficient capacity to understand the act or neglect, and to know that it was wrong. Whenever in legal proceedings it becomes necessary to determine the age of a child, he may be produced for inspection, to enable the court or jury to determine the age thereby; and the court may also direct his examination by one or more physicians, whose opinion shall be competent evidence upon the question of his age.

NEW SECTION. Sec. 9A.04.060. COMMON LAW TO SUPPLEMENT STATUTE. The provisions of the common law relating to the commission of crime and the punishment thereof, insofar as not inconsistent with the constitution and statutes of this state, shall supplement all penal statutes of this state and all persons offending against the same shall be tried in the courts of this state having jurisdiction of the offense.

NEW SECTION. Sec. 9A.04.070. WHO AMENABLE TO CRIMINAL STATUTES. Every person, regardless of whether or not he is an inhabitant of this state, may be tried and punished under the laws of this state for an offense committed by him therein, except when such offense is cognizable exclusively in the courts of the United States.

NEW SECTION. Sec. 9A.04.080. LIMITATION OF ACTIONS. Prosecutions for the offenses of murder, and arson where death ensues, may be commenced at any period after the commission of the offense; for offenses the punishment of which may be imprisonment in a state correctional institution, committed by any public officer in connection with the duties of his office or constituting a breach of his public duty or a violation of his oath of office, within ten years after their commission; for all other offenses the punishment of which may be imprisonment in a state correctional institution, within three years after their commission; two years for gross misdemeanors; and for all other offenses, within one year after their commission: **PROVIDED**, That any length of time during which the party charged was not usually and publicly resident within this state shall not be reckoned within the one, two, three, and ten years respectively: **AND FURTHER PROVIDED**, That where an indictment has been found, or complaint or an information filed, within the time limited for the commencement of a criminal action, if the indictment, complaint or information be set aside, the time of limitation shall be extended by the length of time from the time of filing of such indictment, complaint, or information, to the time such indictment, complaint, or information was set aside.

NEW SECTION. Sec. 9A.04.090. APPLICATION OF GENERAL PROVISIONS OF THE CODE. The provisions of chapters 9A.04 through 9A.28 of this title are applicable to offenses defined by this title or another statute, unless this title or such other statute specifically provides otherwise.

NEW SECTION. Sec. 9A.04.100. PROOF BEYOND A REASONABLE DOUBT. (1) Every person charged with the commission of a crime is presumed innocent unless proved guilty. No person may be convicted of a crime unless each

element of such crime is proved by competent evidence beyond a reasonable doubt.

(2) When a crime has been proven against a person, and there exists a reasonable doubt as to which of two or more degrees he is guilty, he shall be convicted only of the lowest degree.

NEW SECTION. Sec. 9A.04.110. DEFINITIONS. In this title unless a different meaning plainly is required:

- (1) "Acted" includes, where relevant, omitted to act;
- (2) "Actor" includes, where relevant, a person failing to act;
- (3) "Benefit" is any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary;
- (4) "Bodily injury" or "physical injury" means physical pain, illness, or an impairment of physical condition;
- (5) "Building", in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle, railway car, cargo container, or any other structure used for lodging of persons or for carrying on business therein, or for the use, sale or deposit of goods; each unit of a building consisting of two or more units separately secured or occupied is a separate building;
- (6) "Deadly weapon" means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a "vehicle" as defined in this section, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious bodily injury;
- (7) "Dwelling" means any building or structure, though movable or temporary, or a portion thereof, which is used or ordinarily used by a person for lodging;
- (8) "Government" includes any branch, subdivision, or agency of the government of this state and any county, city, district, or other local governmental unit;
- (9) "Governmental function" includes any activity which a public servant is legally authorized or permitted to undertake on behalf of a government;
- (10) "Indicted" and "indictment" include "informed against" and "information", and "informed against" and "information" include "indicted" and "indictment";
- (11) "Judge" includes every judicial officer authorized alone or with others, to hold or preside over a court;
- (12) "Malice" and "maliciously" shall import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty;
- (13) "Officer" and "public officer" means a person holding office under a city, county, or state government, or the federal government who performs a public function and in so doing is vested with the exercise of some sovereign power of government, and includes all assistants, deputies, clerks, and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer;
- (14) "Omission" means a failure to act;

(15) "Peace officer" means a duly appointed city, county, or state law enforcement officer;

(16) "Pecuniary benefit" means any gain or advantage in the form of money, property, commercial interest, or anything else the primary significance of which is economic gain;

(17) "Person", "he", and "actor" include any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association;

(18) "Place of work" includes but is not limited to all the lands and other real property of a farm or ranch in the case of an actor who owns, operates, or is employed to work on such a farm or ranch;

(19) "Prison" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including but not limited to any state correctional institution or any county or city jail;

(20) "Prisoner" includes any person held in custody under process of law, or under lawful arrest;

(21) "Property" means anything of value, whether tangible or intangible, real or personal;

(22) "Public servant" means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a legislator, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function;

(23) "Signature" includes any memorandum, mark, or sign made with intent to authenticate any instrument or writing, or the subscription of any person thereto;

(24) "Statute" means the Constitution or an act of the legislature or initiative or referendum of this state;

(25) "Threat" means to communicate, directly or indirectly the intent:

(a) To cause bodily injury in the future to the person threatened or to any other person; or

(b) To cause physical damage to the property of a person other than the actor; or

(c) To subject the person threatened or any other person to physical confinement or restraint; or

(d) To accuse any person of a crime or cause criminal charges to be instituted against any person; or

(e) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or

(f) To reveal any information sought to be concealed by the person threatened; or

(g) To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(h) To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or

(i) To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

(j) To do any other act which is intended to harm substantially the person threatened or another with respect to his health, safety, business, financial condition, or personal relationships.

(26) "Vehicle" means a "motor vehicle" as defined in the vehicle and traffic laws, any aircraft, or any vessel equipped for propulsion by mechanical means or by sail;

(27) Words in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular.

CHAPTER 9A.08

PRINCIPLES OF LIABILITY

NEW SECTION. Sec. 9A.08.010. GENERAL REQUIREMENTS OF CULPABILITY. (1) Kinds of Culpability Defined.

(a) Intent. A person acts with intent or intentionally when he acts with the objective or purpose to accomplish a result which constitutes a crime.

(b) Knowledge. A person knows or acts knowingly or with knowledge when:

(i) he is aware of a fact, facts, or circumstances or result described by a statute defining an offense; or

(ii) he has information which would lead a reasonable man in the same situation to believe that facts exist which facts are described by a statute defining an offense.

(c) Recklessness. A person is reckless or acts recklessly when he knows of and disregards a substantial risk that a wrongful act may occur and his disregard of such substantial risk is a gross deviation from conduct that a reasonable man would exercise in the same situation.

(d) Criminal Negligence. A person is criminally negligent or acts with criminal negligence when he fails to be aware of a substantial risk that a wrongful act may occur and his failure to be aware of such substantial risk constitutes a gross deviation from the standard of care that a reasonable man would exercise in the same situation.

(2) Substitutes for Criminal Negligence, Recklessness, and Knowledge. When a statute provides that criminal negligence suffices to establish an element of an offense, such element also is established if a person acts intentionally, knowingly, or recklessly. When recklessness suffices to establish an element, such element also is established if a person acts intentionally or knowingly. When acting knowingly suffices to establish an element, such element also is established if a person acts intentionally.

(3) Culpability as Determinant of Grade of Offense. When the grade or degree of an offense depends on whether the offense is committed intentionally, knowingly, recklessly, or with criminal negligence, its grade or degree shall be the lowest for which the determinative kind of culpability is established with respect to any material element of the offense.

(4) Requirement of Wilfulness Satisfied by Acting Knowingly. A requirement that an offense be committed wilfully is satisfied if a person acts knowingly with respect to the material elements of the offense, unless a purpose to impose further requirements plainly appears.

NEW SECTION. Sec. 9A.08.020. LIABILITY FOR CONDUCT OF ANOTHER—COMPLICITY. (1) A person is guilty of a crime if it is committed by the conduct of another person for which he is legally accountable.

(2) A person is legally accountable for the conduct of another person when:

(a) Acting with the kind of culpability that is sufficient for the commission of the crime, he causes an innocent or irresponsible person to engage in such conduct; or

(b) He is made accountable for the conduct of such other person by this title or by the law defining the crime; or

(c) He is an accomplice of such other person in the commission of the crime.

(3) A person is an accomplice of another person in the commission of a crime if:

(a) With knowledge that it will promote or facilitate the commission of the crime, he

(i) solicits, commands, encourages, or requests such other person to commit it; or

(ii) aids or agrees to aid such other person in planning or committing it; or

(b) His conduct is expressly declared by law to establish his complicity.

(4) A person who is legally incapable of committing a particular crime himself may be guilty thereof if it is committed by the conduct of another person for which he is legally accountable, unless such liability is inconsistent with the purpose of the provision establishing his incapacity.

(5) Unless otherwise provided by this title or by the law defining the crime, a person is not an accomplice in a crime committed by another person if:

(a) He is a victim of that crime; or

(b) He terminates his complicity prior to the commission of the crime and gives timely warning to the law enforcement authorities or otherwise makes a good faith effort to prevent the commission of the crime.

(6) A person legally accountable for the conduct of another person may be convicted on proof of the commission of the crime and of his complicity therein, though the person claimed to have committed the crime has not been prosecuted or convicted or has been convicted of a different crime or degree of crime or has an immunity to prosecution or conviction or has been acquitted.

NEW SECTION. Sec. 9A.08.030. CRIMINAL LIABILITY OF CORPORATIONS AND PERSONS ACTING OR UNDER A DUTY TO ACT IN THEIR BEHALF. (1) As used in this section:

(a) "Agent" means any director, officer, or employee of a corporation, or any other person who is authorized to act on behalf of the corporation;

(b) "Corporation" includes a joint stock association;

(c) "High managerial agent" means an officer or director of a corporation or any other agent in a position of comparable authority with respect to the formulation of corporate policy or the supervision in a managerial capacity of subordinate employees.

(2) A corporation is guilty of an offense when:

(a) The conduct constituting the offense consists of an omission to discharge a specific duty of performance imposed on corporations by law; or

(b) The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or tolerated by the board of directors or by a high managerial agent acting within the scope of his employment and on behalf of the corporation; or

(c) The conduct constituting the offense is engaged in by an agent of the corporation, other than a high managerial agent, while acting within the scope of his employment and in behalf of the corporation and (i) the offense is a gross misdemeanor or misdemeanor, or (ii) the offense is one defined by a statute which clearly indicates a legislative intent to impose such criminal liability on a corporation.

(3) A person is criminally liable for conduct constituting an offense which he performs or causes to be performed in the name of or on behalf of a corporation to the same extent as if such conduct were performed in his own name or behalf.

(4) Whenever a duty to act is imposed by law upon a corporation, any agent of the corporation who knows he has or shares primary responsibility for the discharge of the duty is criminally liable for a reckless or, if a high managerial agent, criminally negligent omission to perform the required act to the same extent as if the duty were by law imposed directly upon such agent.

(5) Every corporation, whether foreign or domestic, which shall violate any provision of section 9A.28.040, shall forfeit every right and franchise to do business in this state. The attorney general shall begin and conduct all actions and proceedings necessary to enforce the provisions of this subsection.

CHAPTER 9A.12
INSANITY

NEW SECTION. Sec. 9A.12.010. INSANITY. To establish the defense of insanity, it must be shown that:

(1) At the time of the commission of the offense, as a result of mental disease or defect, the mind of the actor was affected to such an extent that:

(a) He was unable to perceive the nature and quality of the act with which he is charged; or

(b) He was unable to tell right from wrong with reference to the particular act charged.

(2) The defense of insanity must be established by a preponderance of the evidence.

CHAPTER 9A.16
DEFENSES

NEW SECTION. Sec. 9A.16.010. DEFINITIONS. In this chapter, unless a different meaning is plainly required:

"Necessary" means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended.

NEW SECTION. Sec. 9A.16.020. USE OF FORCE – WHEN LAWFUL. The use, attempt, or offer to use force upon or toward the person of another shall not be unlawful in the following cases:

(1) Whenever necessarily used by a public officer in the performance of a legal duty, or a person assisting him and acting under his direction;

(2) Whenever necessarily used by a person arresting one who has committed a felony and delivering him to a public officer competent to receive him into custody;

(3) Whenever used by a party about to be injured, or by another lawfully aiding him, in preventing or attempting to prevent an offense against his person, or a malicious trespass, or other malicious interference with real or personal property lawfully in his possession, in case the force is not more than shall be necessary;

(4) Whenever used in a reasonable and moderate manner by a parent or his authorized agent, a guardian, master, or teacher in the exercise of lawful authority, to restrain or correct his child, ward, apprentice, or scholar;

(5) Whenever used by a carrier of passengers or his authorized agent or servant, or other person assisting them at their request in expelling from a carriage, railway car, vessel, or other vehicle, a passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force used is not more than shall be necessary to expel the offender with reasonable regard to his personal safety;

(6) Whenever used by any person to prevent a mentally retarded person or a mentally ill person from committing an act dangerous to himself or another, or in enforcing necessary restraint for the protection of his person, or his restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of his person.

NEW SECTION. Sec. 9A.16.030. HOMICIDE – WHEN EXCUSABLE. Homicide is excusable when committed by accident or misfortune in doing any lawful act by lawful means, with ordinary caution and without any unlawful intent.

NEW SECTION. Sec. 9A.16.040. JUSTIFIABLE HOMICIDE BY PUBLIC OFFICER. Homicide is justifiable when committed by a public officer, or person acting under his command and in his aid, in the following cases:

- (1) In obedience to the judgment of a competent court.
- (2) When necessary to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty.
- (3) When necessary in retaking an escaped or rescued prisoner who has been committed, arrested for, or convicted of a felony; or in arresting a person who has committed a felony and is fleeing from justice; or in attempting, by lawful ways or means, to apprehend a person for a felony actually committed; or in lawfully suppressing a riot or preserving the peace.

NEW SECTION. Sec. 9A.16.050. HOMICIDE—BY OTHER PERSON – WHEN JUSTIFIABLE. Homicide is also justifiable when committed either:

- (1) In the lawful defense of the slayer, or his or her husband, wife, parent, child, brother, or sister, or of any other person in his presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a felony or to do some great personal injury to the slayer or to any such person, and there is imminent danger of such design being accomplished; or
- (2) In the actual resistance of an attempt to commit a felony upon the slayer, in his presence, or upon or in a dwelling, or other place of abode, in which he is.

NEW SECTION. Sec. 9A.16.060. DURESS. (1) In any prosecution for a crime, it is a defense that:

(a) The actor participated in the crime under compulsion by another who by threat or use of force created an apprehension in the mind of the actor that in case of refusal he or another would be liable to immediate death or immediate grievous bodily injury; and

(b) That such apprehension was reasonable upon the part of the actor; and

(c) That the actor would not have participated in the crime except for the duress involved.

(2) The defense of duress is not available if the crime charged is murder or manslaughter.

(3) The defense of duress is not available if the actor intentionally or recklessly places himself in a situation in which it is probable that he will be subject to duress.

(4) The defense of duress is not established solely by a showing that a married person acted on the command of his or her spouse.

NEW SECTION. Sec. 9A.16.070. ENTRAPMENT. (1) In any prosecution for a crime, it is a defense that:

(a) The criminal design originated in the mind of law enforcement officials, or any person acting under their direction, and

(b) The actor was lured or induced to commit a crime which the actor had not otherwise intended to commit.

(2) The defense of entrapment is not established by a showing only that law enforcement officials merely afforded the actor an opportunity to commit a crime.

NEW SECTION. Sec. 9A.16.080. ACTION FOR BEING DETAINED ON MERCANTILE ESTABLISHMENT PREMISES FOR INVESTIGATION— "REASONABLE GROUNDS" AS DEFENSE. In any criminal action brought by reason of any person having been detained on or in the immediate vicinity of the premises of a mercantile establishment for the purpose of investigation or questioning as to the ownership of any merchandise, it shall be a defense of such action that the person was detained in a reasonable manner and for not more than a reasonable time to permit such investigation or questioning by a peace officer, by the owner of the mercantile establishment, or by the owner's authorized employee or agent, and that such peace officer, owner, employee, or agent had reasonable grounds to believe that the person so detained was committing or attempting to commit theft or shoplifting on such premises of such merchandise. As used in this section, "reasonable grounds" shall include, but not be limited to, knowledge that a person has concealed possession of unpurchased merchandise of a mercantile establishment, and a "reasonable time" shall mean the time necessary to permit the person detained to make a statement or to refuse to make a statement, and the time necessary to examine employees and records of the mercantile establishment relative to the ownership of the merchandise.

NEW SECTION. Sec. 9A.16.090. INTOXICATION. No act committed by a person while in a state of voluntary intoxication shall be deemed less criminal by reason of his condition, but whenever the actual existence of any particular mental state is a necessary element to constitute a particular species or degree of crime, the fact of his intoxication may be taken into consideration in determining such mental state.

CHAPTER 9A.20
CLASSIFICATION OF CRIMES

NEW SECTION. Sec. 9A.20.010. CLASSIFICATION AND DESIGNATION OF CRIMES. (1) **Classified Felonies.** (a) The particular classification of each felony defined in Title 9A RCW is expressly designated in the section defining it.

(b) For purposes of sentencing, classified felonies are designated as one of three classes, as follows:

- (i) Class A felony; or
- (ii) Class B felony; or
- (iii) Class C felony.

(2) **Misdemeanors and Gross Misdemeanors.** (a) Any crime punishable by a fine of not more than five hundred dollars, or by imprisonment in a county jail for not more than ninety days, or by both such fine and imprisonment is a misdemeanor. Whenever the performance of any act is prohibited by any statute, and no penalty for the violation of such statute is imposed, the committing of such act shall be a misdemeanor.

(b) All crimes other than felonies and misdemeanors are gross misdemeanors.

NEW SECTION. Sec. 9A.20.020. AUTHORIZED SENTENCES OF OFFENDERS. (1) **Felony.** Every person convicted of a classified felony shall be punished as follows:

(a) For a Class A felony, by imprisonment in a state correctional institution for a maximum term fixed by the court of not less than twenty years or by a fine of not more than ten thousand dollars or by both such imprisonment and fine;

(b) For a Class B felony, by imprisonment in a state correctional institution for a maximum term fixed by the court of not more than ten years or by a fine of not more than ten thousand dollars or by both such imprisonment and fine;

(c) For a Class C felony, by imprisonment in a state correctional institution for a maximum term fixed by the court of not more than five years or by a fine of not more than five thousand dollars or by both such imprisonment and fine.

(2) **Gross Misdemeanor.** Every person convicted of a gross misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than one year or by a fine of not more than one thousand dollars or by both such imprisonment and fine.

(3) **Misdemeanor.** Every person convicted of a misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days or by a fine of not more than five hundred dollars or by both such imprisonment and fine.

NEW SECTION. Sec. 9A.20.030. ALTERNATIVE TO A FINE. (1) If a person has gained money or property or caused a victim to lose money or property through the commission of a crime, upon conviction thereof the court, in lieu of imposing the fine authorized for the offense under section 9A.20.020, may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or victim's loss from the commission of a crime. Such amount may be used to provide restitution to the victim at the order of the court. In such case the court shall make a finding as to the amount of the defendant's gain or victim's loss from the crime, and if the record does not contain

sufficient evidence to support such finding the court may conduct a hearing upon the issue. For purposes of this section, the terms "gain" or "loss" refer to the amount of money or the value of property or services gained or lost.

(2) Notwithstanding any other provision of law, this section also applies to any corporation or joint stock association found guilty of any crime.

NEW SECTION. Sec. 9A.20.040. PROSECUTIONS RELATED TO FELONIES DEFINED OUTSIDE TITLE 9A RCW. In any prosecution under this title where the grade or degree of a crime is determined by reference to the degree of a felony for which the defendant or another previously had been sought, arrested, charged, convicted, or sentenced, if such felony is defined by a statute of this state which is not in Title 9A RCW, unless otherwise provided:

(1) If the maximum sentence of imprisonment authorized by law upon conviction of such felony is twenty years or more, such felony shall be treated as a Class A felony for purposes of this title;

(2) If the maximum sentence of imprisonment authorized by law upon conviction of such felony is eight years or more, but less than twenty years, such felony shall be treated as a Class B felony for purposes of this title;

(3) If the maximum sentence of imprisonment authorized by law upon conviction of such felony is less than eight years, such felony shall be treated as a Class C felony for purposes of this title.

CHAPTER 9A.28 ANTICIPATORY OFFENSES

NEW SECTION. Sec. 9A.28.010. PROSECUTIONS BASED ON FELONIES DEFINED OUTSIDE TITLE 9A RCW. In any prosecution under this title for attempt, solicitation, or conspiracy to commit a felony defined by a statute of this state which is not in this title, unless otherwise provided:

(1) If the maximum sentence of imprisonment authorized by law upon conviction of such felony is twenty years or more, such felony shall be treated as a Class A felony for purposes of this title;

(2) If the maximum sentence of imprisonment authorized by law upon conviction of such felony is eight years or more but less than twenty years, such felony shall be treated as a Class B felony for purposes of this title;

(3) If the maximum sentence of imprisonment authorized by law upon conviction of such felony is less than eight years, such felony shall be treated as a Class C felony for purposes of this title.

NEW SECTION. Sec. 9A.28.020. CRIMINAL ATTEMPT. (1) A person is guilty of an attempt to commit crime if, with intent to commit a specific crime, he does any act which is a substantial step toward the commission of that crime.

(2) If the conduct in which a person engages otherwise constitutes an attempt to commit a crime, it is no defense to a prosecution of such attempt that the crime charged to have been attempted was, under the attendant circumstances, factually or legally impossible of commission.

(3) An attempt to commit a crime is a:

(a) Class A felony when the crime attempted is murder in the first degree;

(b) Class B felony when the crime attempted is a Class A felony other than murder in the first degree;

- (c) Class C felony when the crime attempted is a Class B felony;
- (d) Gross misdemeanor when the crime attempted is a Class C felony;
- (e) Misdemeanor when the crime attempted is a gross misdemeanor or misdemeanor.

NEW SECTION. Sec. 9A.28.030. CRIMINAL SOLICITATION. (1) A person is guilty of criminal solicitation when, with intent to promote or facilitate the commission of a crime, he offers to give or gives money or other thing of value to another to engage in specific conduct which would constitute such crime or which would establish complicity of such other person in its commission or attempted commission had such crime been attempted or committed.

(2) Criminal solicitation shall be punished in the same manner as criminal attempt under section 9A.28.020.

NEW SECTION. Sec. 9A.28.040. CRIMINAL CONSPIRACY. (1) A person is guilty of criminal conspiracy when, with intent that conduct constituting a crime be performed, he agrees with one or more persons to engage in or cause the performance of such conduct, and any one of them takes a substantial step in pursuance of such agreement.

(2) It shall not be a defense to criminal conspiracy that the person or persons with whom the accused is alleged to have conspired:

- (a) Has not been prosecuted or convicted; or
- (b) Has been convicted of a different offense; or
- (c) Is not amenable to justice; or
- (d) Has been acquitted; or
- (e) Lacked the capacity to commit an offense.

(3) Criminal conspiracy is a:

- (a) Class A felony when an object of the conspiratorial agreement is murder in the first degree;
- (b) Class B felony when an object of the conspiratorial agreement is a Class A felony other than murder in the first degree;
- (c) Class C felony when an object of the conspiratorial agreement is a Class B felony;
- (d) Gross misdemeanor when an object of the conspiratorial agreement is a Class C felony;
- (e) Misdemeanor when an object of the conspiratorial agreement is a gross misdemeanor or misdemeanor.

CHAPTER 9A.32 HOMICIDE

NEW SECTION. Sec. 9A.32.010. HOMICIDE DEFINED. Homicide is the killing of a human being by the act, procurement or omission of another and is either (1) murder, (2) manslaughter, (3) excusable homicide, or (4) justifiable homicide.

NEW SECTION. Sec. 9A.32.020. PREMEDITATION; LIMITATIONS. (1) As used in this chapter, the premeditation required in order to support a conviction of the crime of murder in the first degree must involve more than a moment in point of time.

(2) Nothing contained in this chapter shall affect RCW 46.61.520.

NEW SECTION. Sec. 9A.32.030. MURDER IN THE FIRST DEGREE. (1)

A person is guilty of murder in the first degree when:

(a) With a premeditated intent to cause the death of another person, he causes the death of such person or of a third person; or

(b) Under circumstances manifesting an extreme indifference to human life, he engages in conduct which creates a grave risk of death to any person, and thereby causes the death of a person; or

(c) He commits or attempts to commit the crime of either (1) robbery, in the first or second degree, (2) rape in the first or second degree, (3) burglary in the first degree, (4) arson in the first degree, or (5) kidnaping, in the first or second degree, and, in the course of and in furtherance of such crime or in immediate flight therefrom, he, or another participant, causes the death of a person other than one of the participants; except that in any prosecution under this subdivision (1)(c) in which the defendant was not the only participant in the underlying crime, if established by the defendant by a preponderance of the evidence, it is a defense that the defendant:

(i) Did not commit the homicidal act or in any way solicit, request, command, importune, cause, or aid the commission thereof; and

(ii) Was not armed with a deadly weapon, or any instrument, article, or substance readily capable of causing death or serious physical injury; and

(iii) Had no reasonable grounds to believe that any other participant was armed with such a weapon, instrument, article, or substance; and

(iv) Had no reasonable grounds to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.

(2) Murder in the first degree is a Class A felony.

NEW SECTION. Sec. 9A.32.040. MURDER IN THE FIRST DEGREE – SENTENCE. Notwithstanding section 9A.32.030(2), any person convicted of the crime of murder in the first degree shall be sentenced to life imprisonment.

NEW SECTION. Sec. 9A.32.050. MURDER IN THE SECOND DEGREE.

(1) A person is guilty of murder in the second degree when:

(a) With intent to cause the death of another person but without premeditation, he causes the death of such person or of a third person; or

(b) He commits or attempts to commit any felony other than those enumerated in section 9A.32.030(c), and, in the course of and in furtherance of such crime or in immediate flight therefrom, he, or another participant, causes the death of a person other than one of the participants; except that in any prosecution under this subdivision (1)(b) in which the defendant was not the only participant in the underlying crime, if established by the defendant by a preponderance of the evidence, it is a defense that the defendant:

(i) Did not commit the homicidal act or in any way solicit, request, command, importune, cause, or aid the commission thereof; and

(ii) Was not armed with a deadly weapon, or any instrument, article, or substance readily capable of causing death or serious physical injury; and

(iii) Had no reasonable grounds to believe that any other participant was armed with such a weapon, instrument, article, or substance; and

(iv) Had no reasonable grounds to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.

(2) Murder in the second degree is a Class A felony.

NEW SECTION. Sec. 9A.32.060. MANSLAUGHTER IN THE FIRST DEGREE. (1) A person is guilty of manslaughter in the first degree when:

- (a) He recklessly causes the death of another person; or
- (b) He intentionally and unlawfully kills an unborn quick child by inflicting any injury upon the mother of such child.

(2) Manslaughter in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.32.070. MANSLAUGHTER IN THE SECOND DEGREE. (1) A person is guilty of manslaughter in the second degree when, with criminal negligence, he causes the death of another person.

(2) Manslaughter in the second degree is a Class C felony.

CHAPTER 9A.36

ASSAULT

NEW SECTION. Sec. 9A.36.010. ASSAULT IN THE FIRST DEGREE. (1) Every person, who with intent to kill a human being, or to commit a felony upon the person or property of the one assaulted, or of another, shall be guilty of assault in the first degree when he:

(a) Shall assault another with a firearm or any deadly weapon or by any force or means likely to produce death; or

(b) Shall administer to or cause to be taken by another, poison or any other destructive or noxious thing so as to endanger the life of another person.

(2) Assault in the first degree is a Class A felony.

NEW SECTION. Sec. 9A.36.020. ASSAULT IN THE SECOND DEGREE. (1) Every person who, under circumstances not amounting to assault in the first degree shall be guilty of assault in the second degree when he:

(a) With intent to injure, shall unlawfully administer to or cause to be taken by another, poison or any other destructive or noxious thing, or any drug or medicine the use of which is dangerous to life or health; or

(b) Shall knowingly inflict grievous bodily harm upon another with or without a weapon; or

(c) Shall knowingly assault another with a weapon or other instrument or thing likely to produce bodily harm; or

(d) Shall knowingly assault another with intent to commit a felony; or

(e) With criminal negligence, shall cause physical injury to another person by means of a weapon or other instrument or thing likely to produce bodily harm shall be guilty of assault in the second degree.

(2) Assault in the second degree is a Class B felony.

NEW SECTION. Sec. 9A.36.030. ASSAULT IN THE THIRD DEGREE. (1) Every person who, under circumstances not amounting to assault in either the first or second degree, shall assault another with intent to prevent or resist the execution of any lawful process or mandate of any court officer, or the lawful apprehension or detention of himself or another person shall be guilty of assault in the third degree.

(2) Assault in the third degree is a Class C felony.

NEW SECTION. Sec. 9A.36.040. SIMPLE ASSAULT. (1) Every person who shall commit an assault or an assault and battery not amounting to assault in either the first, second, or third degree shall be guilty of simple assault.

(2) Simple assault is a gross misdemeanor.

NEW SECTION. Sec. 9A.36.050. RECKLESS ENDANGERMENT. (1) A person is guilty of reckless endangerment when he recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person.

(2) Reckless endangerment is a gross misdemeanor.

NEW SECTION. Sec. 9A.36.060. PROMOTING A SUICIDE ATTEMPT. (1) A person is guilty of promoting a suicide attempt when he knowingly causes or aids another person to attempt suicide.

(2) Promoting a suicide attempt is a Class C felony.

NEW SECTION. Sec. 9A.36.070. COERCION. (1) A person is guilty of coercion if by use of a threat he compels or induces a person to engage in conduct which the latter has a legal right to abstain from, or to abstain from conduct which he has a legal right to engage in.

(2) "Threat" as used in this section means:

(a) To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or

(b) Threats as defined in section 9A.04.110(25)(a), (b), or (c).

(3) Coercion is a gross misdemeanor.

CHAPTER 9A.40

KIDNAPING

NEW SECTION. Sec. 9A.40.010. DEFINITIONS. The following definitions apply in this chapter:

(1) "Restrain" means to restrict a person's movements without consent and without legal authority in a manner which interferes substantially with his liberty. Restraint is "without consent" if it is accomplished by (a) physical force, intimidation, or deception, or (b) any means including acquiescence of the victim, if he is a child less than sixteen years old or an incompetent person and if the parent, guardian, or other person or institution having lawful control or custody of him has not acquiesced.

(2) "Abduct" means to restrain a person by either (a) secreting or holding him in a place where he is not likely to be found, or (b) using or threatening to use deadly force;

(3) "Relative" means an ancestor, descendant, or sibling, including a relative of the same degree through marriage or adoption, or a spouse.

NEW SECTION. Sec. 9A.40.020. KIDNAPING IN THE FIRST DEGREE. (1) A person is guilty of kidnaping in the first degree if he intentionally abducts another person with intent:

(a) To hold him for ransom or reward, or as a shield or hostage; or

(b) To facilitate commission of any felony or flight thereafter; or

(c) To inflict bodily injury on him; or

(d) To inflict extreme mental distress on him or a third person; or

(e) To interfere with the performance of any governmental function.

(2) Kidnaping in the first degree is a Class A felony.

NEW SECTION. Sec. 9A.40.030. KIDNAPING IN THE SECOND DEGREE. (1) A person is guilty of kidnaping in the second degree if he intentionally abducts another person under circumstances not amounting to kidnaping in the first degree.

(2) In any prosecution for kidnaping in the second degree, it is a defense if established by the defendant by a preponderance of the evidence that (a) The abduction does not include the use of or intent to use or threat to use deadly force, and (b) the actor is a relative of the person abducted, and (c) the actor's sole intent is to assume custody of that person. Nothing contained in this paragraph shall constitute a defense to a prosecution for, or preclude a conviction of, any other crime.

(3) Kidnaping in the second degree is a Class B felony.

NEW SECTION. Sec. 9A.40.040. UNLAWFUL IMPRISONMENT. (1) A person is guilty of unlawful imprisonment if he knowingly restrains another person.

(2) Unlawful imprisonment is a Class C felony.

NEW SECTION. Sec. 9A.40.050. CUSTODIAL INTERFERENCE. (1) A person is guilty of custodial interference if, knowing that he has no legal right to do so, he takes or entices from lawful custody any incompetent person or other person entrusted by authority of law to the custody of another person or institution.

(2) Custodial interference is a gross misdemeanor.

CHAPTER 9A.48

ARSON AND MALICIOUS MISCHIEF

NEW SECTION. Sec. 9A.48.010. DEFINITIONS. (1) For the purpose of this title, as now or hereinafter amended, unless the context indicates otherwise:

(a) "Building" has the definition in 9A.04.110(5), and where a building consists of two or more units separately secured or occupied, each unit shall not be treated as a separate building;

(b) "Damages", in addition to its ordinary meaning, includes any charring, scorching, burning, or breaking, or agricultural or industrial sabotage, and shall include any diminution in the value of any property as a consequence of an act.

(2) To constitute arson it shall not be necessary that a person other than the actor should have had ownership in the building or structure damaged or set on fire.

NEW SECTION. Sec. 9A.48.020. ARSON IN THE FIRST DEGREE. (1) A person is guilty of arson in the first degree if he knowingly and maliciously:

(a) Causes a fire or explosion which is manifestly dangerous to any human life including firemen; or

(b) Causes a fire or explosion which damages a dwelling; or

(c) Causes a fire or explosion in any building in which there shall be at the time a human being who is not a participant in the crime.

(2) Arson in the first degree is a Class A felony.

NEW SECTION. Sec. 9A.48.030. ARSON IN THE SECOND DEGREE. (1) A person is guilty of arson in the second degree if he knowingly and maliciously causes a fire or explosion which damages a building, or any structure or erection appurtenant to or joining any building, or any wharf, dock, machine, engine, automobile, or other motor vehicle, watercraft, aircraft, bridge, or trestle, or hay, grain, crop, or timber, whether cut or standing or any range land, or pasture land, or any fence, or any lumber, shingle, or other timber products, or any property.

(2) Arson in the second degree is a Class B felony.

NEW SECTION. Sec. 9A.48.040. RECKLESS BURNING IN THE FIRST DEGREE. (1) A person is guilty of reckless burning in the first degree if he recklessly damages a building or other structure or any vehicle, railway car, aircraft or watercraft or any hay, grain, crop, or timber whether cut or standing, by knowingly causing a fire or explosion.

(2) Reckless burning in the first degree is a Class C felony.

NEW SECTION. Sec. 9A.48.050. RECKLESS BURNING IN THE SECOND DEGREE. (1) A person is guilty of reckless burning in the second degree if he knowingly causes a fire or explosion, whether on his own property or that of another, and thereby recklessly places a building or other structure, or any vehicle, railway car, aircraft, or watercraft, or any hay, grain, crop or timber, whether cut or standing, in danger of destruction or damage.

(2) Reckless burning in the second degree is a gross misdemeanor.

NEW SECTION. Sec. 9A.48.060. DEFENSE. In any prosecution for the crime of reckless burning in the first or second degrees, it shall be a defense if the defendant establishes by a preponderance of the evidence that:

(a) No person other than the defendant had a possessory, or pecuniary interest in the damaged or endangered property, or if other persons had such an interest, all of them consented to the defendant's conduct; and

(b) The defendant's sole intent was to destroy or damage the property for a lawful purpose.

NEW SECTION. Sec. 9A.48.070. MALICIOUS MISCHIEF IN THE FIRST DEGREE. (1) A person is guilty of malicious mischief in the first degree if he knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding one thousand five hundred dollars; or

(b) Causes an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication.

(2) Malicious mischief in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.48.080. MALICIOUS MISCHIEF IN THE SECOND DEGREE. (1) A person is guilty of malicious mischief in the second degree, if he knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding two hundred and fifty dollars; or

(b) Creates a substantial risk of interruption or impairment of service rendered to the public, by physically damaging or tampering with an emergency vehicle or

property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication.

(2) Malicious mischief in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.48.090. MALICIOUS MISCHIEF IN THE THIRD DEGREE. (1) A person is guilty of malicious mischief in the third degree if he knowingly and maliciously causes physical damage to the property of another, under circumstances not amounting to malicious mischief in the first or second degree.

(2) Malicious mischief in the third degree is a gross misdemeanor if the damage to the property is in an amount exceeding fifty dollars; otherwise, it is a misdemeanor.

NEW SECTION. Sec. 9A.48.100. DEFINITION. For the purposes of sections 9A.48.070 through 9A.48.090 inclusive, "physical damage", in addition to its ordinary meaning, shall include the alteration, damage, or erasure of records, information, data, or computer programs which are electronically recorded for use in computers.

CHAPTER 9A.52 BURGLARY AND TRESPASS

NEW SECTION. Sec. 9A.52.010. DEFINITIONS. The following definitions apply in this chapter:

(1) "Premises" includes any building, dwelling, or any real property;

(2) "Enter". The word "enter" when constituting an element or part of a crime, shall include the entrance of the person, or the insertion of any part of his body, or any instrument or weapon held in his hand and used or intended to be used to threaten or intimidate a person or to detach or remove property;

(3) "Enters or remains unlawfully". A person "enters or remains unlawfully" in or upon premises when he is not then licensed, invited, or otherwise privileged to so enter or remain.

A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of a building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner.

NEW SECTION. Sec. 9A.52.020. BURGLARY IN THE FIRST DEGREE. (1) A person is guilty of burglary in the first degree if, with intent to commit a crime against a person or property therein, he enters or remains unlawfully in a dwelling and if, in entering or while in the dwelling or in immediate flight therefrom, the actor or another participant in the crime (a) is armed with a deadly weapon, or (b) assaults any person therein.

(2) Burglary in the first degree is a Class A felony.

NEW SECTION. Sec. 9A.52.030. BURGLARY IN THE SECOND DEGREE. (1) A person is guilty of burglary in the second degree if, with intent to

commit a crime against a person or property therein, he enters or remains unlawfully in a building.

(2) Burglary in the second degree is a Class B felony.

NEW SECTION. Sec. 9A.52.040. INFERENCE OF INTENT. In any prosecution for burglary, any person who enters or remains unlawfully in a building may be inferred to have acted with intent to commit a crime against a person or property therein, unless such entering or remaining shall be explained by evidence satisfactory to the trier of fact to have been made without such criminal intent.

NEW SECTION. Sec. 9A.52.050. OTHER CRIME IN COMMITTING BURGLARY PUNISHABLE. Every person who, in the commission of a burglary shall commit any other crime, may be punished therefor as well as for the burglary, and may be prosecuted for each crime separately.

NEW SECTION. Sec. 9A.52.060. MAKING OR HAVING BURGLAR TOOLS. (1) Every person who shall make or mend or cause to be made or mended, or have in his possession, any engine, machine, tool, false key, pick lock, bit, nippers, or implement adapted, designed, or commonly used for the commission of burglary under circumstances evincing an intent to use or employ, or allow the same to be used or employed in the commission of a burglary, or knowing that the same is intended to be so used, shall be guilty of making or having burglar tools.

(2) Making or having burglar tools is a gross misdemeanor.

NEW SECTION. Sec. 9A.52.070. CRIMINAL TRESPASS IN THE FIRST DEGREE. (1) A person is guilty of criminal trespass in the first degree if he knowingly enters or remains unlawfully in a building or on real property adjacent thereto or upon real property which is fenced or otherwise enclosed in a manner designed to exclude intruders.

(2) Criminal trespass in the first degree is a gross misdemeanor.

NEW SECTION. Sec. 9A.52.080. CRIMINAL TRESPASS IN THE SECOND DEGREE. (1) A person is guilty of criminal trespass in the second degree if he knowingly enters or remains unlawfully in or upon premises of another.

(2) Criminal trespass in the second degree is a misdemeanor.

NEW SECTION. Sec. 9A.52.090. CRIMINAL TRESPASS—DEFENSES. In any prosecution under sections 9A.52.070 and 9A.52.080, it is a defense that:

(1) A building involved in an offense under section 9A.52.070 was abandoned; or

(2) The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or

(3) The actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain.

NEW SECTION. Sec. 9A.52.100. VEHICLE PROWLING. (1) A person is guilty of vehicle prowling if, with intent to commit a crime against a person or property therein, he enters or remains unlawfully in a vehicle.

(2) Vehicle prowling is a gross misdemeanor.

CHAPTER 9A.56
THEFT AND ROBBERY

NEW SECTION. Sec. 9A.56.010. **DEFINITIONS.** The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Appropriate lost or misdelivered property or services" means obtaining or exerting control over the property or services of another which the actor knows to have been lost or mislaid, or to have been delivered under a mistake as to identity of the recipient or as to the nature or amount of the property;

(2) "By color or aid of deception" means that the deception operated to bring about the obtaining of the property or services; it is not necessary that deception be the sole means of obtaining the property or services;

(3) "Credit card" means any instrument or device, whether incomplete, revoked, or expired, whether known as a credit card, credit plate, charge plate, courtesy card, or by any other name, issued with or without fee for the use of the cardholder in obtaining money, goods, services, or anything else of value, including satisfaction of a debt or the payment of a check drawn by a cardholder, either on credit or in consideration of an undertaking or guarantee by the issuer;

(4) "Deception" occurs when an actor knowingly:

(a) Creates or confirms another's false impression which the actor knows to be false; or

(b) Fails to correct another's impression which the actor previously has created or confirmed; or

(c) Prevents another from acquiring information material to the disposition of the property involved; or

(d) Transfers or encumbers property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether that impediment is or is not valid, or is or is not a matter of official record; or

(e) Promises performance which the actor does not intend to perform or knows will not be performed.

(5) "Deprive" in addition to its common meaning means to make unauthorized use or an unauthorized copy of records, information, data, trade secrets, or computer programs, provided that the aforementioned are of a private proprietary nature;

(6) "Obtain control over" in addition to its common meaning, means:

(a) In relation to property, to bring about a transfer or purported transfer to the obtainer or another of a legally recognized interest in the property; or

(b) In relation to labor or service, to secure performance thereof for the benefits of the obtainer or another;

(7) "Wrongfully obtains" or "exerts unauthorized control" means:

(a) To take the property or services of another; or

(b) Having any property or services in one's possession, custody or control as bailee, factor, pledgee, servant, attorney, agent, employee, trustee, executor, administrator, guardian, or officer of any person, estate, association, or corporation, or as a public officer, or person authorized by agreement or competent authority to take or hold such possession, custody, or control, to secrete, withhold, or appropriate the same to his own use or to the use of any person other than the true owner or person entitled thereto;

(8) "Owner" means a person, other than the actor, who has possession of or any other interest in the property or services involved, and without whose consent the actor has no authority to exert control over the property or services;

(9) "Receive" includes, but is not limited to, acquiring title, possession, control, or a security interest, or any other interest in the property;

(10) "Services" includes, but is not limited to, labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment, the use of equipment for use, and the use supplying of commodities of a public utility nature such as gas, electricity, steam, and water;

(11) "Stolen" means obtained by theft, robbery, or extortion;

(12) Value. (a) "Value" means the market value of the property or services at the time and in the approximate area of the criminal act.

(b) Whether or not they have been issued or delivered, written instruments, except those having a readily ascertained market value, shall be evaluated as follows:

(i) The value of an instrument constituting an evidence of debt, such as a check, draft, or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

(ii) The value of a ticket or equivalent instrument which evidences a right to receive transportation, entertainment, or other service shall be deemed the price stated thereon, if any; and if no price is stated thereon, the value shall be deemed the price of such ticket or equivalent instrument which the issuer charged the general public;

(iii) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

(c) Whenever any series of transactions which constitute theft, would, when considered separately, constitute theft in the third degree because of value, and said series of transactions are a part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all said transactions shall be the value considered in determining the degree of theft involved.

(d) Whenever any person is charged with possessing stolen property and such person has unlawfully in his possession at the same time the stolen property of more than one person, then the stolen property possessed may be aggregated in one count and the sum of the value of all said stolen property shall be the value considered in determining the degree of theft involved.

(e) Property or services having value that cannot be ascertained pursuant to the standards set forth above shall be deemed to be of a value not exceeding two hundred and fifty dollars.

NEW SECTION. Sec. 9A.56.020. THEFT—DEFINITION, DEFENSE. (1)
"Theft" means:

(a) To wrongfully obtain or exert unauthorized control over the property or services of another or the value thereof, with intent to deprive him of such property or services; or

(b) By color or aid of deception to obtain control over the property or services of another or the value thereof, with intent to deprive him of such property or services; or

(c) To appropriate lost or misdelivered property or services of another, or the value thereof, with intent to deprive him of such property or services.

(2) In any prosecution for theft, it shall be a sufficient defense that the property or service was appropriated openly and avowedly under a claim of title preferred in good faith, even though the claim be untenable.

NEW SECTION. Sec. 9A.56.030. THEFT IN THE FIRST DEGREE. (1) A person is guilty of theft in the first degree if he commits theft of:

(a) Property or services which exceed(s) one thousand five hundred dollars in value; or

(b) Property of any value taken from the person of another.

(2) Theft in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.56.040. THEFT IN THE SECOND DEGREE. (1) A person is guilty of theft in the second degree if he commits theft of:

(a) Property or services which exceed(s) two hundred and fifty dollars in value, but does not exceed one thousand five hundred dollars in value; or

(b) A public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant; or

(c) A credit card; or

(d) A motor vehicle, of a value less than one thousand five hundred dollars.

(2) Theft in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.56.050. THEFT IN THE THIRD DEGREE. (1) A person is guilty of theft in the third degree if he commits theft of property or services which does not exceed two hundred and fifty dollars in value.

(2) Theft in the third degree is a gross misdemeanor.

NEW SECTION. Sec. 9A.56.060. UNLAWFUL ISSUANCE OF CHECKS OR DRAFTS. (1) Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft, on a bank or other depository for the payment of money, knowing at the time of such drawing, or delivery, that he has not sufficient funds in, or credit with said bank or other depository, to meet said check or draft, in full upon its presentation, shall be guilty of unlawful issuance of bank check. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or other depository for the payment of such check or draft, and the uttering or delivery of such a check or draft to another person without such fund or credit to meet the same shall be prima facie evidence of an intent to defraud.

(2) Unlawful issuance of a bank check in an amount greater than two hundred and fifty dollars is a class C felony.

(3) Unlawful issuance of a bank check in an amount of two hundred and fifty dollars or less is a gross misdemeanor.

NEW SECTION. Sec. 9A.56.070. **TAKING MOTOR VEHICLE WITHOUT PERMISSION.** (1) Every person who shall without the permission of the owner or person entitled to the possession thereof intentionally take or drive away any automobile or motor vehicle, whether propelled by steam, electricity, or internal combustion engine, the property of another, shall be deemed guilty of a felony, and every person voluntarily riding in or upon said automobile or motor vehicle with knowledge of the fact that the same was unlawfully taken shall be equally guilty with the person taking or driving said automobile or motor vehicle and shall be deemed guilty of taking a motor vehicle without permission.

(2) Taking a motor vehicle without permission is a Class C felony.

NEW SECTION. Sec. 9A.56.080. **THEFT OF LIVESTOCK.** (1) Every person who, with intent to deprive or defraud the owner thereof, wilfully takes, leads, or transports away, conceals, withholds, slaughters, or otherwise appropriates to his own use any horse, mule, cow, heifer, bull, steer, swine, or sheep shall be guilty of theft of livestock.

(2) Theft of livestock is a Class B felony.

NEW SECTION. Sec. 9A.56.090. **PRESUMPTION ON FAILURE TO RETURN VEHICLE, MACHINERY, OR EQUIPMENT PURSUANT TO RENTAL OR LEASE AGREEMENT.** Any person to whom a motor vehicle, or piece of machinery or equipment having a fair market value in excess of one thousand five hundred dollars is delivered on a rental or lease basis under any agreement in writing providing for its return to a particular place at a particular time, who refuses or wilfully neglects to return such vehicle or piece of machinery or equipment after the expiration of a reasonable time after a notice in writing proved to have been duly mailed by registered or certified mail with return receipt requested addressed to the last known address of the person who rented or leased the motor vehicle, or piece of machinery or equipment, shall be presumed to have intended to deprive or defraud the owner thereof within the meaning of section 9A.56.020 defining the crime of theft. This presumption may be rebutted by evidence raising a reasonable inference that the failure to return the vehicle or piece of machinery or equipment was not with the intent to defraud or otherwise deprive the owner of his property.

NEW SECTION. Sec. 9A.56.100. **THEFT AND LARCENY EQUATED.** All offenses defined as larcenies outside of this title shall be treated as thefts as provided in this title.

NEW SECTION. Sec. 9A.56.110. **EXTORTION—DEFINITION.** "Extortion" means knowingly to obtain or attempt to obtain by threat property or services of the owner, as defined in section 9A.56.010(7).

NEW SECTION. Sec. 9A.56.120. **EXTORTION IN THE FIRST DEGREE.** (1) A person is guilty of extortion in the first degree if he commits extortion by means of a threat as defined in section 9A.04.110(25)(a), (b), or (c).

(2) Extortion in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.56.130. **EXTORTION IN THE SECOND DEGREE.** (1) A person is guilty of extortion in the second degree if he commits extortion by means of a threat as defined in section 9A.04.110(25) (d) through (j).

(2) In any prosecution under this section based on a threat to accuse any person of a crime or cause criminal charges to be instituted against any person, it is a defense that the actor reasonably believed the threatened criminal charge to be true and that his sole purpose was to compel or induce the person threatened to take reasonable action to make good the wrong which was the subject of such threatened criminal charge.

(3) Extortion in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.56.140. POSSESSING STOLEN PROPERTY—
DEFINITION. (1) "Possessing stolen property" means knowingly to receive, retain, possess, conceal, or dispose of stolen property knowing that it has been stolen and to withhold or appropriate the same to the use of any person other than the true owner or person entitled thereto.

(2) The fact that the person who stole the property has not been convicted, apprehended, or identified is not a defense to a charge of possessing stolen property.

(3) When a person not an issuer or agent thereof has in his possession or under his control stolen credit cards issued in the names of two or more persons, he shall be presumed to know that they are stolen. This presumption may be rebutted by evidence raising a reasonable inference that the possession of such stolen credit cards was without knowledge that they were stolen.

NEW SECTION. Sec. 9A.56.150. POSSESSING STOLEN PROPERTY IN THE FIRST DEGREE. (1) A person is guilty of possessing stolen property in the first degree if he possesses stolen property which exceeds one thousand five hundred dollars in value.

(2) Possessing stolen property in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.56.160. POSSESSING STOLEN PROPERTY IN THE SECOND DEGREE. (1) A person is guilty of possessing stolen property in the second degree if:

(a) He possesses stolen property which exceeds two hundred fifty dollars in value but does not exceed one thousand five hundred dollars in value; or

(b) He possesses a stolen public record, writing or instrument kept, filed, or deposited according to law; or

(c) He possesses a stolen credit card; or

(d) He possesses a stolen motor vehicle of a value less than one thousand five hundred dollars; or

(e) He possesses a stolen firearm.

(2) Possessing stolen property in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.56.170. POSSESSING STOLEN PROPERTY IN THE THIRD DEGREE. (1) A person is guilty of possessing stolen property in the third degree if he possesses stolen property which does not exceed two hundred fifty dollars in value.

(2) Possessing stolen property in the third degree is a gross misdemeanor.

NEW SECTION. Sec. 9A.56.180. OBSCURING IDENTITY OF A MACHINE. (1) A person is guilty of obscuring identity of a machine if he knowingly:

(a) Obscures the manufacturer's serial number or any other distinguishing identification number or mark upon any vehicle, machine, engine, apparatus, appliance, or other device with intent to render it unidentifiable; or

(b) Possesses a vehicle, machine, engine, apparatus, appliance, or other device held for sale knowing that the serial number or other identification number or mark has been obscured.

(2) "Obscure" means to remove, deface, cover, alter, destroy, or otherwise render unidentifiable.

(3) Obscuring identity of a machine is a gross misdemeanor.

NEW SECTION. Sec. 9A.56.190. **ROBBERY—DEFINITION.** A person commits robbery when he unlawfully takes personal property from the person of another or in his presence against his will by the use or threatened use of immediate force, violence, or fear of injury to that person or his property or the person or property of anyone. Such force or fear must be used to obtain or retain possession of the property, or to prevent or overcome resistance to the taking; in either of which cases the degree of force is immaterial. Such taking constitutes robbery whenever it appears that, although the taking was fully completed without the knowledge of the person from whom taken, such knowledge was prevented by the use of force or fear.

NEW SECTION. Sec. 9A.56.200. **ROBBERY IN THE FIRST DEGREE.** (1) A person is guilty of robbery in the first degree if in the commission of a robbery or of immediate flight therefrom, he:

(a) Is armed with a deadly weapon; or

(b) Displays what appears to be a firearm or other deadly weapon; or

(c) Inflicts bodily injury.

(2) Robbery in the first degree is a Class A felony.

NEW SECTION. Sec. 9A.56.210. **ROBBERY IN THE SECOND DEGREE.** (1) A person is guilty of robbery in the second degree if he commits robbery.

(2) Robbery in the second degree is a Class B felony.

CHAPTER 9A.60

FRAUD

NEW SECTION. Sec. 9A.60.010. **DEFINITIONS.** The following definitions and the definitions of section 9A.56.010 are applicable in this chapter unless the context otherwise requires:

(1) "Written instrument" means: (a) any paper, document, or other instrument containing written or printed matter or its equivalent; or (b) any credit card, as defined in section 9A.56.010(3), token, stamp, seal, badge, trademark, or other evidence or symbol of value, right, privilege, or identification;

(2) "Complete written instrument" means one which is fully drawn with respect to every essential feature thereof;

(3) "Incomplete written statement" means one which contains some matter by way of content or authentication but which requires additional matter in order to render it a complete written instrument;

(4) To "falsely make" a written instrument means to make or draw a complete or incomplete written instrument which purports to be authentic, but which is not

authentic either because the ostensible maker is fictitious or because, if real, he did not authorize the making or drawing thereof;

(5) To "falsely complete" a written instrument means to transform an incomplete written instrument into a complete one by adding or inserting matter, without the authority of anyone entitled to grant it;

(6) To "falsely alter" a written instrument means to change, without authorization by anyone entitled to grant it, a written instrument, whether complete or incomplete, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or in any other manner;

(7) "Forged instrument" means a written instrument which has been falsely made, completed or altered.

NEW SECTION. Sec. 9A.60.020. FORGERY. (1) A person is guilty of forgery if, with intent to injure or defraud:

(a) He falsely makes, completes, or alters a written instrument or;

(b) Possesses, utters, offers, disposes of, or puts off as true a written instrument which he knows to be forged.

(2) Forgery is a Class C felony.

NEW SECTION. Sec. 9A.60.030. OBTAINING A SIGNATURE BY DECEPTION OR DURESS. (1) A person is guilty of obtaining a signature by deception or duress if by deception or duress and with intent to defraud or deprive he causes another person to sign or execute a written instrument.

(2) Obtaining a signature by deception is a Class C felony.

NEW SECTION. Sec. 9A.60.040. CRIMINAL IMPERSONATION. (1) A person is guilty of criminal impersonation if he:

(a) Assumes a false identity and does an act in his assumed character with intent to defraud another or for any other unlawful purpose; or

(b) Pretends to be a representative of some person or organization or a public servant and does an act in his pretended capacity with intent to defraud another or for any other unlawful purpose.

(2) Criminal impersonation is a gross misdemeanor.

NEW SECTION. Sec. 9A.60.050. FALSE CERTIFICATION. (1) Any person is guilty of false certification, if, being an officer authorized to take a proof or acknowledgment of an instrument which by law may be recorded, he knowingly certifies falsely that the execution of such instrument was acknowledged by any party thereto or that the execution thereof was proved.

(2) False certification is a gross misdemeanor.

CHAPTER 9A.64 FAMILY OFFENSES

NEW SECTION. Sec. 9A.64.010. BIGAMY. (1) A person is guilty of bigamy if he intentionally marries or purports to marry another person when either person has a living spouse.

(2) In any prosecution under this section, it is a defense that at the time of the subsequent marriage or purported marriage:

(a) The actor reasonably believed that the prior spouse was dead; or

(b) A court had entered a judgment purporting to terminate or annul any prior disqualifying marriage and the actor did not know that such judgment was invalid; or

(c) The actor reasonably believed that he was legally eligible to marry.

(3) Bigamy is a Class C felony.

NEW SECTION. Sec. 9A.64.020. INCEST. (1) A person is guilty of incest if he engages in sexual intercourse with a person whom he knows to be related to him, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either the whole or the half blood.

(2) As used in this section, "descendant" includes stepchildren and adopted children under eighteen years of age.

(3) Incest is a Class C felony.

CHAPTER 9A.68

BRIBERY AND CORRUPT INFLUENCE

NEW SECTION. Sec. 9A.68.010. BRIBERY. (1) A person is guilty of bribery if:

(a) With the intent to secure a particular result in a particular matter involving the exercise of the public servant's vote, opinion, judgment, exercise of discretion, or other action in his official capacity, he offers, confers, or agrees to confer any pecuniary benefit upon such public servant; or

(b) Being a public servant, he requests, accepts, or agrees to accept any pecuniary benefit pursuant to an agreement or understanding that his vote, opinion, judgment, exercise of discretion, or other action as a public servant will be used to secure or attempt to secure a particular result in a particular matter.

(2) It is no defense to a prosecution under this section that the public servant sought to be influenced was not qualified to act in the desired way, whether because he had not yet assumed office, lacked jurisdiction, or for any other reason.

(3) Bribery is a Class B felony.

NEW SECTION. Sec. 9A.68.020. REQUESTING UNLAWFUL COMPENSATION. (1) A public servant is guilty of requesting unlawful compensation if he requests a pecuniary benefit for the performance of an official action knowing that he is required to perform that action without compensation or at a level of compensation lower than that requested.

(2) Requesting unlawful compensation is a Class C felony.

NEW SECTION. Sec. 9A.68.030. RECEIVING OR GRANTING UNLAWFUL COMPENSATION. (1) A person is guilty of receiving or granting unlawful compensation if:

(a) Being a public servant, he requests, accepts, or agrees to accept compensation for advice or other assistance in preparing a bill, contract, claim, or transaction regarding which he knows he is likely to have an official discretion to exercise; or

(b) He knowingly offers, pays, or agrees to pay compensation to a public servant for advice or other assistance in preparing or promoting a bill, contract, claim, or other transaction regarding which the public servant is likely to have an official discretion to exercise.

(2) Receiving or granting unlawful compensation is a Class C felony.

NEW SECTION. Sec. 9A.68.040. TRADING IN PUBLIC OFFICE. (1) A person is guilty of trading in public office if:

(a) He offers, confers, or agrees to confer any pecuniary benefit upon a public servant pursuant to an agreement or understanding that such actor will or may be appointed to a public office; or

(b) Being a public servant, he requests, accepts, or agrees to accept any pecuniary benefit from another person pursuant to an agreement or understanding that such person will or may be appointed to a public office.

(2) Trading in public office is a Class C felony.

NEW SECTION. Sec. 9A.68.050. TRADING IN SPECIAL INFLUENCE. (1) A person is guilty of trading in special influence if:

(a) He offers, confers, or agrees to confer any pecuniary benefit upon another person pursuant to an agreement or understanding that such other person will offer or confer a benefit upon a public servant or procure another to do so with intent thereby to secure or attempt to secure a particular result in a particular matter; or

(b) He requests, accepts, or agrees to accept any pecuniary benefit pursuant to an agreement or understanding that he will offer or confer a benefit upon a public servant or procure another to do so with intent thereby to secure or attempt to secure a particular result in a particular matter.

(2) Trading in special influence is a Class C felony.

CHAPTER 9A.72

PERJURY

NEW SECTION. Sec. 9A.72.010. DEFINITIONS. The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Materially false statement" means any false statement oral or written, regardless of its admissibility under the rules of evidence, which could have affected the course or outcome of the proceeding; whether a false statement is material shall be determined by the court as a matter of law;

(2) "Oath" includes an affirmation and every other mode authorized by law of attesting to the truth of that which is stated; in this chapter, written statements shall be treated as if made under oath if:

(a) The statement was made on or pursuant to instructions on an official form bearing notice, authorized by law, to the effect that false statements made therein are punishable; or

(b) The statement recites that it was made under oath, the declarant was aware of such recitation at the time he made the statement, intended that the statement should be represented as a sworn statement, and the statement was in fact so represented by its delivery or utterance with the signed jurat of an officer authorized to administer oaths appended thereto;

(3) An oath is "required or authorized by law" when the use of the oath is specifically provided for by statute or regulatory provision;

(4) "Official proceeding" means a proceeding heard before any legislative, judicial, administrative, or other government agency or official authorized to hear evidence under oath, including any referee, hearing examiner, commissioner, notary, or other person taking testimony or depositions;

(5) "Juror" means any person who is a member of any jury, including a grand jury, impaneled by any court of this state or by any public servant authorized by law to impanel a jury; the term juror also includes any person who has been drawn or summoned to attend as a prospective juror;

(6) "Testimony" includes oral or written statements, documents, or any other material that may be offered by a witness in an official proceeding.

NEW SECTION. Sec. 9A.72.020. PERJURY IN THE FIRST DEGREE. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law.

(2) Knowledge of the materiality of the statement is not an element of this crime, and the actor's mistaken belief that his statement was not material is not a defense to a prosecution under this section.

(3) Perjury in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.72.030. PERJURY IN THE SECOND DEGREE. (1) A person is guilty of perjury in the second degree if, with intent to mislead a public servant in the performance of his duty, he makes a materially false statement, which he knows to be false under an oath required or authorized by law.

(2) Perjury in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.72.040. FALSE SWEARING. (1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law.

(2) False swearing is a gross misdemeanor.

NEW SECTION. Sec. 9A.72.050. PERJURY AND FALSE SWEARING: INCONSISTENT STATEMENTS. (1) Where, in the course of one or more official proceedings, a person makes inconsistent material statements under oath, the prosecution may proceed by setting forth the inconsistent statements in a single count alleging in the alternative that one or the other was false and known by the defendant to be false. In such case it shall not be necessary for the prosecution to prove which material statement was false but only that one or the other was false and known by the defendant to be false.

(2) The highest offense of which a person may be convicted in such an instance as set forth in subsection (1) of this section shall be determined by hypothetically assuming each statement to be false. If perjury of different degrees would be established by the making of the two statements, the person may only be convicted of the lesser degree. If perjury or false swearing would be established by the making of the two statements, the person may only be convicted of false swearing. For purposes of this section, no corroboration shall be required of either inconsistent statement.

NEW SECTION. Sec. 9A.72.060. PERJURY AND FALSE SWEARING: RETRACTION. No person shall be convicted of perjury or false swearing if he retracts his false statement in the course of the same proceeding in which it was made, if in fact he does so before it becomes manifest that the falsification is or will be exposed and before the falsification substantially affects the proceeding.

Statements made in separate hearings at separate stages of the same trial, administrative, or other official proceeding shall be treated as if made in the course of the same proceeding.

NEW SECTION. Sec. 9A.72.070. PERJURY AND FALSE SWEARING: IRREGULARITIES NO DEFENSE. It is no defense to a prosecution for perjury or false swearing:

- (1) That the oath was administered or taken in an irregular manner; or
- (2) That the person administering the oath lacked authority to do so, if the taking of the oath was required or authorized by law.

NEW SECTION. Sec. 9A.72.080. STATEMENT OF WHAT ONE DOES NOT KNOW TO BE TRUE. Every unqualified statement of that which one does not know to be true is equivalent to a statement of that which he knows to be false.

NEW SECTION. Sec. 9A.72.090. BRIBING A WITNESS. (1) A person is guilty of bribing a witness if he offers, confers, or agrees to confer any benefit upon a witness or a person he has reason to believe is about to be called as a witness in any official proceeding with intent to:

- (a) Influence the testimony of that person; or
- (b) Induce that person to avoid legal process summoning him to testify; or
- (c) Induce that person to absent himself from an official proceeding to which he has been legally summoned.

(2) Bribing a witness is a Class B felony.

NEW SECTION. Sec. 9A.72.100. BRIBE RECEIVING BY A WITNESS. (1) A witness or a person who has reason to believe he is about to be called as a witness in any official proceeding is guilty of bribe receiving by a witness if he requests, accepts, or agrees to accept any benefit pursuant to an agreement or understanding that:

- (a) His testimony will thereby be influenced; or
- (b) He will attempt to avoid legal process summoning him to testify; or
- (c) He will attempt to absent himself from an official proceeding to which he has been legally summoned.

(2) Bribe receiving by a witness is a Class B felony.

NEW SECTION. Sec. 9A.72.110. INTIMIDATING A WITNESS. (1) A person is guilty of intimidating a witness if, by use of a threat directed to a witness or a person he has reason to believe is about to be called as a witness in any official proceeding, he attempts to:

- (a) Influence the testimony of that person; or
- (b) Induce that person to elude legal process summoning him to testify; or
- (c) Induce that person to absent himself from such proceedings.

(2) "Threat" as used in this section means

- (a) to communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or
- (b) threats as defined in section 9A.04.110(25).

(3) Intimidating a witness is a Class B felony.

NEW SECTION. Sec. 9A.72.120. TAMPERING WITH A WITNESS. (1) A person is guilty of tampering with a witness if he attempts to induce a witness or

person he has reason to believe is about to be called as a witness in any official proceeding to:

- (a) Testify falsely or, without right or privilege to do so, to withhold any testimony; or
 - (b) Absent himself from such proceedings.
- (2) Tampering with a witness is a Class C felony.

NEW SECTION. Sec. 9A.72.130. **INTIMIDATING A JUROR.** (1) A person is guilty of intimidating a juror if, by use of a threat, he attempts to influence a juror's vote, opinion, decision, or other official action as a juror.

- (2) "Threat" as used in this section means
- (a) to communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or
 - (b) threats as defined in section 9A.04.110(25).
- (3) Intimidating a juror is a Class B felony.

NEW SECTION. Sec. 9A.72.140. **JURY TAMPERING.** (1) A person is guilty of jury tampering if with intent to influence a juror's vote, opinion, decision, or other official action in a case, he attempts to communicate directly or indirectly with a juror other than as part of the proceedings in the trial of the case.

- (2) Jury tampering is a gross misdemeanor.

NEW SECTION. Sec. 9A.72.150. **TAMPERING WITH PHYSICAL EVIDENCE.** (1) A person is guilty of tampering with physical evidence if, having reason to believe that an official proceeding is pending or about to be instituted and acting without legal right or authority, he:

- (a) Destroys, mutilates, conceals, removes, or alters physical evidence with intent to impair its appearance, character, or availability in such pending or prospective official proceeding; or
 - (b) Knowingly presents or offers any false physical evidence.
- (2) "Physical evidence" as used in this section includes any article, object, document, record, or other thing of physical substance.
- (3) Tampering with physical evidence is a gross misdemeanor.

CHAPTER 9A.76

OBSTRUCTING GOVERNMENTAL OPERATION

NEW SECTION. Sec. 9A.76.010. **DEFINITIONS.** The following definitions are applicable in this chapter unless the context otherwise requires:

- (1) "Custody" means restraint pursuant to a lawful arrest or an order of a court;
- (2) "Detention facility" means any place used for the confinement, of a person (a) arrested for, charged with or convicted of an offense, or (b) charged with being or adjudicated to be a dependent or delinquent child as defined in RCW 13.04.010 as now or hereafter amended, or (c) held for extradition or as a material witness, or (d) otherwise confined pursuant to an order of a court, or (e) in any work release, furlough, or other such facility or program;
- (3) "Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court.

NEW SECTION. Sec. 9A.76.020. OBSTRUCTING A PUBLIC SERVANT. Every person who, (1) without lawful excuse shall refuse or knowingly fail to make or furnish any statement, report, or information lawfully required of him by a public servant, or (2) in any such statement or report shall make any knowingly untrue statement to a public servant, or (3) shall knowingly hinder, delay, or obstruct any public servant in the discharge of his official powers or duties; shall be guilty of a misdemeanor.

NEW SECTION. Sec. 9A.76.030. REFUSING TO SUMMON AID FOR A PEACE OFFICER. (1) A person is guilty of refusing to summon aid for a peace officer if, upon request by a person he knows to be a peace officer, he unreasonably refuses or fails to summon aid for such peace officer.

(2) Refusing to summon aid for a peace officer is a misdemeanor.

NEW SECTION. Sec. 9A.76.040. RESISTING ARREST. (1) A person is guilty of resisting arrest if he intentionally prevents or attempts to prevent a peace officer from lawfully arresting him.

(2) Resisting arrest is a misdemeanor.

NEW SECTION. Sec. 9A.76.050. RENDERING CRIMINAL ASSISTANCE: DEFINITION OF TERM. As used in sections 9A.76.070, 9A.76.080, and 9A.76.090, a person "renders criminal assistance" if, with intent to prevent, hinder, or delay the apprehension or prosecution of another person who he knows has committed a crime or is being sought by law enforcement officials for the commission of a crime or has escaped from a detention facility, he:

- (1) Harbors or conceals such person; or
- (2) Warns such person of impending discovery or apprehension; or
- (3) Provides such person with money, transportation, disguise, or other means of avoiding discovery or apprehension; or
- (4) Prevents or obstructs, by use of force, deception, or threat, anyone from performing an act that might aid in the discovery or apprehension of such person; or
- (5) Conceals, alters, or destroys any physical evidence that might aid in the discovery or apprehension of such person; or
- (6) Provides such person with a weapon.

NEW SECTION. Sec. 9A.76.060. RELATIVE DEFINED. As used in sections 9A.76.070 and 9A.76.080, "relative" means a person:

- (1) Who is related as husband or wife, brother or sister, parent or grandparent, child or grandchild, step-child or step-parent to the person to whom criminal assistance is rendered; and
- (2) Who does not render criminal assistance to another person in one or more of the means defined in subsections (4), (5), or (6) of section 9A.76.050.

NEW SECTION. Sec. 9A.76.070. RENDERING CRIMINAL ASSISTANCE IN THE FIRST DEGREE. (1) A person is guilty of rendering criminal assistance in the first degree if he renders criminal assistance to a person who has committed or is being sought for murder in the first degree or any Class A felony.

(2) Rendering criminal assistance in the first degree is:

- (a) A gross misdemeanor if it is established by a preponderance of the evidence that the actor is a relative as defined in section 9A.76.060;

(b) A Class C felony in all other cases.

NEW SECTION. Sec. 9A.76.080. RENDERING CRIMINAL ASSISTANCE IN THE SECOND DEGREE. (1) A person is guilty of rendering criminal assistance in the second degree if he renders criminal assistance to a person who has committed or is being sought for a Class B or Class C felony.

(2) Rendering criminal assistance in the second degree is:

(a) A misdemeanor if it is established by a preponderance of the evidence that the actor is a relative as defined in section 9A.76.060;

(b) A gross misdemeanor in all other cases.

NEW SECTION. Sec. 9A.76.090. RENDERING CRIMINAL ASSISTANCE IN THE THIRD DEGREE. (1) A person is guilty of rendering criminal assistance in the third degree if he renders criminal assistance to a person who has committed a gross misdemeanor or misdemeanor.

(2) Rendering criminal assistance in the third degree is a misdemeanor.

NEW SECTION. Sec. 9A.76.100. COMPOUNDING. (1) A person is guilty of compounding if:

(a) He requests, accepts, or agrees to accept any pecuniary benefit pursuant to an agreement or understanding that he will refrain from initiating a prosecution for a crime; or

(b) He confers, or offers or agrees to confer, any pecuniary benefit upon another pursuant to an agreement or understanding that such other person will refrain from initiating a prosecution for a crime.

(2) In any prosecution under this section, it is a defense if established by a preponderance of the evidence that the pecuniary benefit did not exceed an amount which the defendant reasonably believed to be due as restitution or indemnification for harm caused by the crime.

(3) Compounding is a gross misdemeanor.

NEW SECTION. Sec. 9A.76.110. ESCAPE IN THE FIRST DEGREE. (1) A person is guilty of escape in the first degree if, being detained pursuant to a conviction of a felony, he escapes from custody or a detention facility.

(2) Escape in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.76.120. ESCAPE IN THE SECOND DEGREE. (1) A person is guilty of escape in the second degree if:

(a) He escapes from a detention facility; or

(b) Having been charged with a felony, he escapes from custody.

(2) Escape in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.76.130. ESCAPE IN THE THIRD DEGREE. (1) A person is guilty of escape in the third degree if he escapes from custody.

(2) Escape in the third degree is a gross misdemeanor.

NEW SECTION. Sec. 9A.76.140. INTRODUCING CONTRABAND IN THE FIRST DEGREE. (1) A person is guilty of introducing contraband in the first degree if he knowingly provides any deadly weapon to any person confined in a detention facility.

(2) Introducing contraband in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.76.150. INTRODUCING CONTRABAND IN THE SECOND DEGREE. (1) A person is guilty of introducing contraband in the second degree if he knowingly and unlawfully provides contraband to any person confined in a detention facility with the intent that such contraband be of assistance in an escape or in the commission of a crime.

(2) Introducing contraband in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.76.160. INTRODUCING CONTRABAND IN THE THIRD DEGREE. (1) A person is guilty of introducing contraband in the third degree if he knowingly and unlawfully provides contraband to any person confined in a detention facility.

(2) Introducing contraband in the third degree is a misdemeanor.

NEW SECTION. Sec. 9A.76.170. BAIL JUMPING. (1) Any person having been released by court order or admitted to bail with the requirement of a subsequent personal appearance before any court of this state, and who knowingly fails without lawful excuse to appear as required is guilty of bail jumping. Unless otherwise established, the failure to appear when required shall be inferred to have been without lawful excuse.

(2) Bail jumping is:

(a) A Class A felony if the person was held for, charged with, or convicted of murder in the first degree;

(b) A Class B felony if the person was held for, charged with, or convicted of a Class A felony;

(c) A Class C felony if the person was held for, charged with, or convicted of a Class B felony;

(d) A gross misdemeanor if the person was held for, charged with, or convicted of a Class C felony;

(e) A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor.

NEW SECTION. Sec. 9A.76.180. INTIMIDATING A PUBLIC SERVANT. (1) A person is guilty of intimidating a public servant if, by use of a threat, he attempts to influence a public servant's vote, opinion, decision, or other official action as a public servant.

(2) For purposes of this section "public servant" shall not include jurors.

(3) "Threat" as used in this section means

(a) to communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or

(b) threats as defined in section 9A.04.110(25).

(4) Intimidating a public servant is a Class B felony.

CHAPTER 9A.80 ABUSE OF OFFICE

NEW SECTION. Sec. 9A.80.010. OFFICIAL MISCONDUCT. (1) A public servant is guilty of official misconduct if, with intent to obtain a benefit or to deprive another person of a lawful right or privilege:

(a) He intentionally commits an authorized act under color of law; or

(b) He intentionally refrains from performing a duty imposed upon him by law.

(2) Official misconduct is a gross misdemeanor.

CHAPTER 9A.84
PUBLIC DISTURBANCE

NEW SECTION. Sec. 9A.84.010. RIOT. (1) A person is guilty of the crime of riot if, acting with three or more other persons, he knowingly and unlawfully uses or threatens to use force, or in any way participates in the use of such force, against any other person or against property.

(2) The crime of riot is:

(a) A Class C felony, if the actor is armed with a deadly weapon;

(b) A gross misdemeanor in all other cases.

NEW SECTION. Sec. 9A.84.020. FAILURE TO DISPERSE. (1) A person is guilty of failure to disperse if:

(a) He congregates with a group of three or more other persons and there are acts of conduct within that group which create a substantial risk of causing injury to any person, or substantial harm to property; and

(b) He refuses or fails to disperse when ordered to do so by a peace officer or other public servant engaged in enforcing or executing the law.

(2) Failure to disperse is a misdemeanor.

NEW SECTION. Sec. 9A.84.030. DISORDERLY CONDUCT. (1) A person is guilty of disorderly conduct if he:

(a) Uses abusive language and thereby intentionally creates a risk of assault; or

(b) Intentionally disrupts any lawful assembly or meeting of persons without lawful authority; or

(c) Intentionally obstructs vehicular or pedestrian traffic without lawful authority.

(2) Disorderly conduct is a misdemeanor.

NEW SECTION. Sec. 9A.84.040. FALSE REPORTING. (1) A person is guilty of false reporting if with knowledge that the information reported, conveyed or circulated is false, he initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of a fire, explosion, crime, catastrophe, or emergency knowing that such false report is likely to cause evacuation of a building, place of assembly, or transportation facility, or to cause public inconvenience or alarm.

(2) False reporting is a gross misdemeanor.

CHAPTER 9A.88
PUBLIC INDECENCY

NEW SECTION. Sec. 9A.88.010. PUBLIC INDECENCY. (1) A person is guilty of public indecency if he makes any open and obscene exposure of his person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm.

(2) Public indecency is a misdemeanor unless such person exposes himself to a person under the age of fourteen years in which case indecency is a gross misdemeanor.

NEW SECTION. Sec. 9A.88.020. COMMUNICATION WITH A MINOR FOR IMMORAL PURPOSES. Any person who communicates with a child under the age of seventeen years of age for immoral purposes shall be guilty of a gross misdemeanor, unless such person has previously been convicted of a felony sexual offense or has previously been convicted under this section or RCW 9.79-.130, in which case such person shall be guilty of a Class C felony.

NEW SECTION. Sec. 9A.88.030. PROSTITUTION. (1) A person is guilty of prostitution if such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

(2) Prostitution is a misdemeanor.

NEW SECTION. Sec. 9A.88.050. PROSTITUTION: NO DEFENSE. In any prosecution for prostitution, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated, or solicited is immaterial, and it is no defense that:

(1) Such persons were of the same sex; or

(2) The person who received, agreed to receive, or solicited a fee was a male and the person who paid or agreed or offered to pay such fee was female.

NEW SECTION. Sec. 9A.88.060. PROMOTING PROSTITUTION—DEFINITIONS. The following definitions are applicable in sections 9A.88.070 through 9A.88.090:

(1) "Advances prostitution." A person "advances prostitution" if, acting other than as a prostitute or as a customer thereof, he causes or aids a person to commit or engage in prostitution, procures or solicits customers for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or engages in any other conduct designed to institute, aid, or facilitate an act or enterprise of prostitution.

(2) "Profits from prostitution." A person "profits from prostitution" if, acting other than as a prostitute receiving compensation for personally rendered prostitution services, he accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of prostitution activity.

NEW SECTION. Sec. 9A.88.070. PROMOTING PROSTITUTION IN THE FIRST DEGREE. (1) A person is guilty of promoting prostitution in the first degree if he knowingly:

(a) Advances prostitution by compelling a person by threat or force to engage in prostitution or profits from prostitution which results from such threat or force; or

(b) Advances or profits from prostitution of a person less than eighteen years old.

(2) Promoting prostitution in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.88.080. PROMOTING PROSTITUTION IN THE SECOND DEGREE. (1) A person is guilty of promoting prostitution in the second degree if he knowingly:

(a) Profits from prostitution; or

(b) Advances prostitution.

(2) Promoting prostitution in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.88.090. PERMITTING PROSTITUTION. (1) A person is guilty of permitting prostitution if, having possession or control of premises which he knows are being used for prostitution purposes, he fails without lawful excuse to make reasonable effort to halt or abate such use.

(2) Permitting prostitution is a misdemeanor.

NEW SECTION. Sec. 9A.88.100. INDECENT LIBERTIES. (1) A person is guilty of indecent liberties when he knowingly causes another person who is not his spouse to have sexual contact with him or another:

(a) By forcible compulsion; or

(b) When the other person is less than fourteen years of age; or

(c) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless.

(2) For purposes of this section, "sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party.

(3) Indecent liberties is a Class B felony.

CHAPTER 9A.92 LAWS REPEALED

NEW SECTION. Sec. 9A.92.010. ACTS OR PARTS OF ACTS REPEALED.

The following acts or parts of acts are each hereby repealed:

(1) Section 51, chapter 249, Laws of 1909 and RCW 9.01.010;

(2) Section 11, page 78, Laws of 1854, section 11, page 106, Laws of 1859, section 11, page 200, Laws of 1869, section 11, page 200, Laws of 1873, section 781, Code of 1881, section 1, chapter 249, Laws of 1909 and RCW 9.01.020;

(3) Section 125, page 98, Laws of 1854, section 124, page 129, Laws of 1859, section 134, page 229, Laws of 1869, section 140, page 213, Laws of 1873, section 957, Code of 1881, section 8, chapter 249, Laws of 1909 and RCW 9.01.030;

(4) Section 2, chapter 249, Laws of 1909 and RCW 9.01.040;

(5) Section 2, chapter 249, Laws of 1909 and RCW 9.01.050;

(6) Section 127, page 98, Laws of 1854, section 136, page 229, Laws of 1869, section 142, page 213, Laws of 1873, section 956, Code of 1881, section 10, chapter 249, Laws of 1909 and RCW 9.01.060;

(7) Section 30, page 185, Laws of 1873, section 1161, Code of 1881, section 12, chapter 249, Laws of 1909 and RCW 9.01.070;

(8) Section 1, chapter 233, Laws of 1927 and RCW 9.01.080;

(9) Section 784, Code of 1881, section 17, chapter 249, Laws of 1909 and RCW 9.01.090;

(10) Section 18, chapter 249, Laws of 1909 and RCW 9.01.100;

(11) Section 5, chapter 249, Laws of 1909 and RCW 9.01.111;

(12) Section 4, chapter 249, Laws of 1909 and RCW 9.01.112;

(13) Section 3, chapter 249, Laws of 1909 and RCW 9.01.113;

(14) Section 6, chapter 249, Laws of 1909 and RCW 9.01.114;

(15) Section 2, chapter 76, Laws of 1967 and RCW 9.01.116;

(16) Section 1, Code of 1881, section 47, chapter 249, Laws of 1909 and RCW 9.01.150;

(17) Section 46, chapter 249, Laws of 1909 and RCW 9.01.170;

- (18) Section 48, chapter 249, Laws of 1909 and RCW 9.01.180;
- (19) Section 49, chapter 249, Laws of 1909 and RCW 9.01.190;
- (20) Section 376, chapter 249, Laws of 1909 and RCW 9.08.040;
- (21) Section 40, page 82, Laws of 1854, section 44, page 189, Laws of 1873, section 823, Code of 1881, section 40, page 77, Laws of 1886, section 1, chapter 87, Laws of 1895, section 320, chapter 249, Laws of 1909, section 1, chapter 11, Laws of 1863 and RCW 9.09.010;
- (22) Section 40, page 82, Laws of 1854, section 44, page 189, Laws of 1873, section 823, Code of 1881, section 40, page 77, Laws of 1886, section 1, chapter 87, Laws of 1895, section 321, chapter 249, Laws of 1909, section 1, chapter 265, Laws of 1927, section 2, chapter 11, Laws of 1963, section 1, chapter 17, Laws of 1965 ex. sess. and RCW 9.09.020;
- (23) Section 322, chapter 249, Laws of 1909 and RCW 9.09.030;
- (24) Section 323, chapter 249, Laws of 1909 and RCW 9.09.040;
- (25) Section 324, chapter 249, Laws of 1909 and RCW 9.09.050;
- (26) Section 6, chapter 87, Laws of 1895, section 325, chapter 249, Laws of 1909 and RCW 9.09.060;
- (27) Section 24, page 79, Laws of 1854, section 28, page 80, Laws of 1854, sections 24 through 30, page 202, Laws of 1869, sections 29 through 34, page 185, Laws of 1873, sections 801 through 809, Code of 1881, section 161, chapter 249, Laws of 1909 and RCW 9.11.010;
- (28) Section 24, page 79, Laws of 1854, section 28, page 80, Laws of 1854, sections 24 through 30, page 202, Laws of 1869, sections 29 through 34, page 185, Laws of 1873, sections 801 through 809, Code of 1881, section 162, chapter 249, Laws of 1909 and RCW 9.11.020;
- (29) Section 24, page 79, Laws of 1854, section 28, page 80, Laws of 1854, sections 24 through 30, page 202, Laws of 1869, sections 29 through 34, page 185, Laws of 1873, sections 801 through 809, Code of 1881, section 163, chapter 249, Laws of 1909 and RCW 9.11.030;
- (30) Section 164, chapter 249, Laws of 1909 and RCW 9.11.040;
- (31) Section 165, chapter 249, Laws of 1909 and RCW 9.11.050;
- (32) Section 122, page 226, Laws of 1869, section 128, page 210, Laws of 1873, section 945, Code of 1881, sections 6 and 7, chapter 149, Laws of 1895, section 201, chapter 249, Laws of 1909 and RCW 9.15.010;
- (33) Section 202, chapter 249, Laws of 1909 and RCW 9.15.020;
- (34) Sections 74 and 75, page 89, Laws of 1854, section 75, page 119, Laws of 1859, section 80, page 216, Laws of 1869, section 84, page 200, Laws of 1873, section 880, Code of 1881, section 68, chapter 249, Laws of 1909 and RCW 9.18.010;
- (35) Section 74, page 89, Laws of 1854, section 74, page 119, Laws of 1859, section 79, page 216, Laws of 1869, section 83, page 200, Laws of 1873, section 879, Code of 1881, section 69, chapter 249, Laws of 1909 and RCW 9.18.020;
- (36) Section 73, page 89, Laws of 1854-55, section 73, page 118, Laws of 1859-60, section 78, page 216, Laws of 1869, section 82, page 199, Laws of 1873, section 878, Code of 1881, section 70, chapter 249, Laws of 1909 and RCW 9.18.030;
- (37) Section 71, page 89, Laws of 1854, section 71, page 118, Laws of 1859, section 77, page 216, Laws of 1869, section 81, page 199, Laws of 1873, section 877, Code of 1881, section 71, chapter 249, Laws of 1909 and RCW 9.18.040;

- (38) Section 72, chapter 249, Laws of 1909 and RCW 9.18.050;
- (39) Section 84, page 200, Laws of 1873, section 880, Code of 1881, section 73, chapter 249, Laws of 1909 and RCW 9.18.060;
- (40) Section 74, chapter 249, Laws of 1909 and RCW 9.18.070;
- (41) Section 79, page 90, Laws of 1854, section 885, Code of 1881, section 79, chapter 249, Laws of 1909 and RCW 9.18.090;
- (42) Section 75, page 89, Laws of 1854, section 880, Code of 1881, section 80, chapter 249, Laws of 1909 and RCW 9.18.100;
- (43) Section 81, chapter 249, Laws of 1909 and RCW 9.18.110;
- (44) Section 44, page 83, Laws of 1854, section 48, page 190, Laws of 1873, section 827, Code of 1881, section 1, page 14, Laws of 1888, section 326, chapter 249, Laws of 1909 and RCW 9.19.010;
- (45) Section 44, page 83, Laws of 1854, section 48, page 190, Laws of 1873, section 827, Code of 1881, section 1, page 14, Laws of 1888, section 327, chapter 249, Laws of 1909 and RCW 9.19.020;
- (46) Section 49, page 190, Laws of 1873, section 828, Code of 1881, section 328, chapter 249, Laws of 1909 and RCW 9.19.030;
- (47) Section 329, chapter 249, Laws of 1909 and RCW 9.19.040;
- (48) Section 1, chapter 90, Laws of 1893, section 330, chapter 249, Laws of 1909 and RCW 9.19.050;
- (49) Section 130, chapter 249, Laws of 1909 and RCW 9.22.010;
- (50) Section 131, chapter 249, Laws of 1909 and RCW 9.22.020;
- (51) Section 132, chapter 249, Laws of 1909 and RCW 9.22.030;
- (52) Section 1, chapter 211, Laws of 1961 and RCW 9.22.040;
- (53) Section 1, page 15, Laws of 1862, section 70, page 196, Laws of 1873, sections 856 and 857, Code of 1881, section 339, chapter 249, Laws of 1909 and RCW 9.26.010;
- (54) Section 340, chapter 249, Laws of 1909 and RCW 9.26.020;
- (55) Section 7, page 15, Laws of 1862, section 70, page 196, Laws of 1873, section 857, Code of 1881 and RCW 9.26.030;
- (56) Section 1, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.010;
- (57) Section 2, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.020;
- (58) Section 3, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.030;
- (59) Section 4, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.040;
- (60) Section 5, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.050;
- (61) Section 6, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.060;
- (62) Section 7, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.070;
- (63) Section 8, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.080;
- (64) Section 295, chapter 249, Laws of 1909 and RCW 9.27.010;
- (65) Section 282, chapter 249, Laws of 1909 and RCW 9.27.020;
- (66) Section 309, chapter 249, Laws of 1909 and RCW 9.27.030;
- (67) Section 64, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 296, chapter 249, Laws of 1909 and RCW 9.27.040;
- (68) Section 65, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 297, chapter 249, Laws of 1909 and RCW 9.27.050;

(69) Section 65, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 298, chapter 249, Laws of 1909 and RCW 9.27.060;

(70) Sections 65 and 66, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 299, chapter 249, Laws of 1909 and RCW 9.27.070;

(71) Section 863, Code of 1881, section 300, chapter 249, Laws of 1909 and RCW 9.27.080;

(72) Section 301, chapter 249, Laws of 1909 and RCW 9.27.090;

(73) Section 302, chapter 249, Laws of 1909 and RCW 9.27.100;

(74) Section 22, page 79, Laws of 1854, section 22, page 202, Laws of 1869, section 799, Code of 1881, section 167, chapter 249, Laws of 1909 and RCW 9.30.010;

(75) Section 23, page 79, Laws of 1854, section 23, page 202, Laws of 1869, section 25, page 185, Laws of 1873, section 800, Code of 1881, section 168, chapter 249, Laws of 1909 and RCW 9.30.020;

(76) Section 169, chapter 249, Laws of 1909 and RCW 9.30.030;

(77) Section 170, chapter 249, Laws of 1909 and RCW 9.30.040;

(78) Section 171, chapter 249, Laws of 1909 and RCW 9.30.050;

(79) Section 1, chapter 320, Laws of 1955 and RCW 9.31.005;

(80) Section 90, chapter 249, Laws of 1909, section 2, chapter 320, Laws of 1955 and RCW 9.31.010;

(81) Section 76, page 89, Laws of 1854, section 85, page 200, Laws of 1873, section 881, Code of 1881, sections 1 and 2, chapter 46, Laws of 1905, section 91, chapter 249, Laws of 1909 and RCW 9.31.020;

(82) Section 77, page 90, Laws of 1854, section 86, page 201, Laws of 1873, section 882, Code of 1881, section 92, chapter 249, Laws of 1909 and RCW 9.31.030;

(83) Section 77, page 90, Laws of 1854, sections 86 and 87, page 201, Laws of 1873, section 882, Code of 1881, section 93, chapter 249, Laws of 1909 and RCW 9.31.040;

(84) Section 94, chapter 249, Laws of 1909 and RCW 9.31.050;

(85) Section 87, chapter 249, Laws of 1909 and RCW 9.31.060;

(86) Section 88, chapter 249, Laws of 1909 and RCW 9.31.070;

(87) Section 125, chapter 249, Laws of 1909 and RCW 9.31.080;

(88) Section 1, chapter 182, Laws of 1951 and RCW 9.31.100;

(89) Section 822, Code of 1881, section 358, chapter 249, Laws of 1909 and RCW 9.33.010;

(90) Section 87, page 91, Laws of 1854, section 96, page 203, Laws of 1873, section 894, Code of 1881, section 359, chapter 249, Laws of 1909 and RCW 9.33.020;

(91) Section 87, page 91, Laws of 1854, section 96, page 203, Laws of 1873, section 894, Code of 1881, section 360, chapter 249, Laws of 1909 and RCW 9.33.040;

(92) Section 822, Code of 1881, section 361, chapter 249, Laws of 1909 and RCW 9.33.050;

(93) Section 362, chapter 249, Laws of 1909 and RCW 9.33.060;

- (94) Section 108, page 95, Laws of 1854, section 119, page 208, Laws of 1873, section 923, Code of 1881 and RCW 9.33.070;
- (95) Section 363, chapter 249, Laws of 1909 and RCW 9.34.010;
- (96) Section 364, chapter 249, Laws of 1909 and RCW 9.34.020;
- (97) Section 365, chapter 249, Laws of 1909 and RCW 9.37.010;
- (98) Section 367, chapter 249, Laws of 1909 and RCW 9.37.020;
- (99) Section 421, chapter 249, Laws of 1909 and RCW 9.37.030;
- (100) Section 422, chapter 249, Laws of 1909 and RCW 9.37.040;
- (101) Section 1, chapter 46, Laws of 1911 and RCW 9.37.050;
- (102) Section 1, chapter 78, Laws of 1937 and RCW 9.37.060;
- (103) Section 370, chapter 249, Laws of 1909 and RCW 9.38.030;
- (104) Section 409, chapter 249, Laws of 1909 and RCW 9.38.050;
- (105) Section 267, chapter 249, Laws of 1909 and RCW 9.40.010;
- (106) Section 268, chapter 249, Laws of 1909 and RCW 9.40.020;
- (107) Section 269, chapter 249, Laws of 1909 and RCW 9.40.030;
- (108) Section 847, Code of 1881, section 9, page 127, Laws of 1890 and RCW 9.40.050;
- (109) Section 2, page 300, Laws of 1877, section 1225, Code of 1881, section 13, chapter 69, Laws of 1891 and RCW 9.40.060;
- (110) Section 1, page 300, Laws of 1877, section 1224, Code of 1881, section 14, chapter 69, Laws of 1891 and RCW 9.40.070;
- (111) Section 4, page 300, Laws of 1877, section 1227, Code of 1881, section 15, chapter 69, Laws of 1891 and RCW 9.40.080;
- (112) Section 338, chapter 249, Laws of 1909 and RCW 9.44.010;
- (113) Section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 331, chapter 249, Laws of 1909 and RCW 9.44.020;
- (114) Section 332, chapter 249, Laws of 1909 and RCW 9.44.030;
- (115) Section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 333, chapter 249, Laws of 1909 and RCW 9.44.040;
- (116) Section 334, chapter 249, Laws of 1909 and RCW 9.44.050;
- (117) Section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 335, chapter 249, Laws of 1909 and RCW 9.44.060;
- (118) Section 336, chapter 249, Laws of 1909 and RCW 9.44.070;
- (119) Section 122, chapter 249, Laws of 1909 and RCW 9.45.010;
- (120) Section 219, chapter 249, Laws of 1909 and RCW 9.45.030;
- (121) Section 375, chapter 249, Laws of 1909 and RCW 9.45.050;
- (122) Section 1, page 99, Laws of 1890 and RCW 9.45.200;
- (123) Section 138, chapter 249, Laws of 1909, section 1, chapter 49, Laws of 1970 ex. sess. and RCW 9.48.010;
- (124) Section 139, chapter 249, Laws of 1909 and RCW 9.48.020;
- (125) Section 12, page 78, Laws of 1854, section 12, page 200, Laws of 1869, section 12, page 182, Laws of 1873, section 786, Code of 1881, section 1, chapter 69, Laws of 1891, section 140, chapter 249, Laws of 1909 and RCW 9.48.030;

(126) Section 13, page 78, Laws of 1854, sections 13 and 14, page 200, Laws of 1869, section 13, page 182, Laws of 1873, section 790, Code of 1881, section 141, chapter 249, Laws of 1909 and RCW 9.48.040;

(127) Section 14, page 78, Laws of 1854, section 14, page 201, Laws of 1869, section 16, page 183, Laws of 1873, section 791, Code of 1881, section 142, chapter 249, Laws of 1909 and RCW 9.48.050;

(128) Section 16, page 78, Laws of 1854, section 16, page 201, Laws of 1869, section 18, page 183, Laws of 1873, section 793, Code of 1881, section 2, chapter 69, Laws of 1891, section 143, chapter 249, Laws of 1909, section 2, chapter 49, Laws of 1970 ex. sess. and RCW 9.48.060;

(129) Sections 37 and 38, page 81, Laws of 1854, sections 37 and 38, page 209, Laws of 1863, sections 41 and 42, page 188, Laws of 1873, section 820, Code of 1881, section 144, chapter 249, Laws of 1909 and RCW 9.48.070;

(130) Sections 37 and 38, page 81, Laws of 1854, sections 37 and 38, page 209, Laws of 1863, sections 41 and 42, page 188, Laws of 1873, section 821, Code of 1881, section 145, chapter 249, Laws of 1909 and RCW 9.48.080;

(131) Section 146, chapter 249, Laws of 1909 and RCW 9.48.090;

(132) Section 147, chapter 249, Laws of 1909 and RCW 9.48.100;

(133) Section 18, page 78, Laws of 1854, section 18, page 201, Laws of 1869, section 20, page 184, Laws of 1873, section 795, Code of 1881, section 148, chapter 249, Laws of 1909 and RCW 9.48.110;

(134) Section 19, page 78, Laws of 1854, section 19, page 201, Laws of 1869, section 21, page 184, Laws of 1873, section 796, Code of 1881, section 149, chapter 249, Laws of 1909 and RCW 9.48.120;

(135) Section 124, page 97, Laws of 1854, section 130, page 227, Laws of 1869, section 136, page 211, Laws of 1873, section 995, Code of 1881, section 150, chapter 249, Laws of 1909 and RCW 9.48.130;

(136) Section 151, chapter 249, Laws of 1909 and RCW 9.48.140;

(137) Section 152, chapter 249, Laws of 1909 and RCW 9.48.150;

(138) Section 153, chapter 249, Laws of 1909 and RCW 9.48.160;

(139) Section 154, chapter 249, Laws of 1909 and RCW 9.48.170;

(140) Section 1, chapter 6, Laws of 1933 ex. sess. and RCW 9.52.010;

(141) Section 3, chapter 6, Laws of 1933 ex. sess. and RCW 9.52.020;

(142) Section 159, chapter 249, Laws of 1909 and RCW 9.52.030;

(143) Section 36, page 84, Laws of 1854, section 38, page 205, Laws of 1869, section 40, page 187, Laws of 1873, section 819, Code of 1881, section 160, chapter 249, Laws of 1909 and RCW 9.52.040;

(144) Section 45, page 83, Laws of 1854, section 50, page 190, Laws of 1873, section 830, Code of 1881, section 349, chapter 249, Laws of 1909, section 3, chapter 165, Laws of 1915 and RCW 9.54.010;

(145) Section 1, chapter 155, Laws of 1915, section 1, chapter 64, Laws of 1919 and RCW 9.54.020;

(146) Section 1, chapter 60, Laws of 1917, section 1, chapter 124, Laws of 1974 ex. sess. and RCW 9.54.030;

(147) Section 2, chapter 60, Laws of 1917 and RCW 9.54.040;

(148) Section 1, chapter 156, Laws of 1915 and RCW 9.54.050;

(149) Section 350, chapter 249, Laws of 1909 and RCW 9.54.060;

- (150) Section 351, chapter 249, Laws of 1909 and RCW 9.54.070;
- (151) Section 352, chapter 249, Laws of 1909 and RCW 9.54.080;
- (152) Section 353, chapter 249, Laws of 1909, section 1, chapter 97, Laws of 1955 and RCW 9.54.090;
- (153) Section 354, chapter 249, Laws of 1909 and RCW 9.54.100;
- (154) Section 355, chapter 249, Laws of 1909 and RCW 9.54.110;
- (155) Section 1, chapter 63, Laws of 1961 and RCW 9.54.115;
- (156) Section 356, chapter 249, Laws of 1909 and RCW 9.54.120;
- (157) Section 1, chapter 32, Laws of 1965 and RCW 9.54.140;
- (158) Section 85, chapter 249, Laws of 1909 and RCW 9.55.010;
- (159) Section 1, chapter 111, Laws of 1899, section 1, chapter 112, Laws of 1903, section 404, chapter 249, Laws of 1909, section 2, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.010;
- (160) Section 1, chapter 64, Laws of 1893, section 1, chapter 41, Laws of 1897, section 405, chapter 249, Laws of 1909, section 3, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.020;
- (161) Section 16, chapter 69, Laws of 1891, section 406, chapter 249, Laws of 1909, section 4, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.030;
- (162) Section 1, page 30, Laws of 1862, section 1, page 300, Laws of 1877, sections 842, 843, 847, 848, 1224, Code of 1881, section 5, page 126, Laws of 1890, section 11, page 122, Laws of 1890, section 10, page 127, Laws of 1890, sections 4, 8, 11, 12, 13, 14, 16, 17, chapter 69, Laws of 1891, section 1, chapter 83, Laws of 1897, section 407, chapter 249, Laws of 1909, section 5, chapter 152, Laws of 1971 ex. sess., section 1, chapter 28, Laws of 1975 and RCW 9.61.040;
- (163) Section 408, chapter 249, Laws of 1909, section 6, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.050;
- (164) Section 414, chapter 249, Laws of 1909 and RCW 9.61.060;
- (165) Section 415, chapter 249, Laws of 1909, section 1, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.070;
- (166) Section 2, page 71, Laws of 1883, section 17, chapter 69, Laws of 1891 and RCW 9.61.080;
- (167) Section 1, chapter 114, Laws of 1899, section 7, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.090;
- (168) Section 2, chapter 114, Laws of 1899 and RCW 9.61.100;
- (169) Section 3, chapter 114, Laws of 1899 and RCW 9.61.110;
- (170) Section 1, chapter 133, Laws of 1963 and RCW 9.61.220;
- (171) Section 26, page 79, Laws of 1854, section 26, page 202, Laws of 1869, section 28, page 185, Laws of 1873, section 103, Code of 1881, section 155, chapter 249, Laws of 1909 and RCW 9.65.010;
- (172) Section 156, chapter 249, Laws of 1909 and RCW 9.65.020;
- (173) Section 157, chapter 249, Laws of 1909 and RCW 9.65.030;
- (174) Section 303, chapter 249, Laws of 1909 and RCW 9.69.010;
- (175) Section 78, page 90, Laws of 1854, section 87, page 201, Laws of 1873, section 883, Code of 1881, section 112, chapter 249, Laws of 1909 and RCW 9.69.020;

(176) Section 79, page 90, Laws of 1854, section 88, page 201, Laws of 1873, section 886, Code of 1881, section 113, chapter 249, Laws of 1909 and RCW 9.69.030;

(177) Section 79, page 90, Laws of 1854, section 88, page 201, Laws of 1873, section 885, Code of 1881, section 114, chapter 249, Laws of 1909 and RCW 9.69.040;

(178) Section 116, chapter 249, Laws of 1909 and RCW 9.69.050;

(179) Section 420, chapter 249, Laws of 1909 and RCW 9.69.060;

(180) Section 110, chapter 249, Laws of 1909 and RCW 9.69.070;

(181) Section 1, chapter 17, Laws of 1901, section 111, chapter 249, Laws of 1909, section 1, chapter 56, Laws of 1969 ex. sess. and RCW 9.69.080;

(182) Section 115, chapter 249, Laws of 1909 and RCW 9.69.090;

(183) Section 69, page 88, Laws of 1854, section 69, page 118, Laws of 1859, section 79, page 199, Laws of 1873, section 867, Code of 1881, section 99, chapter 249, Laws of 1909, section 1, chapter 46, Laws of 1957 and RCW 9.72.010;

(184) Section 870, Code of 1881, section 100, chapter 249, Laws of 1909 and RCW 9.72.020;

(185) Section 101, chapter 249, Laws of 1909 and RCW 9.72.030;

(186) Section 868, Code of 1881, section 102, chapter 249, Laws of 1909 and RCW 9.72.040;

(187) Section 869, Code of 1881, section 103, chapter 249, Laws of 1909 and RCW 9.72.050;

(188) Section 872, Code of 1881, section 104, chapter 249, Laws of 1909, section 2, chapter 46, Laws of 1957 and RCW 9.72.060;

(189) Section 873, Code of 1881, section 105, chapter 249, Laws of 1909 and RCW 9.72.070;

(190) Section 106, chapter 249, Laws of 1909 and RCW 9.72.080;

(191) Section 81, page 199, Laws of 1873, section 876, Code of 1881, section 108, chapter 249, Laws of 1909 and RCW 9.72.100;

(192) Section 71, page 89, Laws of 1854, section 77, page 216, Laws of 1869, section 81, page 199, Laws of 1873, section 877, Code of 1881, section 109, chapter 249, Laws of 1909 and RCW 9.72.110;

(193) Sections 3 and 4, page 81, Laws of 1854, section 36, page 204, Laws of 1869, section 38, page 187, Laws of 1873, section 829, Code of 1881, section 166, chapter 249, Laws of 1909 and RCW 9.75.010;

(194) Section 399, chapter 249, Laws of 1909 and RCW 9.75.020;

(195) Section 6, page 126, Laws of 1890 and RCW 9.75.030;

(196) Section 244, chapter 249, Laws of 1909 and RCW 9.76.020;

(197) Section 245, chapter 249, Laws of 1909 and RCW 9.76.030;

(198) Section 246, chapter 249, Laws of 1909 and RCW 9.76.040;

(199) Section 865, Code of 1881, section 247, chapter 249, Laws of 1909 and RCW 9.76.050;

(200) Section 1, chapter 229, Laws of 1959, section 1, chapter 76, Laws of 1967 and RCW 9.78.010;

(201) Section 2, chapter 229, Laws of 1959 and RCW 9.78.020;

(202) Section 4, chapter 229, Laws of 1959 and RCW 9.78.040;

(203) Section 813, Code of 1881, section 186, chapter 249, Laws of 1909, section 125, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.040;

(204) Section 815, Code of 1881, section 187, chapter 249, Laws of 1909, section 126, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.050;

(205) Section 188, chapter 249, Laws of 1909, section 1, chapter 186, Laws of 1927, section 127, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.060;

(206) Section 816, Code of 1881, section 1, chapter 33, Laws of 1905, section 189, chapter 249, Laws of 1909, section 128, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.070;

(207) Section 190, chapter 249, Laws of 1909, section 2, chapter 74, Laws of 1937, section 1, chapter 127, Laws of 1955, section 129, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.080;

(208) Section 121, page 225, Laws of 1869, section 127, page 209, Laws of 1873, sections 1 and 2, chapter 149, Laws of 1895, section 203, chapter 249, Laws of 1909, section 1, chapter 111, Laws of 1943 and RCW 9.79.090;

(209) Section 2, chapter 139, Laws of 1893, section 204, chapter 249, Laws of 1909, section 3, chapter 74, Laws of 1937 and RCW 9.79.100;

(210) Section 120, page 225, Laws of 1869, section 126, page 209, Laws of 1873, sections 943, 944, Code of 1881, sections 3, 4, chapter 149, Laws of 1895, section 205, chapter 249, Laws of 1909, section 1, chapter 98, Laws of 1917 and RCW 9.79.110;

(211) Section 117, page 95, Laws of 1854, section 120, page 225, Laws of 1869, section 126, page 209, Laws of 1873, section 948, Code of 1881, section 206, chapter 249, Laws of 1909 and RCW 9.79.120;

(212) Section 2, chapter 65, Laws of 1961 and RCW 9.79.130;

(213) Section 133, chapter 249, Laws of 1909 and RCW 9.80.010;

(214) Section 134, chapter 249, Laws of 1909 and RCW 9.80.020;

(215) Section 17, page 78, Laws of 1854, section 17, page 201, Laws of 1869, section 19, page 184, Laws of 1873, section 794, Code of 1881, section 135, chapter 249, Laws of 1909 and RCW 9.80.030;

(216) Section 136, chapter 249, Laws of 1909 and RCW 9.80.040;

(217) Section 137, chapter 249, Laws of 1909 and RCW 9.80.050;

(218) Section 412, chapter 249, Laws of 1909 and RCW 9.83.010;

(219) Section 1, chapter 128, Laws of 1913 and RCW 9.83.020;

(220) Section 2, chapter 128, Laws of 1913 and RCW 9.83.030;

(221) Section 3, chapter 128, Laws of 1913 and RCW 9.83.040;

(222) Section 4, chapter 128, Laws of 1913 and RCW 9.83.050;

(223) Section 1, page 124, Laws of 1890, section 413, chapter 249, Laws of 1909, section 1, chapter 139, Laws of 1913 and RCW 9.83.060;

(224) Section 64, page 212, Laws of 1869, section 67, page 195, Laws of 1873 and RCW 9.83.070;

(225) Section 1, chapter 7, Laws of 1969 and RCW 9.83.080;

(226) Section 1, page 85, Laws of 1875, section 1271, Code of 1881, section 436, chapter 249, Laws of 1909, section 1, chapter 11, Laws of 1965, section 29, chapter 122, Laws of 1972 ex. sess. and RCW 9.87.010;

(227) Section 1, chapter 62, Laws of 1915 and RCW 9.87.020;

(228) Section 3, page 90, Laws of 1875, section 1273, Code of 1881 and RCW 9.87.030;

(229) Section 932, Code of 1881 and RCW 9.91.040;

(230) Section 382, chapter 249, Laws of 1909 and RCW 9.91.070;

(231) Section 383, chapter 249, Laws of 1909 and RCW 9.91.080;

(232) Section 4, chapter 241, Laws of 1955 and RCW 9.94.060;

(233) Section 3, chapter 28, Laws of 1891 and RCW 10.01.010; and

(234) Section 10, page 77, Laws of 1854, section 779, Code 1881, section 2, chapter 28, Laws of 1891, section 1, chapter 12, Laws of 1937 and RCW 10.01.020.

NEW SECTION. Sec. 9A.92.020. SAVINGS CLAUSE. The laws repealed by section 9A.92.010 are repealed except with respect to rights and duties which matured, penalties which were incurred, and proceedings which were begun before July 1, 1976.

NEW SECTION. Sec. 9A.92.900. LEGISLATIVE DIRECTION FOR CODIFICATION. The provisions of this act shall constitute a new Title in the Revised Code of Washington to be designated as Title 9A RCW.

Passed the Senate June 4, 1975.

Passed the House May 24, 1975.

Approved by the Governor June 27, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 261

[Engrossed Senate Bill No. 2226]

INDIGENT APPEALS—FEES, COSTS

AN ACT Relating to appeals and costs; amending section 5, chapter 126, Laws of 1913 as last amended by section 1, chapter 111, Laws of 1972 ex. sess. and RCW 2.32.240; and amending and directing the recodification of section 2, chapter 133, Laws of 1965 as last amended by section 2, chapter 111, Laws of 1972 ex. sess. and RCW 10.01.112.

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

Section 1. Section 5, chapter 126, Laws of 1913 as last amended by section 1, chapter 111, Laws of 1972 ex. sess. and RCW 2.32.240 are each amended to read as follows:

(1) When a record has been taken in any cause as provided in RCW 2.32.180 through 2.32.320, if the court, or either party to the suit or action, or his attorney, request a transcript, the official reporter and clerk of the court shall make, or cause to be made, with reasonable diligence, full and accurate transcript of the testimony and other proceedings, which shall, when certified to as hereinafter provided, be filed with the clerk of the court where such trial is had for the use of the court or parties to the action. The fees of the reporter and clerk of the court for making such transcript shall be fixed in accordance with costs as allowed in cost bills in civil cases by the supreme court of the state of Washington, and when such transcript is ordered by any party to any suit or action, said fee shall be paid forthwith by the party ordering the same, and in all cases where a transcript is made as provided for under the provisions of RCW 2.32.180 through 2.32.320 the

cost thereof shall be taxable as costs in the case, and shall be so taxed as other costs in the case are taxed: PROVIDED, That when, from and after December 20, 1973, ~~((the defendant in any criminal case, a juvenile in any case determining such juvenile to be a delinquent or incorrigible child under RCW 13.04.010, or petitioner for a writ of habeas corpus))~~ a party has been judicially determined to have a constitutional right to a ~~((free))~~ transcript and to be unable by reason of poverty to pay for such transcript, the court may order said transcript to be made by the official reporter, which transcript fee therefor shall be paid by the state upon submission of appropriate vouchers to the clerk of the supreme court.

Sec. 2. Section 2, chapter 133, Laws of 1965 as last amended by section 2, chapter 111, Laws of 1972 ex. sess. and RCW 10.01.112 are each amended to read as follows and, as amended, shall be recodified as a section of chapter 4.88 RCW:

When ~~((an individual criminal defendant, a juvenile in any case determining such juvenile to be a delinquent or incorrigible child under RCW 13.04.010, or petitioner for a writ of habeas corpus))~~ a party has been judicially determined to have a constitutional right to obtain a review and to be unable by reason of poverty to procure counsel to perfect the review all costs necessarily incident to the proper consideration of the review including preparation of the record, reasonable fees for court appointed counsel to be determined by the supreme court, and actual travel expenses of counsel for appearance in the supreme court or court of appeals, shall be paid by the state. Upon satisfaction of requirements established by supreme court rules and submission of appropriate vouchers to the clerk of the supreme court, payment shall be made from funds specifically appropriated by the legislature for that purpose.

Passed the Senate June 8, 1975.

Passed the House June 7, 1975.

Approved by the Governor June 27, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 262

[Senate Bill No. 2633]

HIGH SCHOOL CREDITS—ACCEPTANCE OF NATIONAL GUARD HIGH SCHOOL CAREER TRAINING

AN ACT Relating to education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW a new section to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall adopt rules and regulations governing and authorizing the acceptance of national guard high school career training in lieu of either required

high school credits or elective high school credits. Students enrolled in such national guard programs shall be considered enrolled in the common school last attended preceding enrollment in such national guard program.

Passed the Senate June 8, 1975.

Passed the House June 7, 1975.

Approved by the Governor June 27, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 263

[Second Substitute House Bill No. 1007]

ELECTED OFFICIALS AND JUDGES—SALARIES

AN ACT Relating to state government; amending section 43.03.010, chapter 8, Laws of 1965 as last amended by section 2, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282) and RCW 43.03.010; amending section 1, chapter 144, Laws of 1953 as last amended by section 3, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282) and RCW 2.04.090; amending section 6, chapter 221, Laws of 1969 ex. sess. as last amended by section 4, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282) and RCW 2.06.060; amending section 2, chapter 144, Laws of 1953 as last amended by section 5, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282) and RCW 2.08.090; amending section 100, chapter 299, Laws of 1961 as last amended by section 6, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282) and RCW 3.58.010; making an appropriation; declaring an emergency; and providing an effective date.

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

Section 1. Section 43.03.010, chapter 8, Laws of 1965 as last amended by section 2, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282) and RCW 43.03.010 are each amended to read as follows:

The annual salaries of the following named state elected officials shall be: Governor, (~~((thirty-four thousand three hundred))~~) forty-two thousand one hundred fifty dollars; lieutenant governor, (~~((ten thousand six))~~) seventeen thousand eight hundred dollars plus a sum equal to 1/260th of the difference between the annual salary of the lieutenant governor and the annual salary of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death or disability of the governor; secretary of state, (~~((fifteen thousand eight))~~) twenty-one thousand four hundred dollars; state treasurer, (~~((fifteen thousand eight hundred))~~) twenty-four thousand one hundred fifty dollars; state auditor, (~~((seventeen thousand four hundred))~~) twenty-four thousand nine hundred fifty dollars; attorney general, (~~((twenty-four thousand three))~~) thirty-one thousand five hundred dollars; superintendent of public instruction, (~~((twenty-three thousand seven hundred fifty))~~) thirty-one thousand five hundred dollars; commissioner of public lands, (~~((twenty-one thousand one hundred))~~) twenty-nine thousand two hundred fifty dollars; state insurance commissioner, (~~((seventeen thousand four hundred))~~) twenty-four thousand fifty dollars; members of the legislature shall receive for their service three thousand eight hundred dollars per annum; and in addition, ten cents per mile for travel to and from legislative sessions.

Sec. 2. Section 1, chapter 144, Laws of 1953 as last amended by section 3, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282) and RCW 2.04.090 are each amended to read as follows:

Each justice of the supreme court shall receive an annual salary of ~~((thirty= four thousand eight hundred twenty= five))~~ thirty-nine thousand four hundred twelve dollars, but no salary warrant shall be issued to any judge of the supreme court until he shall have made and filed with the state treasurer an affidavit that no matter referred to him for opinion or decision has been uncompleted or undecided by him for more than six months.

Sec. 3. Section 6, chapter 221, Laws of 1969 ex. sess. as last amended by section 4, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282) and RCW 2.06.060 are each amended to read as follows:

Each judge of the court shall receive an annual salary of ~~((thirty=one thousand six hundred fifty))~~ thirty-six thousand three hundred twenty-five dollars, but no salary warrant shall be issued to any judge until he shall have made and filed with the state treasurer an affidavit that no matter referred to him for opinion or decision has been uncompleted by him for more than three months.

Sec. 4. Section 2, chapter 144, Laws of 1953 as last amended by section 5, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282) and RCW 2.08-.090 are each amended to read as follows:

Each judge of the superior court shall receive an annual salary of ~~((twenty= eight thousand five hundred))~~ thirty-four thousand two hundred fifty dollars.

Sec. 5. Section 100, chapter 299, Laws of 1961 as last amended by section 6, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282) and RCW 3.58-.010 are each amended to read as follows:

The annual salary of each full time justice of the peace shall be ~~((twenty=three thousand two hundred and fifty))~~ twenty-nine thousand dollars: PROVIDED, That in cities having a population in excess of ~~((five))~~ four hundred thousand, the city which pays the salary may increase such salary of its municipal judges to an amount not more than the salary paid the superior court judges in the county in which the court is located: PROVIDED FURTHER, That no full time justice of the peace shall perform any civil marriage between 8:00 a.m. and 5:00 p.m. Monday through Friday: PROVIDED FURTHER, That a member of the legislature whose term of office is partly co-extensive with or extends beyond the present term of office of any of the officials whose salary is increased by virtue of the provisions of sections 1 through 5 of this act shall be eligible to be appointed or elected to any of the offices the salary of which is increased hereby but he shall not be entitled to receive such increased salary until after the expiration of his present term of office and his subsequent election or reelection to the office to which he was appointed or elected respectively during his term of office as legislator.

NEW SECTION. Sec. 6. There is hereby appropriated to the Governor—Special Appropriations the sum of \$1,030,220 or so much as may be necessary for the purpose of implementing sections 1 through 4 of this 1975 amendatory act.

NEW SECTION. Sec. 7. If any provision of this 1975 amendatory 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. 8. This 1975 amendatory 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 July 1, 1975.

Passed the House June 7, 1975.

Passed the Senate June 6, 1975.

Approved by the Governor June 30, 1975.

Filed in Office of Secretary of State June 30, 1975.

CHAPTER 264

[Engrossed Senate Bill No. 2334]

CORPORATIONS

AN ACT Relating to corporations; amending and recodifying section 1, chapter 85, Laws of 1965 and RCW 23.01.226 to be recodified as RCW 23A.08.325; amending section 38, chapter 53, Laws of 1965 and RCW 23A.08.350; amending section 44, chapter 53, Laws of 1965 and RCW 23A.08.410; amending section 50, chapter 53, Laws of 1965 and RCW 23A.08.470; and amending section 16, chapter 53, Laws of 1965 and RCW 23A.08.130.

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

Section 1. Section 1, chapter 85, Laws of 1965 and RCW 23.01.226 are each amended and recodified as RCW 23A.08.325 to read as follows:

Neither a domestic or foreign corporation or its registrar or transfer agent shall be liable for transferring or causing to be transferred on the books of the corporation to or pursuant to the direction of the surviving spouse of a deceased husband or wife any share or shares or other securities theretofore issued by the corporation to the deceased or surviving spouse or both of them if the corporation or its registrar or transfer agent shall be provided with the following:

(1) A copy of an agreement which shall have been entered into between the spouses pursuant to the provisions of section 2416 Code of 1881 and RCW 26.16.120 and certified by the auditor of the county in this state in whose office the same shall have been recorded;

(2) A certified copy of the death certificate of the deceased spouse;

(3) A release issued by the inheritance tax division of the tax commission of this state; and

(4) An affidavit of the surviving spouse that:

(a) The shares or other securities constituted community property of the spouses at date of death of the deceased spouse and their disposition is controlled by the community property agreement;

(b) ~~((No proceedings have been instituted or are contemplated to have admitted to probate a will of the decedent or for letters of administration upon the decedent's estate; and that))~~ No proceedings have been instituted to contest or set aside or cancel the agreement; and that

(c) The claims of creditors have been paid or provided for.

Sec. 2. Section 38, chapter 53, Laws of 1965 and RCW 23A.08.350 are each amended to read as follows:

The number of directors of a corporation shall be not less than three, except that in cases where all shares of a corporation are owned of record by fewer than three shareholders, the number of directors may be less than three but not less

than the number of such shareholders. Subject to such limitation, the number of directors shall be fixed by the bylaws, except as to the number constituting the initial board of directors, which number shall be fixed by the articles of incorporation. The number of directors may be increased or decreased from time to time by amendment to the bylaws, but no decrease shall have the effect of shortening the term of any incumbent director. In the absence of a bylaw fixing the number of directors, the number shall be the same as that stated in the articles of incorporation. The names and addresses of the members of the first board of directors shall be stated in the articles of incorporation. Such persons shall hold office until the first annual meeting of shareholders, and until their successors shall have been elected and are qualified, unless removed in accordance with the provisions of the bylaws. At the first annual meeting of shareholders and at each annual meeting thereafter the shareholders shall elect directors to hold office until the next succeeding annual meeting, except in case of the classification of directors as permitted by this title. Each director shall hold office for the term for which he is elected and until his successor shall have been elected and is qualified, unless removed in accordance with the provisions of the bylaws.

Sec. 3. Section 44, chapter 53, Laws of 1965 and RCW 23A.08.410 are each amended to read as follows:

Meetings of the board of directors, regular or special, may be held either within or without this state.

Regular meetings of the board of directors or of any committee designated by the bylaws or appointed by the board of directors may be held with or without notice as prescribed in the bylaws. Special meetings of the board of directors shall be held upon such notice as is prescribed in the bylaws. Attendance of a director or a committee member at a meeting shall constitute a waiver of notice of such meeting, except where a director or a committee member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors or any committee designated by the bylaws or appointed by the board of directors need be specified in the notice or waiver of notice of such meeting unless required by the bylaws.

Except as may be otherwise restricted by the articles of incorporation or bylaws, members of the board of directors or any committee designated by the bylaws or appointed by the board of directors may participate in a meeting of such board or committee by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time, and participation by such means shall constitute presence in person at a meeting.

Sec. 4. Section 50, chapter 53, Laws of 1965 and RCW 23A.08.470 are each amended to read as follows:

The officers of a corporation shall consist of a president, one or more vice-presidents as may be prescribed by the bylaws, a secretary, and a treasurer, each of whom shall be elected by the board of directors at such time and in such manner as may be prescribed by the bylaws. Such other officers and assistant officers and agents as may be deemed necessary may be elected or appointed by the

board of directors or chosen in such other manner as may be prescribed by the bylaws. Any two or more offices may be held by the same person, except the offices of president and secretary, except that when all of the issued and outstanding stock of the corporation is owned of record by one person, such person may hold all or any combination of offices.

All officers and agents of the corporation, as between themselves and the corporation, shall have such authority and perform such duties in the management of the corporation as may be provided in the bylaws, or as may be determined by resolution of the board of directors not inconsistent with the bylaws.

Sec. 5. Section 16, chapter 53, Laws of 1965 and RCW 23A.08.130 are each amended to read as follows:

(1) If the articles of incorporation so provide, the shares of any preferred or special class may be divided into and issued in series. If the shares of any such class are to be issued in series, then each series shall be so designated as to distinguish the shares thereof from the shares of all other series and classes. Any or all of the series of any such class and the variations in the relative rights and preferences as between different series may be fixed and determined by the articles of incorporation, but all shares of the same class shall be identical except as to the following relative rights and preferences, as to which there may be variations between different series:

- (a) The rate of dividend.
- (b) Whether shares may be redeemed and, if so, the redemption price and the terms and conditions of redemption.
- (c) The amount payable upon shares in event of voluntary and involuntary liquidation.
- (d) Sinking fund provisions, if any, for the redemption or purchase of shares.
- (e) The terms and conditions, if any, on which shares may be converted.
- (f) Voting rights, if any.

(2) If the articles of incorporation shall expressly vest authority in the board of directors, then, to the extent that the articles of incorporation shall not have established series and fixed and determined the variations in the relative rights and preferences as between series, the board of directors shall have authority to divide any or all of such classes into series and, within the limitations set forth in this section and in the articles of incorporation, fix and determine the relative rights and preferences of the shares of any series so established.

(3) In order for the board of directors to establish a series, where authority so to do is contained in the articles of incorporation, the board of directors shall adopt a resolution setting forth the designation of the series and fixing and determining the relative rights and preferences thereof, or so much thereof as shall not be fixed and determined by the articles of incorporation.

(4) Prior to the issue of any shares of a series established by resolution adopted by the board of directors, the corporation shall file and execute in the manner hereinafter provided a statement setting forth:

- (a) The name of the corporation.
- (b) A copy of the resolution establishing and designating the series, and fixing and determining the relative rights and preferences thereof.
- (c) The date of adoption of such resolution.

(d) That such resolution was duly adopted by the board of directors.

(5) Such statement shall be executed in triplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, and shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all fees have been paid as in this title prescribed:

(a) Endorse on each of such triplicate originals the word "Filed," and the month, day, and year of the filing thereof.

(b) File one of such originals in his office.

(c) Return the other two such originals to the corporation or its representative.

(6) One of such other originals shall then be filed in the office of the auditor of the county in which the registered office of the corporation is located and the other shall be retained by the corporation.

(7) Upon the filing of such statement by the secretary of state, the resolution establishing and designating the series and fixing and determining the relative rights and preferences thereof shall become effective and shall constitute an amendment of the articles of incorporation.

Passed the Senate April 8, 1975.

Passed the House June 7, 1975.

Approved by the Governor June 30, 1975.

Filed in Office of Secretary of State June 30, 1975.

CHAPTER 265

[Substitute Senate Bill No. 2469]

MUTUAL SAVINGS BANKS—TRUST POWERS

AN ACT Relating to mutual savings banks; and amending section 12, chapter 55, Laws of 1969 and RCW 32.08.210.

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

Section 1. Section 12, chapter 55, Laws of 1969 and RCW 32.08.210 are each amended to read as follows:

A mutual savings bank shall have the power to act as trustee under:

(1) ~~((A retirement plan established pursuant to the provisions of the act of Congress entitled "Self-Employed Individuals Tax Retirement Act of 1962", as now constituted or hereafter amended. If a retirement plan, which in the judgment of the mutual savings bank, constituted a qualified plan under the provisions of that act at the time accepted by the mutual savings bank, is subsequently determined not to be a qualified plan or subsequently ceases to be a qualified plan in whole or in part, the mutual savings bank may, nevertheless, continue to act as trustee of any deposits theretofore made under the plan and to dispose of the same in accordance with the directions of the trustor and the beneficiaries thereof.~~

(2)) A trust established by an inter vivos trust agreement or under the will of a deceased person ~~((but only if all the trust assets are required by the terms of the trust to be invested in accounts with mutual savings banks. The trustee shall deposit the trust assets in savings accounts with itself as soon as practical after establishment of the trust)).~~

~~((3))~~ (2) A trust established in connection with any collective bargaining agreement or labor negotiation wherein the beneficiaries of the trust include the employees concerned under the agreement or negotiation, or a trust established in connection with any pension, profit sharing, or retirement benefit plan of any corporation, partnership, association, or individual, including but not limited to retirement plans established pursuant to the provisions of the act of congress entitled "Self-Employed Individuals Tax Retirement Act of 1962", as now constituted or hereafter amended, or plans established pursuant to the provisions of the act of congress entitled "Employee Retirement Income Security Act of 1974", as now constituted or hereafter amended.

A mutual savings bank may be appointed to and accept the appointment of ((~~executor~~)) personal representative of the last will and testament, or administrator with will annexed, of the estate of any deceased person ((~~wherein the will establishes a trust wherein the mutual savings bank may act as trustee~~)) and to be appointed and to act as guardian of the estate of minors and incompetent and disabled persons.

The restrictions, limitations and requirements in Title 30 RCW shall apply to a mutual savings bank exercising the powers granted under this section insofar as the restrictions, limitations, and requirements relate to exercising the powers granted under this section. The incidental trust powers to act as agent in the management of trust property and the transaction of trust business in Title 30 RCW shall apply to a mutual savings bank exercising the powers granted under this section insofar as the incidental powers relate to exercising the powers granted under this section.

Before engaging in trust business, a mutual savings bank shall apply to the supervisor of banking on such form as he shall determine and pay the same fee as required for a state bank to engage in trust business. In considering such application the supervisor shall ascertain from the best source of information at his command and by such investigation as he may deem necessary whether the management and personnel of the mutual savings bank are such as to command confidence and warrant belief that the trust business will be adequately and efficiently conducted in accordance with law, whether the resources in the neighborhood of such place and in the surrounding country afford a reasonable promise of adequate support for the proposed trust business and whether the resources of the mutual savings bank are sufficient to support the conduct of such trust business, and that the mutual savings bank has and maintains, in addition to its guaranty fund, undivided profits against which the depositors have no prior claim in an amount not less than would be required of a state bank or trust company, which undivided profits shall be eligible for investment in the same manner as the guaranty fund of a mutual savings bank. Within sixty days after receipt of such application, the supervisor shall either approve or refuse the same and forthwith return to the mutual savings bank a copy of the application upon which his decision has been endorsed. The supervisor shall not be required to approve or refuse an application until thirty days after any appropriate approval has been obtained from a federal regulatory agency. The applicant shall have the right to appeal from an unfavorable determination in accordance with the procedures of the Administrative Procedure Act, chapter 34.04 RCW, as now or hereafter amended. A mutual

savings bank shall not use the word "trust" in its name, but may use the word "trust" in its business or advertising.

Passed the Senate May 14, 1975.

Passed the House June 7, 1975.

Approved by the Governor June 30, 1975.

Filed in Office of Secretary of State June 30, 1975.

CHAPTER 266

[Substitute House Bill No. 198]

INSURANCE

AN ACT Relating to insurance; amending section 11, chapter 212, Laws of 1959 and RCW 31.08.175; amending section .01.01, chapter 79, Laws of 1947 and RCW 48.01.010; amending section 3, chapter 70, Laws of 1965 ex. sess. and RCW 48.05.185; amending section .07.09, chapter 79, Laws of 1947 as amended by section 3, chapter 197, Laws of 1953 and RCW 48.07.090; amending section .10.07, chapter 79, Laws of 1947 as amended by section 5, chapter 195, Laws of 1963 and RCW 48.10.070; amending section .15.09, chapter 79, Laws of 1947 as last amended by section 10, chapter 241, Laws of 1969 ex. sess. and RCW 48.15.090; amending section .17.06, chapter 79, Laws of 1947 as amended by section 9, chapter 303, Laws of 1955 and RCW 48.17.060; amending section .17.56, chapter 79, Laws of 1947 as amended by section 25, chapter 150, Laws of 1967 and RCW 48.17.560; amending section 5, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.190; amending section .24.03, chapter 79, Laws of 1947 as last amended by section 23, chapter 70, Laws of 1965 ex. sess. and RCW 48.24.030; amending section 6, chapter 229, Laws of 1951 as last amended by section 4, chapter 152, Laws of 1973 1st ex. sess. and RCW 48.20.052; amending section 9, chapter 219, Laws of 1961 RCW 48.34.090; amending section 4, chapter 119, Laws of 1974 ex. sess. and RCW 48.44.240; adding new sections to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; and adding a new section to chapter 48.44 RCW.

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

Section 1. Section 11, chapter 212, Laws of 1959 and RCW 31.08.175 are each amended to read as follows:

(1) No licensee shall require the purchasing of property insurance from the licensee or any employee, affiliate, or associate of the licensee or from any agent, broker, or insurance company designated by the licensee as a condition precedent to the making of a loan nor shall any licensee decline existing insurance which meets or exceeds the standards set forth in this section.

The licensee may require a borrower to insure tangible property offered as security for a loan hereunder against any substantial risk of loss, damage, or destruction for an amount not to exceed the reasonable value of the property insured or the amount of the loan and for the customary term approximating the term of the loan contract: PROVIDED, That no licensee hereunder may require such insurance on loans in an amount less than three hundred dollars. It shall be optional with the borrower to obtain such insurance in an amount greater than the amount of the loan or for a longer term. The premium for such insurance shall not exceed that fixed by current applicable manual of a recognized standard insurance rating bureau and such insurance shall be written by or through a duly licensed insurance agent or broker.

(2) A licensee may insure the life of one borrower, but only one of them if there are two or more obligors, for the unpaid principal balance scheduled to be outstanding; and regardless of the the premium paid by the licensee, the licensee may charge not more than sixty cents per one hundred dollars per year computed

on the original principal amount of the loan, excluding charges for the loan, when the loan contract requires substantially equal and consecutive monthly installments of principal and charges combined, and such charge may be in the same proportions for different payment schedules, maturities, and principal amounts: PROVIDED, HOWEVER, That if both husband and wife sign an obligation to repay the loan, each may be an insured borrower hereunder and a single identifiable insurance charge may be made by the licensee for the two jointly under a plan whereby both lives are insured but a death benefit is paid only upon the death of the spouse dying first. For such joint spouse coverage, the licensee may charge not more than one dollar per one hundred dollars per year computed on the same basis as herein prescribed for life insurance on one borrower. Such charge may be deducted from the principal of the loan when the loan is made. Only one such charge may be made in connection with any loan contract irrespective of the number of obligors, and only one obligor need be insured. If the insured obligor dies during the term of the loan contract, the insurance must pay the principal balance of the loan outstanding on the day of his death without any exception or reservation. The insurance shall be in force as soon as the loan is made. If the loan contract is prepaid in full by cash, a new loan, renewal, refinancing, or otherwise, a portion of such life insurance charge shall be rebated according to the method established in paragraphs (a) and (b) of subsection (3) of RCW 31.08.160. When charges for the loan are precomputed in accordance with subsection (3) of RCW 31.08.160, any required rebate and any permitted deferment charge may be computed on the combined total of the precomputed charge and the life insurance charge.

(3) If a borrower procures any insurance by or through a licensee, the statement required by RCW 31.08.170 shall disclose the cost to the borrower and the type of insurance, and the licensee shall cause to be delivered to the borrower a copy of the policy, certificate, or other evidence thereof within a reasonable time.

Notwithstanding any other provision of this chapter, any gain or advantage in any form whatsoever to the licensee or to any employee, affiliate, or associate of the licensee from any insurance or its sale or provision shall not be deemed to be additional or further interest, consideration, charges, or fee in connection with such loan.

Nothing in this section shall be deemed to alter, amend or repeal any provision of the insurance code.

No insurance shall be required, requested, sold, or offered for sale in connection with any loan made under this chapter, except as and to the extent authorized by this section.

Sec. 2. Section .01.01, chapter 79, Laws of 1947 and RCW 48.01.010 are each amended to read as follows:

~~((Chapters 48.01 to 48.36 RCW, and chapter 48.48 of this))~~ Title 48 RCW constitutes the insurance code.

Sec. 3. Section 3, chapter 70, Laws of 1965 ex. sess. and RCW 48.05.185 are each amended to read as follows:

After hearing or with the consent of the insurer and in addition to or in lieu of the suspension, revocation, or refusal to renew any certificate of authority the commissioner may levy a fine upon the insurer in an amount not less than two

hundred fifty dollars and not more than ~~((one))~~ five thousand dollars. The order levying such fine shall specify the period within which the fine shall be fully paid and which period shall not be less than fifteen nor more than thirty days from the date of such order. Upon failure to pay any such fine when due the commissioner shall revoke the certificate of authority of the insurer if not already revoked, and the fine shall be recovered in a civil action brought in behalf of the commissioner by the attorney general. Any fine so collected shall be paid by the commissioner to the state treasurer for the account of the general fund.

Sec. 4. Section .07.09, chapter 79, Laws of 1947 as amended by section 3, chapter 197, Laws of 1953 and RCW 48.07.090 are each amended to read as follows:

(1) No incorporated domestic insurer shall make any contract whereby any person is granted or is to enjoy in fact the control and management of the insurer, or control of underwriting, investment, loss adjustments, production, or other major function of the insurer, all to the material exclusion of its board of directors, or the controlling or preemptive right to produce substantially all insurance business for the insurer, or, if an officer, director, or otherwise part of the insurer's management, is directly or indirectly to receive any commission, bonus, or compensation based upon the volume of the insurer's business or transactions unless such contract ~~((is))~~ has been filed with and approved by the commissioner. The contract shall be deemed approved unless disapproved by the commissioner within thirty days after date of filing. Any disapproval shall be delivered to the insurer in writing, stating the ~~((grounds))~~ reasons therefor.

(2) Any such contract hereafter made shall provide that any such manager, producer of its business, or contract holder shall within ninety days after expiration of each calendar year thereunder furnish the insurer's board of directors a written statement of amounts received under or on account of the contract and amounts expended thereunder during such calendar year, with specification of the compensation and emoluments received therefrom by the respective directors, officers, and other principal management personnel of the insurer, or manager, or producer, or contract holder with such classification of items and further detail as the insurer's board of directors may reasonably require.

(3) The commissioner shall not approve any contract referred to in subsection (1) which:

(a) Subjects the insurer to excessive charges for expenses or commissions; or
(b) does not contain fair and adequate standards of performance; or
(c) is to extend for an unreasonable length of time; or
(d) ~~((contains other inequitable provisions or provisions which may jeopardize the security of policyholders))~~ provides for commission, bonus, or compensation without reasonable relationship to the insurer's current expense, net growth, and net gain in surplus factors, or without reasonable limitation of the amount of money to be received as such commission, bonus, or compensation with respect to the insurer's business in any one calendar year; or

(e) contains other inequitable provision or provisions which may jeopardize the security of policyholders or the reasonable interests of stockholders.

(4) The commissioner may, after a hearing held thereon, withdraw his approval of any such contract theretofore permitted to become effective, if he finds that

any basis of his original approval of, or failure to disapprove, the contract no longer exists, or that the contract has, in actual operation, shown itself to be subject to disapproval on any of the grounds referred to in subsection (3) of this section.

Sec. 5. Section .10.07, chapter 79, Laws of 1947 as amended by section 5, chapter 195, Laws of 1963 and RCW 48.10.070 are each amended to read as follows:

(1) A domestic reciprocal insurer hereafter formed, if it has otherwise complied with the provisions of this code, may be authorized to transact insurance if it deposits and maintains on deposit with the commissioner surplus funds ~~((as follows:~~

~~(a) To transact property insurance, surplus funds of not less than one hundred thousand dollars.~~

~~(b) To transact vehicle insurance, surplus funds of not less than two hundred thousand dollars))~~ in the minimum amount of three hundred thousand dollars.

(2) A domestic reciprocal insurer may be authorized to transact other kinds of insurance in addition to that for which it was originally authorized, if it has otherwise complied with the provisions of this code therefor and possesses and maintains surplus funds equal to the paid-in capital stock required under RCW 48.05.340 of a stock insurer transacting like kinds of insurance, and the special surplus, if any, required under RCW 48.05.360 as to such a stock insurer. The minimum deposit held by the commissioner shall constitute part of the surplus funds so otherwise required. The insurer need not deposit such additional surplus funds with the commissioner: PROVIDED, That a domestic reciprocal insurer which under prior laws held authority to transact insurance in this state may continue to be so authorized so long as it otherwise qualifies therefor and maintains surplus funds in amount not less than as required under laws of this state in force at the time such authority to transact insurance in this state was granted.

(3) A domestic reciprocal insurer heretofore formed shall maintain on deposit with the commissioner surplus funds of not less than the sum of one hundred thousand dollars, and ~~((shall have additional surplus in the amount of any additional surplus funds required by this code for authority))~~ to transact kinds of insurance transacted by it in addition to that authorized by its original certificate of authority, shall have and maintain surplus (including the amount of such deposit) in amount not less than the paid-in capital stock required under RCW 48.05.340(1) plus special surplus, if any, required under RCW 48.05.360, of a domestic stock insurer formed after 1967 and transacting the same kinds of insurance. Such additional surplus funds need not be deposited with the commissioner.

Sec. 6. Section .15.09, chapter 79, Laws of 1947 as last amended by section 10, chapter 241, Laws of 1969 ex. sess. and RCW 48.15.090 are each amended to read as follows:

(1) A surplus line broker shall not knowingly place surplus line insurance with insurers unsound financially. The broker shall ascertain the financial condition of the unauthorized insurer before placing insurance therewith. The broker shall not so insure with any insurer having ~~((surplus as to policyholders of less than six hundred and fifty thousand dollars))~~ less capital and surplus or combined capital funds than the minimum amounts required for an admitted multiple line insurer in accordance with RCW 48.05.340 as now or hereafter amended, unless there is

on file with the commissioner a copy of a trust agreement, certified by the trustee, evidencing a subsisting trust deposit of not less than ~~((six hundred and fifty thousand dollars))~~ a like amount by such insurer with a bank or trust company in the United States, and which deposit is held for the protection of United States policyholders. The commissioner may, by rule and regulation, prescribe the terms under which the foregoing financial requirements may be waived in circumstances where insurance cannot be otherwise procured on risks located in this state.

(2) For any violation of this section the broker shall be fined not less than twenty-five dollars or more than two hundred and fifty dollars, his surplus line broker's license shall be revoked, and the broker may not again be so licensed within a period of two years thereafter.

Sec. 7. Section .17.06, chapter 79, Laws of 1947 as amended by section 9, chapter 303, Laws of 1955 and RCW 48.17.060 are each amended to read as follows:

(1) No person shall in this state act as or hold himself out to be an agent, broker, solicitor, or adjuster unless then licensed therefor by this state.

(2) No agent, solicitor, or broker shall solicit or take applications for, procure, or place for others any kind of insurance for which he is not then licensed.

(3) This section shall not apply with respect to any person securing and forwarding information required for the purposes of group ~~((insurance covering the unpaid balance, or remaining payments proposed to be made, in connection with the purchase of merchandise or securities, and where no commission or other compensation is payable on account of such insurance to such person))~~ credit life and credit disability insurance in connection with an extension of credit and such other credit life or disability insurance lines as the commissioner shall determine, and where no commission or other compensation is payable on account of the securing and forwarding of such information: PROVIDED, That the reimbursement of a creditor's actual expenses for securing and forwarding information required for the purposes of such group insurance shall not be considered a commission or other compensation if such reimbursement does not exceed three dollars per certificate issued, or in the case of a monthly premium plan extending beyond twelve months, not to exceed three dollars per loan transaction revision per year.

(4) Any person violating this section shall be liable to a fine of not to exceed five hundred dollars and imprisonment for not to exceed six months for each instance of such violation.

Sec. 8. Section .17.56, chapter 79, Laws of 1947 as amended by section 25, chapter 150, Laws of 1967 and RCW 48.17.560 are each amended to read as follows:

After hearing or upon stipulation by the licensee and in addition to or in lieu of the suspension, revocation, or refusal to renew any such license, the commissioner may levy a fine upon the licensee for each offense in amount not less than ~~((twenty-five))~~ fifty dollars and not more than ~~((two))~~ five hundred ~~((and fifty))~~ dollars, but in no case more than a total of ~~((five hundred))~~ one thousand dollars. The order levying such fine shall specify the period within which the fine shall be fully paid, and which period shall be not less than fifteen nor more than thirty days from the date of the order. Upon failure to pay any such fine when due, the commissioner shall revoke the licenses of the licensee if not already revoked, and

the fine shall be recovered in a civil action brought in behalf of the commissioner by the attorney general. Any fine so collected shall be paid by the commissioner to the state treasurer for the account of the general fund.

NEW SECTION. Sec. 9. There is added to chapter 48.20 RCW a new section to read as follows:

If a contract is issued on any basis other than as applied for, an indorsement setting forth such modification(s) must accompany and be attached to the policy; and no endorsement shall be effective unless signed by the policyowner, and a signed copy thereof returned to the insurer.

Sec. 10. Section 5, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.190 are each amended to read as follows:

RCW 48.21.160 through 48.21.190 and 48.44.240 as now or hereafter amended shall not apply to the renewal of a contract in force prior to the pertinent date provided for such contract under RCW 48.21.160 through 48.21.190 and 48.44.240 as now or hereafter amended where there exists a right of renewal on the part of the insured or subscriber without any change in any provision of the contract: PROVIDED FURTHER, That RCW 48.21.160 through 48.21.190 and 48.44.240 as now or hereafter amended shall not apply to contracts which provide only accident coverage, nor to any contract written as supplemental coverage to any federal or state programs of health care including, but not limited to, Title XVIII health insurance for the aged (commonly referred to as Medicare, Parts A and B), and amendments thereto.

Sec. 11. Section .24.03, chapter 79, Laws of 1947 as last amended by section 23, chapter 70, Laws of 1965 ex. sess. and RCW 48.24.030 are each amended to read as follows:

(1) Insurance under any group life insurance policy issued pursuant to RCW 48.24.020, or 48.24.050, or 48.24.060, or 48.24.070 or 48.24.090 may, if seventy-five percent of the then insured employees or labor union members or public employee association members or members of the Washington state patrol elect, be extended to insure the spouse and ((minor)) dependent children, or any class or classes thereof, of each such insured employee or member who so elects, in amounts in accordance with a plan which precludes individual selection by the employees or members or by the employer or labor union or trustee, and which insurance on the life of any one family member other than a spouse shall not be in excess of fifty percent of the insurance on the life of the insured employee or member or ((the amount shown in the schedule below, whichever is less:

<u>Age of family member at death</u>	<u>Maximum insurance</u>
Under 6 months	\$ 100
6 months and under 2 years	\$ 200
2 years and under 3 years	\$ 400
3 years and under 4 years	\$ 600
4 years and under 5 years	\$ 800
5 years and over	\$ 1,000))

two thousand dollars, whichever is less.

Insurance on the life of a spouse of an insured employee or member shall not exceed (~~one thousand dollars or~~) fifty percent of the amount of insurance on the life of the insured employee or member (~~(, whichever is less)~~).

Premiums for the insurance on such family members shall be paid by the policyholder, either from the employer's funds or funds contributed by him, trustee's funds, or labor union funds, and/or from funds contributed by the insured employees or members, or from both.

(2) Such a spouse insured pursuant to this section shall have the same conversion right as to the insurance on his or her life as is vested in the employee or member under this chapter.

Sec. 12. Section 6, chapter 229, Laws of 1951 as last amended by section 4, chapter 152, Laws of 1973 1st ex. sess. and RCW 48.20.052 are each amended to read as follows:

There shall be a provision as follows:

"TIME LIMIT ON CERTAIN DEFENSES: (a) After two years from the date of issue of this policy no misstatements except fraudulent misstatements, made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of such two year period."

(The foregoing policy provision shall not be so construed as to affect any legal requirement for avoidance of a policy or denial of a claim during such initial two year period, nor to limit the application of RCW 48.20.172, 48.20.182, 48.20.192, 48.20.202, and 48.20.212 in the event of misstatement with respect to age or occupation or other insurance.)

(A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (1) until at least age 50 or, (2) in the case of a policy issued after age 44, for at least five years from its date of issue, may contain in lieu of the foregoing the following provision (from which the clause in parentheses may be omitted at the insurer's option) under the caption "INCONTESTABLE":

"After this policy has been in force for a period of two years during the lifetime of the insured (excluding any period during which the insured is disabled), it shall become incontestable as to the statements contained in the application.")

"(b) No claim for loss incurred or disability (as defined in the policy) commencing after two years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy."

(More stringent provisions may be required by the commissioner in connection with individual disability policies sold without any application or with minimal applications.)

Sec. 13. Section 9, chapter 219, Laws of 1961 and RCW 48.34.090 are each amended to read as follows:

(1) All credit life insurance and credit accident and health insurance shall be evidenced by an individual policy, or in the case of group insurance by a certificate of insurance, which individual policy or group certificate of insurance shall be delivered to the debtor.

(2) Each individual policy or group certificate of credit life insurance, and/or credit accident and health insurance shall, in addition to other requirements of law, set forth the name and home office address of the insurer, the name or names of the debtor or in the case of a certificate under a group policy, the identity by name or otherwise of the debtor, the premium or amount of payment, if any, by the debtor separately for credit life insurance and credit accident and health insurance, a description of the coverage including the amount and term thereof, and any exceptions, limitations and restrictions, and shall state that the benefits shall be paid to the creditor to reduce or extinguish the unpaid indebtedness and, wherever the amount of insurance exceeds the unpaid indebtedness, that any such excess shall be payable to a beneficiary, other than the creditor, named by the debtor or to the debtor's estate. With respect to any policy issued after the effective date of this 1975 amendatory act, credit life insurance shall not be subject to any exceptions or reductions other than for fraud, or for suicide occurring within two years of the effective date of the insurance.

(3) The individual policy or group certificate of insurance shall be delivered to the insured debtor at the time the indebtedness is incurred except as provided in subsections (4) and (5).

(4) If such individual policy or group certificate of insurance is not delivered to the debtor at the time the indebtedness is incurred, a copy of the application for such policy or a notice of proposed insurance, signed by the debtor and setting forth the name and home office address of the insurer; the name or names of the debtor; the premium or amount of payment by the debtor, if any, separately for credit life insurance and credit accident and health insurance; the amount, term and a brief description of the coverage provided, shall be delivered to the debtor at the time such indebtedness is incurred. The copy of the application for, or notice of proposed insurance, shall also refer exclusively to insurance coverage, and shall be separate and apart from the loan, sale or other credit statement of account, instrument, or agreement, or the application for any such loan, sale or credit, unless the information required by this subsection is prominently set forth therein under a descriptive heading which shall be underlined and printed in capital letters. Upon acceptance of the insurance by the insurer and within thirty days of the date upon which the indebtedness is incurred, the insurer shall cause the individual policy or group certificate of insurance to be delivered to the debtor. The application or notice of proposed insurance shall state that upon acceptance by the insurer, the insurance shall become effective as provided in RCW 48.34.080.

(5) If the named insurer does not accept the risk, then the debtor shall receive a policy or certificate of insurance setting forth the name and home office address of the substituted insurer and the amount of the premium to be charged, and if the amount of premium is less than that set forth in the notice of proposed insurance an appropriate refund shall be made.

Sec. 14. Section 4, chapter 119, Laws of 1974 ex. sess. and RCW 48.44.240 are each amended to read as follows:

Each group contract for health care services which is entered into, or renewed, on or after (~~January 1, 1975~~) the effective date of this 1975 amendatory act between a health care service contractor and the person or persons to receive such care shall contain provisions providing benefits for the treatment of alcoholism rendered to such person or persons by an alcoholic treatment facility which is an "approved treatment facility" under RCW 70.96A.020(2).

NEW SECTION. Sec. 15. The purpose of sections 14 through 18 of this 1975 amendatory act is to provide reasonable standardization and simplification of terms and coverages of individual disability insurance policies to facilitate public understanding and comparison, to eliminate provisions contained in individual disability insurance policies which may be misleading or unreasonably confusing in connection either with the purchase of such coverages or with the settlement of claims, and to provide for full disclosure in the sale of disability coverages.

NEW SECTION. Sec. 16. There is added to chapter 48.20 RCW a new section to read as follows:

The commissioner shall issue regulations to establish specific standards, including standards of full and fair disclosure, that set forth the manner, content, and required disclosure for the sale of individual policies of disability insurance which shall be in addition to and in accordance with applicable laws of this state, including RCW 48.20.032, which may cover but shall not be limited to:

- (1) Terms of renewability;
- (2) Initial and subsequent conditions of eligibility;
- (3) Nonduplication of coverage provisions;
- (4) Coverage of dependents;
- (5) Preexisting conditions;
- (6) Termination of insurance;
- (7) Probationary periods;
- (8) Limitations;
- (9) Exceptions;
- (10) Reductions;
- (11) Elimination periods;
- (12) Requirements for replacement;
- (13) Recurrent conditions; and

(14) The definition of terms including but not limited to the following: Hospital, accident, sickness, injury, physician, accidental means, total disability, partial disability, nervous disorder, guaranteed renewable, and noncancellable.

NEW SECTION. Sec. 17. There is added to chapter 48.20 RCW a new section to read as follows:

(1) The commissioner shall issue regulations to establish minimum standards for benefits under each of the following categories of coverage in individual policies, other than conversion policies issued pursuant to a contractual conversion privilege under a group policy, of disability insurance:

- (a) Basic hospital expense coverage;
- (b) Basic medical-surgical expense coverage;

- (c) Hospital confinement indemnity coverage;
- (d) Major medical expense coverage;
- (e) Disability income protection coverage;
- (f) Accident only coverage; and
- (g) Specified disease or specified accident coverage.

(2) Nothing in this section shall preclude the issuance of any policy which combines two or more of the categories of coverage enumerated in items (a) through (f) of subsection (1) of this section.

(3) No policy shall be delivered or issued for delivery in this state which does not meet the prescribed minimum standards for the categories of coverage listed in items (a) through (g) of subsection (1) of this section, unless the commissioner finds such policy will be in the public interest and such policy meets the requirements set forth in RCW 48.18.110.

(4) The commissioner shall prescribe the method of identification of policies based upon coverages provided.

NEW SECTION. Sec. 18. There is added to chapter 48.20 RCW a new section to read as follows:

(1) No policy of individual disability insurance shall be delivered or issued for delivery in this state unless an outline of coverage described in subsection (2) of this section is furnished to the applicant in accord with such rules or regulations as the commissioner shall prescribe.

(2) The commissioner shall prescribe the format and content of the outline of coverage required by subsection (1) of this section. "Format" means style, arrangement, and overall appearance, including such items as the size, color, and prominence of type and the arrangement of text and captions. Such outline of coverage shall include:

(a) A statement identifying the applicable category or categories of coverage provided by the policy as prescribed in section 15 of this 1975 act;

(b) A description of the principal benefits and coverage provided in the policy;

(c) A statement of the exceptions, reductions and limitations contained in the policy;

(d) A statement of the renewal provisions including any reservation by the insurer of a right to change premiums; and

(e) A statement that the outline is a summary of the policy issued or applied for and that the policy should be consulted to determine governing contractual provisions.

NEW SECTION. Sec. 19. There is added to chapter 48.20 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 48.20.052, if an insurer elects to use a simplified application form, with or without a question as to the applicant's health at the time of application, but without any questions concerning the insured's health history or medical treatment history, the policy must cover any loss occurring after twelve months from any preexisting condition not specifically excluded from coverage by terms of the policy, and, except as so provided, the policy shall not include wording that would permit a defense based upon preexisting conditions.

NEW SECTION. Sec. 20. There is added to chapter 48.21 RCW a new section to read as follows:

(1) No group disability insurance policy which provides benefits for hospital, medical, or surgical expenses shall be delivered or issued for delivery in this state after the effective date of this 1975 act which contains any provision whereby the insurer may reduce or refuse to pay such benefits otherwise payable thereunder solely on account of the existence of similar benefits provided under any individual disability insurance policy, or under any individual health care service contract.

(2) No group disability insurance policy providing hospital, medical or surgical expense benefits and which contains a provision for the reduction of benefits otherwise payable thereunder on the basis of other existing coverages, shall provide that such reduction will operate to reduce total benefits payable below an amount equal to one hundred percent of total allowable expenses. The commissioner shall by rule establish guidelines for the application of this section, including: (a) The procedures by which persons insured under such policies are to be made aware of the existence of such a provision; (b) the benefits which may be subject to such a provision; (c) the effect of such a provision on the benefits provided; (d) establishment of the order of benefit determination; and (e) reasonable claim administration procedures to expedite claim payments under such a provision.

(3) The provisions of this section shall apply to health care service contractor contracts.

NEW SECTION. Sec. 21. If any provision of this 1975 amendatory 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 4, 1975.

Approved by the Governor June 30, 1975.

Filed in Office of Secretary of State June 30, 1975.

CHAPTER 267

[House Bill No. 587]

DUWAMISH WATERWAY CROSSING STUDY—APPROPRIATION

AN ACT Relating to transportation development; creating new sections; making an appropriation; providing an effective date; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature hereby recognizes that the well being of Washington citizens depends upon a sound and viable economic base; that the state of Washington is significantly involved in the maritime industry; that the Seattle area is an important contributor to the state's economy, and that the location of additional maritime and related industry in the Seattle area is desirable.

The legislature also recognizes that the lower Duwamish waterway in Seattle represents a high potential for increased maritime activity and resulting employment opportunities.

NEW SECTION. Sec. 2. There is hereby appropriated to the Washington State Highway Commission the sum of \$150,000, or as much thereof as may be necessary, from the Motor Vehicle Fund to study the following issues regarding the proposed improved crossing of the Duwamish waterway to West Seattle;

(1) Feasibility of placing the corridor currently identified as the West Seattle freeway corridor, connecting West Seattle to Interstate 5, on the state highway system.

(2) Evaluation of existing studies regarding the proposed high-level crossings of the Duwamish waterway, or conduct additional studies as the commission deems appropriate, to determine the approximate amount of funds required for the construction of a high-level crossing of the Duwamish waterway.

(3) Identification of the principal groups or agencies benefiting from the construction of a high-level crossing of the Duwamish waterway and alternative methods of permitting such groups to participate in project costs including, but not limited to, user tolls or local improvement district assessments.

(4) Identification and analysis of sources of federal, state, and local revenues that may be available for transportation or economic development purposes that could be utilized for such high-level crossing.

(5) Recommended changes in legislation to permit the expeditious design and construction of such high-level crossing upon receipt of funding.

(6) Recommendation of an appropriate agency to administer the design and construction of such crossing.

The highway commission shall report its finding and recommendations to the House and Senate transportation and utilities committees not later than July 1, 1976.

NEW SECTION. Sec. 3. The Washington State Highway Commission shall be advised in its study of the West Seattle freeway corridor, provided for in Section 2 of the 1975 act, by, but not limited to, the chief executive, or his designee, of the Port of Seattle, the Washington State Department of Commerce and Economic Development, the municipality of metropolitan Seattle, and the city of Seattle and such other persons, jurisdictions and agencies affected by the future development of the project as the commission deems appropriate.

NEW SECTION. Sec. 4. Urban arterial trust funds initially authorized by the state urban arterial board in the 1967-69 biennium for specific projects in cities over 300,000 population, as last determined by the office of program planning and fiscal management, shall remain obligated to such projects for the period through June 30, 1977 unless such project is earlier withdrawn or abandoned by the sponsoring city. This continued obligation of urban arterial trust funds shall be terminated for any project if the sponsoring city earlier provides written notice of withdrawal or abandonment of the project to the urban arterial board or if the city acts to expend any other funds, exclusive of the required matching funds, which have heretofore been allocated or set aside to pay a part of the costs of such project.

After the effective date of this 1975 amendatory act, no additional urban arterial trust funds shall be expended for conceptual or feasibility studies of any project initially authorized prior to June 30, 1969 in a city of over 300,000 population, but such limitation shall not apply to the cost of preparing final plans, specifications and estimates or other contract documents required to advertise the project for competitive bids for its construction.

NEW SECTION. Sec. 5. This 1975 amendatory 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 8, 1975.

Passed the Senate June 7, 1975.

Approved by the Governor June 30, 1975.

Filed in Office of Secretary of State June 30, 1975.

CHAPTER 268

[Substitute House Bill No. 860]

LEGISLATIVE TRANSPORTATION STUDIES

AN ACT Relating to transportation studies; amending section 36, chapter 3, Laws of 1963 ex. sess. and RCW 44.40.020; amending section 39, chapter 3, Laws of 1963 ex. sess. as amended by section 4, chapter 195, Laws of 1971 ex. sess. and RCW 44.40.040; amending section 3, chapter 210, Laws of 1973 1st ex. sess. and RCW 44.40.100; amending section 4, chapter 210, Laws of 1973 1st ex. sess. as amended by section 1, chapter 2, Laws of 1975 and RCW 44.40.110; adding new sections to chapter 44.40 RCW; creating new sections; repealing section 8, chapter 85, Laws of 1970 ex. sess., section 18, chapter 195, Laws of 1971 ex. sess. and RCW 44.40.026; repealing section 19, chapter 195, Laws of 1971 ex. sess. and RCW 44.40.060; repealing section 5, chapter 210, Laws of 1973 1st ex. sess. (uncodified); repealing section 6, chapter 210, Laws of 1973 1st ex. sess. (uncodified); and repealing section 7, chapter 210, Laws of 1973 1st ex. sess. (uncodified); making appropriations; and declaring an emergency.

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

Section 1. Section 36, chapter 3, Laws of 1963 ex. sess. and RCW 44.40.020 are each amended to read as follows:

The committee is authorized and directed to continue its studies and for that purpose shall have the powers set forth in chapter 111, Laws of 1947. The committee is further authorized to make studies related to bills assigned to the house and senate transportation and utilities committees and such other studies as provided by law. The executive committee of the committee may assign responsibility for all or part of the conduct of studies to the house and/or senate transportation and utilities committees.

NEW SECTION. Sec. 2. There is added to chapter 44.40 RCW a new section to read as follows:

The house and senate transportation and utilities committees shall periodically review the six-year comprehensive plans submitted by cities and counties for expenditures for bicycle, pedestrian, and equestrian facilities prepared pursuant to chapter ____ (Senate Bill No. 2348), Laws of 1975 1st ex. sess.

Sec. 3. Section 39, chapter 3, Laws of 1963 ex. sess. as amended by section 4, chapter 195, Laws of 1971 ex. sess. and RCW 44.40.040 are each amended to read as follows:

The members of the legislative transportation committee and the house and senate transportation and utilities committees shall receive allowances while attending meetings of the committees or subcommittees and while engaged in other authorized business of the committees as provided in RCW 44.04.120. All expenses incurred by the committee, and the house and senate transportation and utilities committees, including salaries of employees of the legislative transportation committee, shall be paid upon voucher forms as provided by the office of program planning and fiscal management and signed by the chairman or vice chairman or authorized designee of the chairman of the committee (~~and attested by the secretary of the committee~~), and the authority of said chairman or vice chairman (~~and secretary~~) to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee.

NEW SECTION. Sec. 4. The legislative transportation committee is authorized to conduct the following studies and such other related studies as it deems appropriate, may employ consultants, and shall report findings and recommendations, as appropriate, to the legislature during or prior to the 1977 regular legislative session:

(1) A comprehensive review of state and national needs studies, and of state, urban arterial, and other functional classification of highways, streets, and roads for the purpose of evaluating the consolidation of needs studies and functional classification systems. The studies shall make use of previous applicable studies and shall make a progress report of findings and recommendations of said evaluation plus a defined scope of work to implement changes required to make the consolidation, if such consolidation is deemed appropriate, to the 1976 legislative session;

(2) Reevaluation of the necessity for state regulation of common and contract carriers, log carriers, dump truck operators, and agricultural product carriers;

(3) Establishing and assisting in the planning, programming, and implementation of an intermodal transportation center which would utilize existing structures on the national register of historic buildings or appropriate alternatives, including, but not limited to, the development of master site plans and building programs and necessary studies which would enhance the interrelationship of all transportation needs and modes;

(4) Alternatives to comply with vehicle safety inspection requirements and vehicle emission standards, taking into consideration cost effectiveness, correlation with accidents caused by mechanical failure, health hazards inherent in vehicle exhaust, and federal penalties for noncompliance;

(5) Determination of the extent of use fuel tax evasion and alternative methods in addition to dye marking to avoid such evasion;

(6) Review of federal and state laws relative to regulation of mobile homes, specifically in relation to consumer protection, and consideration combining such regulations and administration into a single agency;

(7) In cooperation with the department of motor vehicles and the department of revenue analyze alternative methods of determining fair market values and depreciation schedules as an equitable basis for determining vehicle excise tax. Recommendations for changes as appropriate should be submitted to the 1976 legislative session;

(8) In cooperation with the trident transportation regional technical advisory committee evaluate the impact of the trident development upon transportation and related facilities and services in Kitsap and adjacent counties;

(9) As part of size and weight fee schedule alternatives to be developed in conjunction with the transportation tax study include necessary statutory revisions to reflect changes in federal truck size and weight regulations, a draft of said alternatives to be prepared for consideration at the next reconvening of the forty-fourth legislative session following August 31, 1975;

(10) In cooperation with the department of highways conduct an extension study of the Horn Rapids road from Kiona to Richland via Benton City, taking into consideration seasonal traffic variations;

(11) Evaluate the international registration plan for commercial interstate vehicles with respect to its applicability to the state of Washington;

(12) The interrelationship of highway and railroad facilities with respect to the potential of shifting automobile and passenger traffic to rail facilities for the purpose of decreasing the demands for highway facilities, including inventory of existing railroad facilities for future potential and preliminary feasibility of contracting with Amtrak for intrastate service;

(13) Adequacy and effectiveness of traffic and regulatory fines and penalties as deterrents to repeated offenses;

(14) Design project to demonstrate the application of economic pricing as a means of making more efficient use of highways;

(15) A comprehensive review and analysis of alternative means of funding the installation of emergency traffic lights at fire district stations;

(16) A comprehensive review of provisions of the pilotage act;

(17) Review of respective roles of the Washington utilities and transportation commission and the department of labor and industries with respect to railroad safety regulations;

(18) Impact of elimination of on-street parking on state-numbered routes upon construction needs, traffic flow, and safety;

(19) A comprehensive analysis of traffic patterns and services exemplified by the state ferry system, taking into consideration previous studies and patron interests, and with the intent of determining methods for encouraging more nonpeak usage and federal urban mass transportation support for programs aimed at increasing passenger usage;

(20) A comprehensive review and evaluation of the Washington habitual traffic offender's act;

(21) A review and analysis of the interrelationship of state and federal laws and regulations with respect to administrating federal programs within the state, including but not limited to laws affecting right-of-way and environmental protection, considering alternatives of decentralization of administration and supervision to the state;

(22) Analysis of objectives and goals, criteria to determine manpower levels, and relationships of alternative manpower levels to output and service level indicators of the State Patrol;

(23) An update review of needs, programs, and funding relative to railroad grade crossing protection;

(24) In cooperation with the department of highways review the landscaping practices along state highways;

(25) A review of driver licensing procedures, in general, and the feasibility of lengthening the license period taking into consideration safety, administrative costs, and revenue flow;

(26) A comprehensive review and evaluation of rest stops and their management on the state's interstate system with respect to the adequacy of facilities provided to users and including the desirability of demonstration projects for the alternative treatment and handling of solid wastes in an economical and ecologically efficient manner;

(27) In cooperation with the Washington state highway commission, develop and evaluate short and long-range alternative plans for implementation of a passenger-only ferry service as a major component of the total cross-Sound ferry system. The combined system shall provide a water transportation system integrated with existing and future land transportation systems.

Consideration during the development and evaluation of alternative plans shall include, but not necessarily be limited to, the following:

(a) Passenger-only vessels ranging from conventional displacement vessels to sophisticated advance marine systems craft;

(b) The impact of passenger-only vessels on assignment of existing vehicular vessels and the impact on future vehicular vessel needs;

(c) An analysis to identify and determine the financial impact of new markets that can be served by passenger-only vessels;

(d) Relative economic impact on the state and region, the ferry patrons, and the residents of the areas served by the ferry system;

(e) The cost of construction and a time schedule for implementing a combined system;

(f) Fixed facilities for the accommodation and movement of foot passengers including parking lots and landing facilities for the vessels;

(g) Impact of the short and long-range alternative plans on existing and future land transportation systems;

(h) Short and long-term financial impact on the operations and capital improvements of the existing system;

(i) Identification of alternative funding sources and methods of financing construction, operation, and maintenance of a combined system including revenue bonds, contribution from the motor vehicle fund and federal-aid assistance;

(j) Public involvement;

(k) New or relocation of terminals and ferry routes;

(l) Restrictions and limitations imposed upon the ferry system by existing federal and state statutes and the governing bond resolution;

(m) Utilization of all existing surveys, reports, and data available concerning cross-Sound transportation.

A final report incorporating the findings and recommendations of the legislative transportation committee and the state highway commission shall be accomplished by December 1, 1975, and presented to the next session of the legislature.

(28) A review of policies relative to providing reasonably safe bicycle traveling facilities adjacent to or in conjunction with public highways, in general, and on bridges and structures, in particular.

NEW SECTION. Sec. 5. There is added to chapter 44.40 RCW a new section to read as follows:

The senate and house transportation and utilities committees and the department of highways are authorized to conduct the following studies and to employ the services of consultants as deemed necessary:

(1) Develop policies and guidelines for biennial state highway commission review of highways with respect to whether sections should be added to or deleted from the state highway system. Said study shall include reevaluation of all designated routes, whether or not constructed with recommendations on specific routes whose statutory designation as state routes should be reaffirmed;

(2) In conjunction with the department of motor vehicles, the Washington state patrol, and political subdivisions, develop procedures and systems to collect and more effectively utilize comprehensive mileage, weight, and weight control enforcement information as bases for design, cost allocation determination, enforcement, and other appropriate purposes;

(3) In cooperation with appropriate agencies, evaluate studies conducted by other states, the federal government, other countries, and industry, for the purpose of identifying potentially effective techniques to increase vehicle occupancy of the traveling public in general, and of state employees in particular. Design and implement a demonstration project, as appropriate.

There is hereby appropriated from the motor vehicle fund the sum of five hundred thousand dollars or so much thereof as may be necessary to carry out the provisions of this section. Recommendations and/or legislation, as appropriate, shall be submitted to the legislature and/or agencies.

NEW SECTION. Sec. 6. There is added to chapter 44.40 RCW a new section to read as follows:

The senate and house transportation and utilities committees are authorized to undertake a study of third level air carrier regulations including, but not limited to the following items: Route certification, guaranteed levels of service, air fare standardization, and total taxing structure.

There is hereby appropriated from the aeronautics account of the general fund for the biennium ending June 30, 1977, the sum of five thousand dollars for the purposes of this section. Recommendations and legislation, as appropriate, shall be made to the legislature.

Sec. 7. Section 3, chapter 210, Laws of 1973 1st ex. sess. and RCW 44.40.100 are each amended to read as follows:

The legislative transportation committee and/or the senate and house transportation and utilities committees may enter into contracts on behalf of the state to carry out the purposes of this ~~((1973))~~ 1975 act and chapter 44.40 RCW; and it or they may act for the state in the initiation of or participation in any

multigovernmental program relative to transportation planning or programming; and it or they may enter into contracts to receive federal or other funds, grants, or gifts to carry out said purposes and to be used in preference to or in combination with state funds. When federal or other funds are received, they shall be deposited with the state treasurer and thereafter expended only upon approval by the committee or committees.

Sec. 8. Section 4, chapter 210, Laws of 1973 1st ex. sess. as amended by section 1, chapter 2, Laws of 1975 and RCW 44.40.110 are each amended to read as follows:

The senate and house transportation and utilities committees are authorized to undertake a review of the total taxing structure for transportation programs and activities including:

(1) Alternative methods of taxing fuels and establishing license and road use fees;

(2) And the equity of the taxing structure, including but not limited to motor vehicle tonnage and excise taxes, between various classes of vehicles and users.

Said study shall be divided into two phases, a preliminary phase for the purpose of specifically defining the scope and guidelines of the study, and the major study phase for the conduct of the detailed study work.

The committees are authorized to employ a consultant to conduct the study and cooperate with state and federal government agencies in the conduct of said study.

The findings and recommendations of the study shall be submitted to the legislature prior to June 30, ~~((1975))~~ 1977.

There is hereby ~~((appropriated))~~ reappropriated from the motor vehicle fund the sum of ~~((five hundred))~~ two hundred fifty thousand dollars or so much thereof as may be necessary to conduct the study as originally authorized by section 4, chapter 210, Laws of 1973 1st ex. sess.: PROVIDED, That no expenditure authorized by this section shall exceed the unexpended balance of the original appropriation as of June 30, 1975. ~~((The committees are directed to seek federal participation and are authorized to receive federal funds for said purpose.))~~

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:
(1) Section 8, chapter 85, Laws of 1970 ex. sess., section 18, chapter 195, Laws of 1971 ex. sess. and RCW 44.40.026;

(2) Section 19, chapter 195, Laws of 1971 ex. sess. and RCW 44.40.060;

(3) Section 5, chapter 210, Laws of 1973 1st ex. sess. (uncodified);

(4) Section 6, chapter 210, Laws of 1973 1st ex. sess. (uncodified); and

(5) Section 7, chapter 210, Laws of 1973 1st ex. sess. (uncodified).

NEW SECTION. Sec. 10. This 1975 amendatory 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 7, 1975.

Passed the Senate June 6, 1975.

Approved by the Governor June 30, 1975.

Filed in Office of the Secretary of State June 30, 1975.

CHAPTER 269

[Substitute House Bill No. 866]

STATE BUDGET

AN ACT Adopting the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1975, and ending June 30, 1977; making other appropriations; designating effective dates for certain appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. A budget is hereby adopted and subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, other expenses of the agencies and officers of the state, and for other specified purposes for the fiscal biennium beginning July 1, 1975, and ending June 30, 1977, except as otherwise provided, out of the several funds of the state hereinafter named.

NEW SECTION. Sec. 2. FOR THE LEGISLATURE

General Fund Appropriation	\$	2,563,000
Total Appropriation	\$	2,563,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) \$7,500 for the senate ethics committee.
- (2) \$7,500 for the house ethics committee.
- (3) \$10,000 for Western Forest Practices Task Force.
- (4) \$542,000 for data base operation and staffing.
- (5) \$1,006,000 for the accounting system and central data base modification.
- (6) \$990,000 for special projects and studies, including, but not limited to, special fiscal audit surveys, energy research, hazardous wastes, economic development, civil service position control, pension studies, and common school financing.

NEW SECTION. Sec. 3. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation	\$	741,915
Total Appropriation	\$	741,915

NEW SECTION. Sec. 4. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation	\$	2,428,726
Total Appropriation	\$	2,428,726

NEW SECTION. Sec. 5. FOR THE SUPREME COURT

General Fund Appropriation	\$	2,747,967
Total Appropriation	\$	2,747,967

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$399,115 shall be expended for expenses incurred in perfecting appellate review of indigent cases.

NEW SECTION. Sec. 6. FOR THE LAW LIBRARY

General Fund Appropriation	\$	807,639
Total Appropriation	\$	807,639

NEW SECTION. Sec. 7. FOR THE COURT OF APPEALS

General Fund Appropriation	\$	2,571,699
Total Appropriation	\$	2,571,699

The appropriation contained in this section shall be subject to the following condition or limitation: \$15,000 may be expended for the purpose of determining an appropriate site to construct a facility for Division I of the court and priority consideration shall be given to a site adjacent to the University of Washington School of Law.

NEW SECTION. Sec. 8. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation—State	\$	4,929,944
General Fund Appropriation—Federal	\$	170,912
Total Appropriation	\$	5,100,856

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$50,000 shall be expended for criminal cost bills, including prior claims.
- (2) Not more than \$25,000 shall be expended for obligations incurred during the 1973–75 biennium.
- (3) Not more than \$74,560 shall be expended for judges pro tem for the superior courts and the administrator for the courts shall authorize and approve all such expenditures.
- (4) \$3,641,992 for superior court judges.
- (5) \$659,380 for judges' retirement fund contributions in accordance with RCW 2.12.060.

NEW SECTION. Sec. 9. FOR THE JUDICIAL COUNCIL

General Fund Appropriation	\$	166,204
Total Appropriation	\$	166,204

NEW SECTION. Sec. 10. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation	\$	1,661,691
Total Appropriation	\$	1,661,691

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) \$1,358,293 for executive operations.
- (2) \$20,000 for investigation and emergency purposes to be distributed on vouchers approved by the governor.
- (3) \$190,690 for extradition expenses to carry out the provisions of RCW 10.34.030 providing for the return of fugitives when approved by the governor, including prior claims and for legal services as determined by the attorney general.
- (4) \$92,708 for mansion maintenance.

*NEW SECTION. Sec. 11. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation—State	\$	105,640,918
General Fund Appropriation—Federal	\$	12,962,742
Special Fund Salary Increase Revolving Fund Approp- riation	\$	41,087,810
Total Appropriation	\$	159,691,470

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$630,000 for the governor's emergency fund to be allocated for the purpose of carrying out the critically necessary work of any agency.

(2) Not more than \$700,000 may be allotted by the governor for survey and installation purposes.

(3) \$20,000 for the Interstate Nuclear Compact.

(4) \$2,000 for the Advisory Commission on Intergovernmental Relations.

(5) \$100,340 for the Council on State Governments.

(6) \$60,000 for Governor's Transition.

(7) \$75,000 for the National Guard Association Conference.

(8) Not more than \$117,016,320 in general fund moneys (including \$12,962,742 in federal funds) shall be expended for continuation during the 1975-77 biennium of the salary increases which were granted effective March 1, 1975 pursuant to section 2, chapter 9, Laws of 1975 to state classified and higher education classified employees, state employees exempt from the classified service, faculty and exempt employees of the four year units of higher education and the community college system, excluding student employees not under the jurisdiction of the state personnel board or higher education personnel board classification systems, and commissioned members of the Washington state patrol. Such salary increase funds include increments, or their equivalent, that may be granted by the individual institutions of higher education.

(9) Not more than \$41,087,810 in Special Fund Salary Increase Revolving Fund moneys shall be expended for continuation during the 1975-77 biennium of the salary increases granted pursuant to section 2, chapter 9, Laws of 1975, and to facilitate payment of such increases the state treasurer is hereby directed to transfer sufficient revenue from each special fund to the Special Fund Salary Increase Revolving Fund, in accordance with schedules provided by the office of program planning and fiscal management.

(10) *It is the intent of the legislature that no funds contained in the appropriations made by this section shall be expended for Alternatives for Washington purposes.*

*Sec. 11. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 12. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation	\$	102,434
Total Appropriation	\$	102,434

NEW SECTION. Sec. 13. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	472,112
Total Appropriation	\$	472,112

NEW SECTION. Sec. 14. FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	2,109,690
Total Appropriation	\$	2,109,690

The appropriation contained in this section shall be subject to the following condition or limitation: \$540,000 shall be expended exclusively for support of the initiative and referendum program.

NEW SECTION. Sec. 15. FOR THE GOVERNOR'S INDIAN ADVISORY COUNCIL

General Fund Appropriation	\$	199,664
Total Appropriation	\$	199,664

NEW SECTION. Sec. 16. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation	\$	90,436
Total Appropriation	\$	90,436

NEW SECTION. Sec. 17. FOR THE WASHINGTON STATE WOMEN'S COUNCIL

General Fund Appropriation	\$	77,000
Total Appropriation	\$	77,000

NEW SECTION. Sec. 18. FOR THE STATE TREASURER

General Fund—Investment Reserve Account Appropriation	\$	743,011
Motor Vehicle Fund Appropriation	\$	21,803
State Treasurer's Service Fund Appropriation	\$	1,615,622
War Veterans' Compensation Fund Appropriation	\$	91,692
War Veterans' Compensation Fund Reappropriation	\$	1,142,000
Total Appropriation and Reappropriation	\$	3,614,128

The appropriations and reappropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$44,347 from the war veterans' compensation fund appropriation shall be expended for administration of the Vietnam Bonus Act if chapter ..., Laws of 1975 1st ex. sess. (SSB 2965 or similar legislation), which extends the application date for such bonus for one year, is not enacted into law.

(2) The war veterans' compensation fund reappropriation shall be expended exclusively for Vietnam bonus payments as provided in chapter 173, Laws of 1974 ex. sess. Only \$400,000 or so much thereof as may be necessary of such reappropriation shall be expended for Vietnam bonus payments if chapter ..., Laws of 1975 1st ex. sess. (SSB 2965 or similar legislation), which extends the application date for such bonus for one year, is not enacted into law.

NEW SECTION. Sec. 19. FOR THE STATE AUDITOR

General Fund Appropriation	\$	3,802,272
Motor Vehicle Fund Appropriation	\$	149,980
Total Appropriation	\$	3,952,252

The appropriations contained in this section shall be subject to the following condition or limitation: It is the intent of the legislature that the legal costs incurred by the attorney general to insure compliance with the findings of the state

auditor in state agency audits shall be charged to the agency that received the audit.

NEW SECTION. Sec. 20. FOR THE ATTORNEY GENERAL

General Fund Appropriation	\$	1,719,588
Legal Services Revolving Fund Appropriation	\$	8,640,579
Total Appropriation	\$	10,360,167

***NEW SECTION. Sec. 21. FOR THE OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT**

General Fund Appropriation	\$	5,550,303
Total Appropriation	\$	5,550,303

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) \$4,950,303 for operations.
- (2) Not more than \$400,000 shall be expended for supplies and services furnished in previous biennia. Allocations shall be made to state agencies in accordance with instructions from OPP&FM.
- (3) Not more than \$200,000 shall be expended for payment of assessments against state owned lands.
- (4) *It is the intent of the legislature that state funds in the amount of \$248,000 included in state agency budgets for state magazine purposes in the 1975-77 biennium shall be reverted to the state general fund through the office of program planning and fiscal management's allotment process.*

***Sec. 21. was partially vetoed, see message at end of chapter.**

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF PERSONNEL

General Fund Appropriation	\$	10,000
Personnel Service Revolving Fund—State	\$	5,636,683
Personnel Service Revolving Fund—Federal	\$	1,409,000
State Employees' Insurance Fund	\$	589,273
Total Appropriation	\$	7,644,956

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) \$10,000 for payments of Employee Suggestion Awards.
- (2) Not more than \$5,636,683 of the personnel service revolving fund appropriation shall be from state funds.
- (3) \$82,474 of the personnel service revolving fund appropriation shall be reimbursable from the department of social and health services for the biennial costs of the department of personnel state employees' alcoholism program established in accordance with RCW 70.96A.080.
- (4) \$479,236 of the personnel service revolving fund appropriation shall be expended by the department of personnel to administer, maintain, and operate a central automated personnel/payroll system which is hereby authorized. To facilitate proper distribution of costs, the department of personnel is authorized to utilize the data processing revolving fund created by RCW 43.105.080: PROVIDED, That the staff of the data processing service center engaged in payroll data control and payroll data entry, along with such records, files, data, materials, equipment,

supplies, and other assets as are directly associated with their function shall be transferred, effective October 1, 1975, to the department of personnel.

(5) All expenses of the state employees' insurance board shall be paid from the state employees' insurance fund.

NEW SECTION. Sec. 23. FOR THE CAPITOL COMMITTEE

General Fund—Capitol Building Construction Ac-	
count Appropriation	\$ 20,000
Total Appropriation	\$ 20,000

NEW SECTION. Sec. 24. FOR THE DATA PROCESSING AUTHORITY

General Fund Appropriation	\$ 2,803,599
General Fund—Resource Management Cost Ac-	
count Appropriation	\$ 100,000
Accident Fund Appropriation	\$ 10,000
Medical Aid Appropriation	\$ 10,000
Motor Vehicle Fund Appropriation	\$ 175,000
Total Appropriation	\$ 3,098,599

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$1,400,000 of the \$2,803,599 general fund appropriation contained in this section shall be transferred to the data processing revolving fund and expended for the purchase of equipment necessary to establish service centers in accordance with consolidation plans.

(2) \$593,099 of the \$2,803,599 general fund appropriation contained in this section shall be expended to assist agencies in transferring to a consolidated data processing environment.

(3) The resource management cost account appropriation, accident fund appropriation, Medical Aid Appropriation, and motor vehicle fund appropriation contained in this section shall be expended to assist agencies in transferring to a consolidated data processing environment.

(4) It is the intent of the legislature that additional transitional costs related to the consolidation plan in excess of those provided for by the appropriations contained in this section shall be considered upon justification therefor.

NEW SECTION. Sec. 25. FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS

General Fund Appropriation	\$ 88,687
Total Appropriation	\$ 88,687

NEW SECTION. Sec. 26. FOR THE WASHINGTON PUBLIC EMPLOYEES' RETIREMENT SYSTEM

General Fund Appropriation	\$ 79,809,101
Retirement System Expense Fund Appropriation	\$ 2,543,802
Total Appropriation	\$ 82,352,903

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$2,134,381 of the retirement system expense fund appropriation contained in this section shall be expended for administration of the Washington public employees' retirement system.

(2) Not more than \$409,421 of the retirement system expense fund appropriation contained in this section shall be expended for administration of the Law Enforcement Officers' and Fire Fighters' Retirement System. The board shall fix the rate charged to employer units of the LEOFF system at a level sufficient to provide income to the retirement system expense fund in the 1975-77 biennium equal to the amount appropriated by this subsection.

(3) \$37,965 of the general fund appropriation contained in this section shall be expended for the administrative expenses of the judicial retirement system.

(4) \$79,500,000 of the general fund appropriation contained in this section shall be expended for contributions to the LEOFF system.

(5) \$271,136 of the general fund appropriation contained in this section shall be expended for contributions to the judicial retirement system.

NEW SECTION. Sec. 27. FOR THE FINANCE COMMITTEE

General Fund—Investment Reserve Account Appropria-

tion	\$	526,039
Total Appropriation	\$	526,039

The appropriation contained in this section shall be subject to the following condition or limitation: The committee shall assume full responsibility for the investment management of the state trust and retirement funds and the additional staff necessary for such assumption shall be subject to the development of a contract (or contracts) for the reimbursement of such services from the state trust and retirement funds.

*NEW SECTION. Sec. 28. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$	19,970,898
State Timber Reserve Fund Appropriation	\$	1,480,732
Total Appropriation	\$	21,451,630

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Audit coverage of all tax returns shall be increased from 15% to 17%.

(2) *Audit coverage of timber tax returns shall be accomplished by the current audit staff of the department without an increase in FTE staff years. Audit costs attributable to the timber tax are to be credited against the appropriation from the State Timber Reserve Fund.*

(3) Twelve positions (20 FTE's) shall be added to the current staff of 19 (38 FTE's) for improvement of the administration of the timber tax including stumpage and land valuation.

*Sec. 28. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 29. FOR THE TAX APPEALS BOARD

General Fund Appropriation	\$	600,881
Total Appropriation	\$	600,881

NEW SECTION. Sec. 30. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation	\$	735,000
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Total Appropriation	\$	735,000
NEW SECTION. Sec. 31. FOR THE UNIFORM LEGISLATION COMMISSION		
General Fund Appropriation	\$	15,826
Total Appropriation	\$	15,826
*NEW SECTION. Sec. 32. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION		
General Fund Appropriation	\$	6,509,467
Department of General Administration Facilities and Services Revolving Fund Appropriation	\$	7,017,307
General Fund—Motor Transport Account Appropriation	\$	2,616,585
Total Appropriation	\$	16,143,359

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$64,500 shall be expended for the Migrant Campsite Advisory Council established by the director to extend the Buena pilot project to a full biennial operation.

- (2) The motor transport account appropriation shall be expended as follows:
- (a) \$2,116,585 for operation of motor vehicle transportation services; and
 - (b) \$500,000 for provision of additional motor vehicle transportation services. Such funds shall not be available for allotment or expenditure until a plan or plans for such expanded services shall have been reviewed and approved by the office of program planning and fiscal management on behalf of the governor. A report of any amounts approved for allotment shall be filed with the legislative auditor and such auditor shall transmit such report to the standing ways and means committees and the legislative budget committee.

(3) \$210,000 of the general fund appropriation shall be expended exclusively for the implementation of chapter ..., Laws of 1975 1st ex. sess. (HB 102). It is the intent of the legislature that such expenditure shall result in a minimum of \$4,000,000 savings and cost avoidance in the overall state purchasing and material control system during the 1975-77 biennium. Accordingly, all dollar amounts representing cost savings or cost avoidance achieved by the state supply management policy board during this biennium shall not be allotted or expended, but shall be reserved for reversion to the fund of origin.

(4) \$210,000 of the general fund appropriation shall be expended for the maintenance and upkeep of the Northern State Hospital facility with a monthly limit on expenditures of not more than \$35,000. The office of program planning and fiscal management is hereby directed to furnish the next session of the legislature with a plan and recommendation for disposition of the facility.

*Sec. 32. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 33. FOR THE PRESIDENTIAL ELECTORS		
General Fund Appropriation	\$	325
Total Appropriation	\$	325

NEW SECTION. Sec. 34. FOR THE INSURANCE COMMISSIONER

General Fund Appropriation	\$	4,097,320
Total Appropriation	\$	4,097,320

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$987,873 shall be expended exclusively for support of the Fire Safety and Regulation Program.

(2) Whenever the Insurance Companies Reimbursement Fund—Local exceeds \$248,400, there shall be a corresponding increase in unexpended state funds.

NEW SECTION. Sec. 35. FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation	\$	293,217
Total Appropriation	\$	293,217

NEW SECTION. Sec. 36. FOR THE ATHLETIC COMMISSION

General Fund Appropriation	\$	42,007
Total Appropriation	\$	42,007

NEW SECTION. Sec. 37. FOR THE CEMETERY BOARD

General Fund—Cemetery Account Appropriation	\$	40,287
Total Appropriation	\$	40,287

NEW SECTION. Sec. 38. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund	\$	1,301,201
Total Appropriation	\$	1,301,201

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) If there are more than 454 racing days during the 1975–77 biennium, the governor is hereby authorized to allocate such additional funds as may be required.

(2) It is the intent of the legislature that the School of Veterinary Medicine of Washington State University shall perform the chemical analyses required by the commission during the 1976 racing season, unless the school is prohibited from doing so by technical limitations.

NEW SECTION. Sec. 39. FOR THE LIQUOR CONTROL BOARD

Liquor Board Revolving Fund Appropriation	\$	35,924,688
Total Appropriation	\$	35,924,688

The appropriation contained in this section shall be subject to the following condition or limitation:

It is the intent of the legislature that during the 1975–77 biennium the board shall not operate more than 326 state retail liquor outlets.

NEW SECTION. Sec. 40. FOR THE PHARMACY BOARD

General Fund Appropriation	\$	535,349
Total Appropriation	\$	535,349

NEW SECTION. Sec. 41. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation	\$	7,944,367
Grade Crossing Protective Fund Appropriation	\$	675,000
Total Appropriation	\$	8,619,367

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$100,000 from the grade crossing protective fund appropriation may be expended for obligations incurred in the 1973-75 biennium for the grade crossing protective program.

(2) \$115,000 from the public service revolving fund appropriation may be expended in the transportation program to carry out a study of motor carrier statutes, chapter 81.80 RCW, for the purpose of proposing necessary changes in such statutes to the legislature. The results of such study and any recommendations shall be transmitted to the legislature and the governor prior to the next regular session of the legislature.

NEW SECTION. Sec. 42. FOR THE BOARD FOR VOLUNTEER FIREMEN

Volunteer Firemen's Relief and Pension Fund Approp-

priation	\$	76,559
Total Appropriation	\$	76,559

The appropriation contained in this section shall be subject to the following condition or limitation: \$5,000 shall be expended to conduct an actuarial valuation of the Volunteer Firemens' Relief and Pension Fund.

NEW SECTION. Sec. 43. FOR THE DEPARTMENT OF EMERGENCY SERVICES

General Fund Appropriation—State	\$	407,197
General Fund Appropriation—Federal	\$	1,765,731
Total Appropriation	\$	2,172,928

The appropriation contained in this section shall be subject to the following condition or limitation: The energy information and conservation center program, and the 10 FTE's requested for this function, shall not be implemented unless federal funds of \$144,618 are available for such program.

NEW SECTION. Sec. 44. FOR THE MILITARY DEPARTMENT

General Fund Appropriation	\$	3,912,181
Armory Fund Appropriation	\$	442,034
Total Appropriation	\$	4,354,215

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not less than \$330,000 shall be expended for major maintenance and repair of installations.

(2) \$25,000 of the general fund appropriation may be expended for the national guard youth today program.

NEW SECTION. Sec. 45. FOR THE TEACHERS' RETIREMENT SYSTEM

General Fund Appropriation	\$	99,562,353
Teachers' Retirement Fund Appropriation	\$	1,438,216
Total Appropriation	\$	101,000,569

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$99,562,353 of this appropriation shall be expended for contributions to the teachers' retirement system.

NEW SECTION. Sec. 46. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund Ap- propriation	\$	744,746
Total Appropriation	\$	744,746

**NEW SECTION. Sec. 47. FOR THE STATE TREASURER—BOND RE-
TIREMENT AND INTEREST**

Highway Bond Retirement Fund Appropriation	\$	79,018,501
Public School Building Bond Redemption Fund 1959 Appropriation	\$	4,761,588
Public School Building Bond Redemption Fund 1961 Appropriation	\$	7,304,615
Public School Building Bond Redemption Fund 1963 Appropriation	\$	8,598,029
Public School Building Bond Redemption Fund 1965 Appropriation	\$	2,436,230
Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,956,060
University of Washington Bond Retirement Fund Ap- propriation	\$	3,326,572
University of Washington Hospital Bond Retirement Fund Appropriation	\$	1,251,628
Washington State University Bond Retirement Fund Appropriation	\$	2,228,979
Central Washington State College Bond Retirement Fund Appropriation	\$	1,421,511
Eastern Washington State College Bond Retirement Fund Appropriation	\$	1,090,536
Western Washington State College Bond Retirement Fund Appropriation	\$	1,594,548
The Evergreen State College Bond Retirement Fund 1967 Appropriation	\$	208,116
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	1,919,435
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,237,306
Community College Bond Retirement Fund Appropria- tion	\$	9,227,981
Community College Capital Improvement Bond Re- demption Fund 1972 Appropriation	\$	2,356,600
Community College Refunding Bond Retirement Fund 1974 Appropriation	\$	980,496
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	62,580

Community College Capital Construction Bond Retirement Fund 1975 Appropriation	\$	390,000
Community College Capital Construction Bond Retirement Fund 1975 Appropriation	\$	1,140,000
Institutional Building Bond Redemption Fund 1957 Appropriation	\$	3,535,720
State Building Construction Bond Redemption Fund Appropriation	\$	8,487,823
State Building and Higher Education Construction Bond Redemption Fund 1965 Appropriation	\$	8,478,420
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	9,758,391
Juvenile Correctional Institutional Building Bond Redemption Fund 1963 Appropriation	\$	621,010
General Administration Building Bond Redemption Fund Appropriation	\$	714,253
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,450,580
State Building Bond Redemption Fund 1967 Appropriation	\$	650,510
State Building Bond Redemption Fund 1973A Appropriation	\$	392,071
State Building Bond Redemption Fund 1973 Appropriation	\$	3,405,448
Social and Health Services Facilities Bond Redemption Fund Appropriation	\$	726,560
Outdoor Recreational Bond Redemption Fund Appropriation	\$	1,846,843
Recreation Improvements Bond Redemption Fund Appropriation	\$	1,464,220
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$	3,866,796
Outdoor Recreational Bond Redemption Fund 1967 Appropriation	\$	6,324,803
State Building Authority Bond Redemption Fund Appropriation	\$	9,983,305
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	3,209,632
Water Supply Facilities Bond Redemption Fund Appropriation	\$	1,688,756
NEW SECTION. Sec. 48. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION		
General Fund Appropriation for fire insurance premiums tax distribution	\$	1,620,000
General Fund Appropriation for all-terrain vehicles and snowmobile registration by counties	\$	24,344

General Fund Appropriation for public utility district excise tax distribution	\$	11,232,000
General Fund Appropriation for prosecuting attorneys salaries	\$	845,625
General Fund Appropriation for Motor Vehicle Excise Tax Distribution	\$	24,156,893
General Fund Appropriation for Camper and Travel Trailer Excise Tax Distribution	\$	1,145,178
General Fund—Harbor Improvement Account Ap- propriation for harbor improvement revenue distri- bution	\$	192,500
Liquor Excise Tax Fund Appropriation for liquor ex- cise tax distribution	\$	14,000,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	130,000,000
Liquor Board Revolving Fund Appropriation for liquor profits distribution	\$	39,425,000
State Timber Tax Fund 'A' Appropriation for distribu- tion to "Timber" Counties	\$	16,191,000
State Timber Reserve Fund Appropriation for distribu- tion to "Timber" Counties	\$	20,664,648
Lease Hold in Lieu Tax Fund Appropriation for distri- bution	\$	1,770,000

NEW SECTION. Sec. 49. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for forest reserve fund distribution	\$	30,800,000
General Fund Appropriation for federal flood control funds distribution	\$	36,564
General Fund Appropriation for Federal grazing fees distribution	\$	29,580

NEW SECTION. Sec. 50. DEPARTMENT OF SOCIAL AND HEALTH SERVICES.

State Funding Sources	\$	795,218,445
Federal Funding Sources	\$	632,993,859
Local Funding Sources	\$	2,441,126
Total	\$	1,430,653,430

The appropriations contained in sections 52 through 62 of this act shall be subject to the following conditions and limitations:

(1) The legislature recognizes that mass institutionalization and hospitalization may not be a satisfactory solution to the treatment of physical or mental disorders or the problem of criminal rehabilitation. The legislature further recognizes that proposals to modify such institutionalization and hospitalization have not been thoroughly reviewed for substance or fiscal impact in such a manner as to permit the development of sound legislative policy in these areas. Therefore, the legislature has established a budgetary position that will assure institutional provisions

for the safety and well-being of all our citizens, but which restrains the modification of existing methods until questions of policy and fiscal impact have been determined by the legislature.

(2) Not later than October 1, 1975, the department shall transmit a list to the standing ways and means committees of all federal moneys received, including unanticipated receipts so noted, as of July 1, 1975, by departmental program, category, and organizational unit which list shall include the following information:

- (a) The granting federal agency;
- (b) A brief description and federal reference number, if applicable;
- (c) The specific amount of money received and the purpose for which it is intended;
- (d) The matching requirements; and
- (e) The limiting factors, if any.

Monthly revisions to the list required by this subsection, including unanticipated receipts, shall be provided in the same manner as the original list for the remainder of the fiscal biennium.

(3) The department shall not transfer more than ten million dollars between the programs appropriated for in sections 51 through 62 of this act without specific approval of the office of program planning and fiscal management and the standing ways and means committees. The department shall notify the office of program planning and fiscal management and the standing ways and means committees whenever any transfers are made which are within the limits established by this subsection.

(4) The department shall provide quarterly reports to the standing ways and means committees relating to the realization of all projected program savings upon which the 1975-77 departmental budget request is predicated.

(5) The department of social and health services shall establish regulations for reasonable nursing home accounting and reimbursement systems which recognize relevant cost related factors for department of social and health services patients. This shall include, but not be limited to, the scope or level of services or care, requirements of staff, physical plant, a reasonable rate of return on investment, and incentives for improved patient care within funds available to the department for nursing home care. The regulations shall provide that no payment will be made to a nursing home which does not permit inspection by the department of social and health services of every part of its premises and an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the department deems relevant to the establishment of such a system. Not later than January 1, 1976, the department shall provide a report to the standing ways and means and social and health services committees which reviews the nursing home cost reimbursement system and other vendor payments and which includes required state and federal standards, standards maintained, all completed audits, and recommendations for legislative consideration.

(6) The department shall present fiscal and organizational zero-base data to the standing ways and means committees and the social and health services committees, by July 1, 1976, which will assist in reestablishing the budgetary base for

the public health, vocational rehabilitation, and administrative and support services programs.

(7) The department shall develop a proposal for a group homes cost reimbursement system that provides incentives for improving client care. The proposal shall provide for maximum limits for described levels and kinds of care that ensure that expenditures shall be within amounts appropriated for such care. The cost reimbursement system shall also include consideration of various salary schedules necessary for the delivery of such components of care and shall also include consideration of wage and salary levels of comparable positions in the public and private sectors. The department shall submit the proposed cost reimbursement system to the standing ways and means and social and health services committees for approval prior to the implementation of the system.

(8) If the claim made by the state to the United States department of health, education, and welfare on October 24, 1972, for reimbursement in the amount of \$32,876,903 is sustained in whole or in part such funds and any other similar funds received by the state shall be deposited by the state treasurer in Suspense Fund 705 and no allocation or disbursement from such fund shall be made except as specifically authorized by legislative enactment.

All disputes arising between the state and the United States department of health, education, and welfare involving the state's claim or claims to federal reimbursement of state expenditures as provided by the applicable provisions of the federal social security act which would have the effect of reducing or increasing any appropriation or any part thereof as set forth in this act shall be negotiated and settled only with the consent of a majority of the members of the respective ways and means committees of the legislature.

The sum of \$5,508,264 currently held by the state treasurer in Suspense Fund 705 pending the completion of federal review of the legitimacy of the aforementioned claim for such moneys shall continue to be held and no allocation or disbursement from such funds shall be made without specific authorization by legislative enactment, except to repay the federal government if necessary.

If the department of social and health services claims additional matching for the period of October 1, 1972, through June 30, 1973, or any portion thereof, or for any other period, such moneys shall be deposited by the state treasurer in Suspense Fund 705 and no allocation or disbursement from such fund shall be made except as specifically authorized by legislative enactment.

(9) The department shall deploy personnel in such a manner as to insure, insofar as is possible, that ineligible persons shall be removed from current caseloads, errors resulting in overpayments or underpayments to recipients shall be corrected, efforts shall be made to insure that only eligible individuals are added to the public assistance caseloads, and that caseloads are kept within the estimates for which funds are provided by this act.

Compliance with this act and the attempt to contain caseloads within acceptable limits shall be accomplished but, notwithstanding the provisions of RCW 74.08.040, the department of social and health services shall not impose ratable reductions, or any other form of reduction in public assistance grants which are in addition to, or in any way lower than the maximums presently imposed.

(10) It is the intent of the legislature that the department shall not initiate any new or additional programs or services in any of the agency's programs beyond those authorized in sections 52 through 62 of this act without prior approval of the ways and means committees of the legislature.

NEW SECTION. Sec. 51. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADULT CORRECTIONS AND REHABILITATION PROGRAM

(1) COMMUNITY REHABILITATION SERVICES.

General Fund Appropriation—State	\$	11,661,708
General Fund Appropriation—Federal	\$	1,985,251
Total Appropriation	\$	13,646,959

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 770.5 FTE staff years within the community rehabilitation services category during the 1975-77 biennium.
- (b) Probation and parole case service may be expanded by an expenditure level not to exceed \$1,948,568 (including \$1,648,568 from federal funds) and a staffing level not to exceed 146.0 FTE's.
- (c) It is the intent of the legislature that a specialized caseload diversion project may be initiated in community rehabilitative services at an expenditure level not to exceed \$376,683 (including \$336,683 from federal funds) and a staffing level not to exceed 30.0 FTE's.
- (d) The programs at the Washington state reformatory's Trails End Farm may be expanded to accommodate an additional 50 residents by expansion of the expenditure level in an amount not to exceed \$82,876 and by expansion of the staffing level not to exceed 7.0 FTE's.
- (e) \$142,800 of the general fund appropriation—state shall be utilized to supplement funds granted under the National Institute of Law Enforcement and Criminal Justice grant number 74-TA-10-001.
- (f) \$11,929 shall be utilized for expansion of the gate money program to Indian Ridge and Larch Mountain Honor Camp.

(2) INSTITUTIONAL REHABILITATION SERVICES.

General Fund Appropriation—State	\$	14,431,685
Total Appropriation	\$	14,431,685

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 787.4 FTE staff years within the institutional rehabilitation services category during the 1975-77 biennium.
- (b) Not more than 12 FTE staff years and not more than \$148,131 shall be expended for expanded night security at the women's treatment center at Purdy.
- (c) \$11,441 shall be utilized for expansion of the resident wages program at Larch Mountain.

- (d) \$35,478 shall be utilized in the purchase of equipment.
- (e) In order to achieve a balanced counselor/inmate ratio at state correctional institutions, \$258,888 and an additional staffing level not to exceed 20.0 FTE's shall be expended for institutional classification counselors.

(3) CUSTODY.

General Fund Appropriation—State	\$ 15,113,277
Total Appropriation	\$ 15,113,277

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 1,227.0 FTE staff years within the custody category during the 1975-77 biennium.
- (b) \$1,213,766 and additional staffing not to exceed 116.0 FTE's in excess of the current level, shall be expended for staff coverage as required by the department's institutional post assignment survey.
- (c) Expansion of night security staffing at the Washington corrections center and Larch Mountain Honor Camp by expending not more than 20.0 FTE staff years and by the expenditure of not more than \$220,428.

(4) SPECIAL PROJECTS.

General Fund Appropriation—State	\$ 1,107,113
General Fund Appropriation—Federal	\$ 291,767
Total Appropriation	\$ 1,398,880

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 52.0 FTE staff years within the special projects category during the 1975-77 biennium.
- (b) It is the intent of the legislature that \$1,398,880 (including \$291,767 from federal funds) and a staffing level not to exceed 52.0 FTE's shall be expended within the program for the special projects category.
 - (i) Such expenditures shall include \$770,000 and 24.0 FTE's for the establishment and operation of a minimum-to-moderate correctional center at Firlands. Not later than January 15, 1976, the department shall submit a detailed report to the standing ways and means committees, social and health services committees, and judiciary committees relating to the operational policies and procedures at the Firlands facility. Such report shall specifically include substantiated information relating to the department's ability to obtain community involvement and acceptance of the Firland's facility.
 - (ii) \$85,000 of the general fund appropriation—state shall be expended, pursuant to chapter 81, Laws of 1974 ex. sess. to complete the study called for in the act.
 - (iii) \$63,750 in the special project category shall be transferred to the department of employment security for

completion of a corporate task force on corrections planning study by December 1, 1975, to determine the possibility of a private nonprofit organization participating in administering a pilot adult correctional rehabilitation program. This expenditure authorization is contingent upon the provision of at least \$21,250 in additional funds from six or more major private corporations to assist in completion of this study, the results of which will determine further state participation in the private pilot rehabilitation correctional program.

(5) PROGRAM SUPPORT.

General Fund Appropriation—State	\$	16,523,369
Total Appropriation	\$	16,523,369

The appropriation contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 462.1 FTE staff years within the program support category during the 1975-77 biennium.

NEW SECTION. Sec. 52. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE JUVENILE REHABILITATION SERVICES PROGRAM

(1) COMMUNITY REHABILITATION SERVICES.

General Fund Appropriation—State	\$	10,146,411
General Fund Appropriation—Federal	\$	250,000
Total Appropriation	\$	10,396,411

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 332.3 FTE staff years within the community rehabilitation services category during the 1975-77 biennium.
- (b) \$1,263,949 and a staffing level not to exceed 54.0 FTE's shall be expended for continued operation of the current delinquency prevention and control program. The department shall provide, in a report to the standing ways and means committees no later than December 1, 1976, a detailed description of the program goals and objectives, identification of service needs, eligibility criteria for services, work load indicators, and measurements of the program's effectiveness together with an estimated six-year operational plan.
- (c) \$251,178 and a staffing level not to exceed 15.0 FTE's shall be expended for the Richland group home during the 1975-77 biennium.
- (d) The department shall develop and report to the standing ways and means and social and health services committees by October 1, 1976, a description of operational procedures and cost structures relating to juvenile group homes.

(2) INSTITUTIONAL REHABILITATION SERVICES.

General Fund Appropriation—State	\$	15,530,871
Total Appropriation	\$	15,530,871

The appropriation contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 1,117.3 FTE staff years within the institutional rehabilitation services category during the 1975-77 biennium.
- (b) \$36,710 and a staffing level not to exceed 4.0 FTE's shall be expended for additional night security at Cedar Creek and Mission Creek youth camps.
- (c) It is the intent of the legislature that \$2,643,772 and a staffing level of 207.3 FTE's shall be expended for the continued operation of the Green Hill juvenile facility.
- (d) The department is authorized to provide child welfare services to a person who at the time of attaining the age of eighteen years is receiving such services pursuant to chapter 74.13 RCW and who is attending school through the completion of the recipient's high school program but in no event shall such services be extended beyond the age of twenty-one years.

(3) SPECIAL PROJECTS.

General Fund Appropriation—Federal	\$ 248,479
Total Appropriation	\$ 248,479

The appropriation contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 11.8 FTE staff years within the special projects category during the 1975-77 biennium for expansion of community diagnostic services.

(4) PROGRAM SUPPORT.

General Fund Appropriation—State	\$ 9,551,227
General Fund Appropriation—Federal	\$ 49,600
Total Appropriation	\$ 9,600,827

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 437.4 FTE staff years within the program support category during the 1975-77 biennium.
- (b) \$1,769,677 (including \$7,200 from federal funds) and the staffing level of 78.4 FTE shall be expended for continued operation of Green Hill Juvenile facility.

NEW SECTION. Sec. 53. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE MENTAL HEALTH PROGRAM

(1) COMMUNITY REHABILITATION SERVICES.

General Fund Appropriation—State	\$ 25,458,449
General Fund Appropriation—Federal	\$ 6,446,194
General Fund Appropriation—Local	\$ 260,000
Total Appropriation	\$ 32,164,643

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 62.0 FTE staff years within the community rehabilitation services category during the 1975-77 biennium.
- (b) Not later than January 1, 1976, the department shall submit a report to the standing ways and means committees, social and health services committees, and the office of program planning and fiscal management on each community mental health facility which receives state funds and each such report shall contain the following information:
 - (i) The managing authority;
 - (ii) Treatment services offered;
 - (iii) Criteria for treatment services;
 - (iv) Criteria for client eligibility;
 - (v) Total number of individual clients requesting services;
 - (vi) Total number of individuals receiving services by type of service rendered;
 - (vii) Priority of treatment and clients;
 - (viii) Fee structure;
 - (ix) Itemized revenue by source;
 - (x) Itemized positions compensated for and the respective amounts received by: (A) salary or wages; (B) personal service contracts; or (C) fees for services rendered; and
 - (xi) A summary of expenditures to date.
- (c) \$16,616,151 shall be expended for community mental health grants. Not later than October, 1976, the department shall furnish proposed standards for community mental health facilities to the standing ways and means committees, social and health services committees, and the office of program planning and fiscal management.
- (d) \$5,720,225 shall be expended to fund costs incurred by counties in their administration of the civil commitment act.
- (e) \$1,359,327 and 2.2 FTE staff years shall be utilized to maintain current level in the alcoholism program.

(2) INSTITUTIONAL REHABILITATIVE SERVICES.

General Fund Appropriation—State	\$ 21,314,971
Total Appropriation	\$ 21,314,971

The appropriation contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 1,792.2 FTE staff years within the institutional rehabilitative services category during the 1975-77 biennium.

(3) SPECIAL PROJECTS.

General Fund Appropriation—State	\$ 1,053,690
General Fund Appropriation—Federal	\$ 50,000
Total Appropriation	\$ 1,103,690

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 16.0 FTE staff years within the special projects category during the 1975-77 biennium.

(b) \$1,053,690 shall be for the establishment of long-term chronic alcoholism treatment centers. Not later than December 31, 1976, the department shall furnish the standing ways and means committees, the social and health services committees, and the office of program planning and fiscal management the following data on each facility receiving a portion of such funds through grants:

- (i) Local agency responsible;
- (ii) Total individual clients requesting or referred for services and the total number of those receiving treatment;
- (iii) Criteria for client eligibility;
- (iv) Total number of individual clients who repeat treatment;
- (v) Treatment services offered and the criteria for treatment;
- (vi) The priorities of treatment and clients;
- (vii) Fee structure;
- (viii) Itemized revenue by source;
- (ix) Itemized positions compensated for and the respective amounts received by: (A) Salary or wages; (B) personal service contracts; or (C) fees for services rendered; and
- (x) A summary of expenditures through October, 1976.

(4) PROGRAM SUPPORT.

General Fund Appropriation—State	\$	12,423,857
Total Appropriation	\$	12,423,857

The appropriation contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 657.2 FTE staff years within the program support category during the 1975-77 biennium.

NEW SECTION. Sec. 54. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES.

General Fund Appropriation—State	\$	9,691,109
General Fund Appropriation—Federal	\$	7,050,294
General Fund Appropriation—Local	\$	40,896
Total Appropriation	\$	16,782,299

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 163.0 FTE staff years within the community services category during the 1975-77 biennium.
- (b) \$1,176,142 shall be utilized to increase group homes and developmental center vendor rates.
- (c) Not later than October 1, 1976, the department shall furnish the standing ways and means committees, the social and health services committees, and the office of program planning and fiscal management with the following information for each developmental disability group home and center receiving state funds:
 - (i) Management responsibility;

- (ii) Care and rehabilitative programs available and their criteria;
- (iii) Criteria for eligibility;
- (iv) Persons served;
- (v) Detailed source of revenue;
- (vi) Itemized positions compensated for and the respective amounts received by: (A) Salary and wages; (B) personal service contracts; and (C) fees for services rendered; and
- (vii) Summary of expenditures through August, 1976.
- (d) \$95,000 (including \$45,000 from federal funds) shall be expended to fund the construction of a residential hall at the Antonian Home for Special Children.
- (e) Not later than October 1, 1976, the department shall furnish proposed standards for developmental disability centers and group homes to the standing ways and means committees, the social and health services committees, and the office of program planning and fiscal management.
- (f) Holly Ridge Developmental Center shall continue to be provided with facilities at Olympic Center without rental or lease cost for space utilized by such program.
- (g) A program for home aide services shall be initiated by the expenditure of \$760,000.

(2) INSTITUTIONAL REHABILITATION SERVICES.

General Fund Appropriation—State	\$ 48,129,418
Total Appropriation	\$ 48,129,418

The appropriation contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 4,148.6 FTE staff years within the institutional rehabilitation services category during the 1975-77 biennium.
- (b) \$2,139,489 and increased staff authorization not to exceed 175.0 FTE's shall be utilized to expand institutional staff levels.

(3) SPECIAL PROJECTS.

General Fund Appropriation—State	\$ 284,236
General Fund Appropriation—Federal	\$ 4,947,157
Total Appropriation	\$ 5,231,393

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 128.6 FTE staff years within the special projects category during the 1975-77 biennium.
- (b) \$250,000 or as much thereof as shall be required, may be expended for the development of a phased comprehensive plan related to the implementation of state group homes and developmental disability training centers. This plan shall include, but not be limited to, the following:
 - (i) Location;

- (ii) Preliminary floor and layout plans;
- (iii) Projected staffing and operational cost requirements;
- (iv) Cost estimates and projections;
- (v) Criteria for resident assignment;
- (vi) Relationship to institutions; and
- (vii) Initial and future management responsibility.

(4) PROGRAM SUPPORT.

General Fund Appropriation—State	\$ 27,675,704
Total Appropriation	\$ 27,675,704

The appropriation contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 1,481.5 FTE staff years within the program support category during the 1975–77 biennium.
- (b) \$125,244 and 12.0 FTE staff years shall be utilized to expand institutional program support staff levels.

NEW SECTION. Sec. 55. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE VETERANS' SERVICE PROGRAM

(1) COMMUNITY SERVICES.

General Fund Appropriation—State	\$ 1,158,074
Total Appropriation	\$ 1,158,074

The appropriation contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 30.0 FTE staff years within the community services category during the 1975–77 biennium.
- (b) It is the intent of the legislature that the department continue four state offices and shall continue its present program of service provision through both state and contract offices at least at the current level of operation.

(2) INSTITUTIONAL REHABILITATIVE SERVICES.

General Fund Appropriation—State	\$ 3,462,329
General Fund Appropriation—Local	\$ 675,790
Total Appropriation	\$ 4,138,119

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 332.1 FTE staff years within the institutional rehabilitative services category during the 1975–77 biennium.
- (b) \$773,429 and additional staff not to exceed 45.4 FTE's shall be expended to upgrade the veteran homes nursing components to skilled nursing home status.
- (c) \$45,000 shall be expended in the purchase of equipment.
- (d) \$50,943 and 6.0 FTE staff years shall be expended to provide support services formerly paid for by the residents' welfare fund.
- (e) It is the intent of the legislature that the department of social and health services shall not phase out domiciliary care in the Veterans'

Home at Retsil and the Soldiers' Home and Colony at Orting. Nothing in this condition shall preclude the department from moving residents between nursing and domiciliary care in order to better utilize facilities.

- (f) The department of social and health services shall promulgate rules and regulations pursuant to chapter 34.04 RCW not later than October 1, 1975, which shall define eligibility standards for membership in the Washington Veterans' and Soldiers' homes. Such rules and regulations shall include a definition of "allowable income". The allowable income of members accepted for membership shall not be decreased below \$140.00 per month during periods that such members are being provided care.

All income of members of the Veterans' Home in excess of allowable income shall be deposited in the Veterans' Home Revolving Fund which is hereby created. Disbursements from the revolving fund shall be for the welfare and benefit of all members of the Veterans' Home and such disbursements shall be on authorization of the superintendent of the home or his duly authorized representative after approval has been received from a duly constituted body representative of the members. In order to maintain an effective expenditure and revenue control the Veterans' Home Revolving Fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures from such fund.

All income of members of the Soldiers' Home in excess of allowable income shall be deposited in the Soldiers' Home Revolving Fund which is hereby created. Disbursements from the revolving fund shall be for the welfare and benefit of all members of the Soldiers' Home and such disbursements shall be on authorization of the superintendent of the home or his duly authorized representative after approval has been received from a duly constituted body representative of the members. In order to maintain an effective expenditure and revenue control the Soldiers' Home Revolving Fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures from such fund.

(3) PROGRAM SUPPORT.

General Fund Appropriation—State	\$	4,583,186
Total Appropriation	\$	4,583,186

The appropriation contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 300.9 FTE staff years within the program support category during the 1975-77 biennium.
- (b) \$62,303 and additional staff not to exceed 4.0 FTE's shall be expended to provide additional guardianship services.
- (c) \$98,511 and 7.3 FTE staff years shall be expended to provide support services formerly paid for by the residents' welfare fund.
- (d) \$70,259 shall be expended in the purchase of equipment and inventories.

NEW SECTION. Sec. 56. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE INCOME MAINTENANCE PROGRAM

(1) MAINTENANCE GRANTS.

General Fund Appropriation—State	\$	174,588,501
General Fund Appropriation—Federal	\$	150,087,199
Total Appropriation	\$	324,675,700

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) It is the intent of the legislature that \$48,709,432 (including \$15,661,413 from federal funds) shall be utilized for the purpose of upgrading maintenance grant standards by ten percent for the 1975–77 biennium.
- (b) The department shall develop revised program standards for continuing general assistance after first developing adequate caseload profile information including, but not limited to:
 - (i) Medical determination of physical or mental disabilities;
 - (ii) Stringent eligibility criteria associated with emotional, alcoholism, or drug connected cases;
 - (iii) Adequate evaluation of treatment programs; and
 - (iv) An approval process for such treatment programs.

In addition, the department shall submit such proposed revised standards, with control systems and cost estimates to the standing ways and means committees and the office of program planning and fiscal management, together with substantiating data relating actual versus estimated caseloads, no later than December 1, 1975.

- (c) Monthly reporting of earned income and twice monthly payments to grant recipients shall be implemented. The twice monthly grant payments shall be implemented on a phased basis.
- (d) In order to provide a partial solution to the pending issues inherent in the continuing general assistance grant caseloads, it is the intent of the legislature that the department make all possible efforts to transfer up to 600 general assistance grant recipients to the CETA programs.
- (e) \$1,620,366 shall be expended to continue the provision of general assistance to needy unemployment compensation recipients.

(2) INTERMEDIATE CARE FACILITIES.

General Fund Appropriation—State	\$	12,284,937
General Fund Appropriation—Federal	\$	13,743,056
Total Appropriation	\$	26,027,993

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) \$15,365,628 (including \$8,153,002 from federal funds) shall be expended in the screening and transfer of SNF patients to intermediate care facilities.
- (b) It is the intent of the legislature that the department shall exercise all administrative alternatives and every effort shall be made in state-

supported nursing home care programs to preclude the move of a patient from a skilled nursing facility to an intermediate care facility unless an intermediate care facility is available in the community where such patient presently resides.

(c) \$1,623,281 (including \$828,425 from federal funds) shall be utilized for an inflationary increase to ICF vendor rates.

(3) OTHER ASSISTANCE.

General Fund Appropriation—State	\$	4,607,158
General Fund Appropriation—Federal	\$	164,105
Total Appropriation	\$	4,771,263

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 85.1 FTE staff years within the other assistance category during the 1975-77 biennium.
- (b) \$328,309 and 47.5 FTE's shall be utilized for additional food stamp sales clerks.
- (c) \$255,684 shall be utilized for inflationary increases in burial vendor rates.
- (d) \$497,121 shall be expended for increased food stamp expenses resulting from the implementation of twice monthly grant payments.

(4) ELIGIBILITY DETERMINATION.

General Fund Appropriation—State	\$	9,292,915
General Fund Appropriation—Federal	\$	16,957,399
Total Appropriation	\$	26,250,314

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 1,816.1 FTE staff years within the eligibility determination category during the 1975-77 biennium.
- (b) \$1,069,676 (including \$400,380 from federal funds) and 95.0 FTE's shall be utilized for twice monthly grant payment support in local offices.
- (c) \$344,665 (including \$129,007 from federal funds) and 30.6 FTE's shall be utilized for monthly reporting of earned income at local offices.
- (d) \$433,395 and 19.0 FTE's shall be utilized in examination of general assistance medical applicants to determine categorical relationship to SSI.
- (e) \$388,209 from federal funds and 13.2 FTE staff years shall be utilized for workload increases in the disability insurance section.

(5) SPECIAL PROJECTS.

General Fund Appropriation—Federal	\$	13,354,317
Total Appropriation	\$	13,354,317

(6) PROGRAM SUPPORT.

General Fund Appropriation—State	\$	13,714,758
General Fund Appropriation—Federal	\$	7,748,574
Total Appropriation	\$	21,463,332

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 1,399.2 FTE staff years within the program support category during the 1975-77 biennium.
- (b) \$58,502 (including \$20,148 from federal funds) and a staffing level not to exceed 5.7 FTE's shall be expended for staffing at the Puyallup office.
- (c) \$566,310 (including \$195,034 from federal funds) and 43.4 FTE's shall be utilized for clerical support and postage for twice monthly grant payments.
- (d) \$140,107 (including \$48,252 from federal funds) and 14.0 FTE's shall be utilized for clerical support for the monthly reporting of earned income.

NEW SECTION. Sec. 57. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR COMMUNITY SOCIAL SERVICES PROGRAM

Not later than October 1, 1976, the department shall report to the standing ways and means committees and the social and health services committees the following information relating to the retained community social services: The type of service and each local office rendering such service; determination of the clientele for each type of service; the total number of persons referred for services for each type of service; and the total number of persons receiving services for each type of service offered.

Priority utilization of homemakers shall be made when such service is related to employment of a grant recipient or to retention of an individual in a home environment.

(1) FAMILY AND CHILDREN SERVICES.

General Fund Appropriation—State	\$	35,884,666
General Fund Appropriation—Federal	\$	45,011,856
General Fund Appropriation—Local	\$	500,000
Total Appropriation	\$	81,396,522

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 2,002.6 FTE staff years within the family and children services category during the 1975-77 biennium.
- (b) The department shall retain its volunteer coordinators at 40 FTE's during the 1975-77 biennium.
- (c) \$1,580,183 (including \$1,097,912 from federal funds) and a staffing level of 168.0 FTE's shall be utilized to expand Homemaker Services.
- (d) \$1,465,201 (including \$166,536 from federal funds) shall be utilized for child care services.
- (e) An additional \$859,409 (including \$597,117 from federal funds) and a staffing level not to exceed 48.0 FTE's shall be expended for increased childrens protective services.

- (f) \$6,694,762 (including \$3,156,396 from federal funds) shall be expended for increased vendor rates.
- (g) \$1,316,939 (including \$1,185,245 from federal funds) shall be expended for increased family planning services.

(2) ADULT SERVICES.

General Fund Appropriation—State	\$	2,050,273
General Fund Appropriation—Federal	\$	13,564,361
Total Appropriation	\$	15,614,634

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 517.2 FTE staff years within the adult services category during the 1975–77 biennium.
- (b) \$294,458 (including \$204,589 from federal funds) and a staffing level of 36.0 FTE's shall be utilized to expand Homemaker Services.

(3) SPECIAL PROJECTS.

General Fund Appropriation—Federal	\$	390,684
Total Appropriation	\$	390,684

The appropriation contained in this section shall be subject to the following condition or limitation: \$390,684 of federal funds and a staffing level not to exceed 6.0 FTE's shall be expended to implement the senior companion program as a special project. Not later than October 1, 1976, the department shall report the progress of such project to the standing ways and means committees and the social and health services committees.

(4) PROGRAM SUPPORT.

General Fund Appropriation—State	\$	3,916,492
General Fund Appropriation—Federal	\$	10,716,377
Total Appropriation	\$	14,632,869

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 609.1 FTE staff years within the program support category during the 1975–77 biennium.
- (b) An additional \$168,047 (including \$120,993 from federal funds) and a staffing level not to exceed 24.0 FTE's shall be expended for increased protective child services.
- (c) 8.3 FTE staff years and not more than \$85,753 (including \$62,275 from federal funds) shall be expended for staffing at the Puyallup local office.

NEW SECTION. Sec. 58. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE MEDICAL ASSISTANCE PROGRAM

(1) GENERAL MEDICAL ASSISTANCE.

General Fund Appropriation—State	\$	195,616,993
General Fund Appropriation—Federal	\$	196,553,001
Total Appropriation	\$	392,169,994

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) \$6,593,274 (including \$2,799,355 from federal funds) may be expended for caseload increases in medical assistance grants.
- (b) \$33,416,041 (including \$16,661,392 from federal funds) shall be expended for vendor rate adjustments for inflation.
- (c) \$2,133,560 (including \$1,133,560 from federal funds) may be expended for expansion of the early periodic screening, detection, and treatment program for children.
- (d) The department shall continue the hospital length of stay at the seventy-fifth percentile of the national professional activity survey (PAS) standards.
- (e) The department of social and health services shall develop a plan for expanding the enrollment of medical assistance recipients in health maintenance organizations (HMO's). Health maintenance organizations shall be defined as any organization which provides comprehensive health care services directly to enrolled participants of such organization on a group practice per capita prepayment basis. The plan to be developed shall include a pilot project to provide for an expanded enrollment of medical assistance recipients in health maintenance organizations in four counties, consisting of Snohomish, King, Pierce, and Thurston. The goal will be to increase enrollment by at least 10,000 additional medical assistance recipients during the 1975-77 biennium.

(2) PREVENTION OF BLINDNESS ASSISTANCE.

General Fund Appropriation—State	\$	926,364
General Fund Appropriation—Federal	\$	902,991
Total Appropriation	\$	1,829,355

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 5.2 FTE staff years within the prevention of blindness assistance category during the 1975-77 biennium.
- (b) \$93,006 (including \$45,461 from federal funds) shall be expended for standards and vendor rate increases.

(3) ELIGIBILITY DETERMINATION.

General Fund Appropriation—State	\$	2,713,594
General Fund Appropriation—Federal	\$	2,604,368
Total Appropriation	\$	5,317,962

The appropriations contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 469.5 FTE staff years within the eligibility determination category during the 1975-77 biennium.

(4) PROGRAM SUPPORT.

General Fund Appropriation—State	\$	6,161,051
General Fund Appropriation—Federal	\$	10,156,531
Total Appropriation	\$	16,317,582

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 627.0 FTE staff years within the program support category during the 1975-77 biennium.
- (b) The department is authorized to enter into a contract for mechanized medicaid payment process (Title XIX) by the expenditure of up to \$5,853,000 (including \$4,389,750 from federal funds).
- (c) \$20,014 (including \$10,920 from federal funds) and 2.0 FTE's shall be expended for the Puyallup local office administration and clinical support.

NEW SECTION. Sec. 59. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE PUBLIC HEALTH PROGRAM

(1) HEALTH FACILITIES DEVELOPMENT AND REGULATION.

General Fund Appropriation—State	\$	1,894,512
General Fund Appropriation—Federal	\$	2,359,306
Total Appropriation	\$	4,253,818

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 186.0 FTE staff years within the health facilities development and regulation category during the 1975-77 biennium.
- (b) \$187,364 (including \$140,525 from federal funds) and an additional staffing level not to exceed 13.0 FTE's shall be expended in the expansion of licensing and certification.

(2) ENVIRONMENTAL HEALTH IMPROVEMENT.

General Fund Appropriation—State	\$	2,211,172
General Fund Appropriation—Federal	\$	528,435
Total Appropriation	\$	2,739,607

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 176.8 FTE staff years within the environmental health improvement category during the 1975-77 biennium.
- (b) \$29,576 and a staffing level not to exceed 2.0 FTE's shall be expended for transient accommodation inspection and pesticide laboratory.

(3) COMMUNITY HEALTH IMPROVEMENT.

General Fund Appropriation—State	\$	6,994,392
General Fund Appropriation—Federal	\$	12,654,461
Total Appropriation	\$	19,648,853

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 190.0 FTE staff years within the community health improvement category during the 1975-77 biennium.

- (b) \$141,640 from federal funds and a staffing level not to exceed 6.0 FTE's shall be expended for workload increases in maternal child health services.
- (c) \$300,000 shall be expended for additional grants to counties for immunization supplies.
- (d) \$1,396,000 (including \$976,955 from federal funds) shall be expended for added services in maternal and child health programs.

(4) LOCAL HEALTH PROGRAM DEVELOPMENT.

General Fund Appropriation—State	\$ 264,706
General Fund Appropriation—Federal	\$ 2,425,000
Total Appropriation	\$ 2,689,706

The appropriations contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 36.0 FTE staff years within the local health program development category during the 1975–77 biennium.

(5) SPECIAL PROJECTS.

General Fund Appropriation—Federal	\$ 18,001,726
Total Appropriation	\$ 18,001,726

The appropriation contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 49.0 FTE staff years within the special projects category during the 1975–77 biennium.
- (b) \$15,357 and 1.0 FTE shall be expended to conduct a special project on woodworking industry mortality.

(6) PROGRAM SUPPORT.

General Fund Appropriation—State	\$ 2,960,390
General Fund Appropriation—Federal	\$ 339,022
Total Appropriation	\$ 3,299,412

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 181.0 FTE staff years within the program support category during the 1975–77 biennium.
- (b) \$145,290 and a staffing level not to exceed 9.0 FTE's shall be expended for workload increases in vital statistics and laboratory services.

NEW SECTION. Sec. 60. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE VOCATIONAL REHABILITATION PROGRAM

(1) REHABILITATION SERVICES—GENERAL.

General Fund Appropriation—State	\$ 1,534,771
General Fund Appropriation—Federal	\$ 23,767,707
Total Appropriation	\$ 25,302,478

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 577.9 FTE staff years within the rehabilitation services—general category during the 1975–77 biennium.

(b) \$1,501,386 (including \$1,410,316 from federal funds) shall be expended for increased client training services.

(2) REHABILITATION FACILITIES AND SHELTERED WORKSHOPS.

General Fund Appropriation—State	\$	1,574,810
General Fund Appropriation—Federal	\$	6,404,607
General Fund Appropriation—Local	\$	964,440
Total Appropriation	\$	8,943,857

The appropriations contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 36.8 FTE staff years within the rehabilitation facilities and sheltered workshops category during the 1975–77 biennium.

(3) REHABILITATIVE SERVICES FOR THE BLIND.

General Fund Appropriation—State	\$	718,415
General Fund Appropriation—Federal	\$	2,909,346
Total Appropriation	\$	3,627,761

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 90.8 FTE staff years within the rehabilitative services for the blind category during the 1975–77 biennium.

(b) Not less than \$474,000 (including \$270,000 from federal funds) shall be expended for services to the blind and physically handicapped by reimbursing the state library for providing such services.

(4) SPECIAL PROJECTS.

General Fund Appropriation—State	\$	336,850
General Fund Appropriation—Federal	\$	2,806,666
Total Appropriation	\$	3,143,516

The appropriations contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 20.0 FTE staff years within the special projects category during the 1975–77 biennium.

(5) PROGRAM SUPPORT.

General Fund Appropriation—State	\$	199,726
General Fund Appropriation—Federal	\$	798,907
Total Appropriation	\$	998,633

The appropriations contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 32.0 FTE staff years within the program support category during the 1975–77 biennium

NEW SECTION. Sec. 61. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

(1) GENERAL ADMINISTRATION.

General Fund Appropriation—State	\$	5,082,245
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General Fund Appropriation—Federal	\$	3,181,567
Total Appropriation	\$	8,263,812

The appropriations contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 335.0 FTE staff years within the general administration category during the 1975-77 biennium.

(2) PERSONNEL.

General Fund Appropriation—State	\$	1,868,179
General Fund Appropriation—Federal	\$	1,169,509
Total Appropriation	\$	3,037,688

The appropriations contained in this section shall be subject to the following condition or limitations: The department shall expend not more than 150.0 FTE staff years within the personnel category during the 1975-77 biennium.

(3) INFORMATION SYSTEMS.

General Fund Appropriation—State	\$	6,713,530
General Fund Appropriation—Federal	\$	4,179,205
Total Appropriation	\$	10,892,735

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 570.0 FTE staff years within the information systems category during the 1975-77 biennium.
- (b) \$562,073 (including \$224,829 from federal funds) and a staffing level not to exceed 30.0 FTE's shall be expended to upgrade information systems.
- (c) \$343,774 (including \$137,510 from federal funds) and a staffing level not to exceed 30.0 FTE staff years shall be expended for workload increases,
- (d) \$413,530 (including \$165,413 from federal funds) shall be expended for twice-monthly payments.

(4) COLLECTIONS AND DISBURSEMENTS.

General Fund Appropriation—State	\$	4,855,873
General Fund Appropriation—Federal	\$	3,257,739
Total Appropriation	\$	8,113,612

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 569.1 FTE staff years within the collections and disbursements category during the 1975-77 biennium.
- (b) \$672,151 (including \$268,861 from federal funds) and a staffing level not to exceed 52.6 FTE's shall be expended for increased workload.
- (c) \$358,673 (including \$143,470 from federal funds) and 28.5 FTE's shall be utilized for increased non-assistance support collection.

(5) OPERATING AND FISCAL AUDIT SERVICES.

General Fund Appropriation—State	\$	4,444,599
General Fund Appropriation—Federal	\$	2,772,214

Total Appropriation \$ 7,216,813

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 386.0 FTE staff years within the operating and fiscal audit services category during the 1975-77 biennium.
- (b) \$678,362 (including \$261,169 from federal funds) and a staffing level not to exceed 36.0 FTE's shall be expended for increased nursing home auditors.
- (c) \$705,478 (including \$271,609 from federal funds) and a staffing level not to exceed 28.0 FTE's shall be expended for increased performance and fiscal audit teams.
- (d) \$272,466 (including \$108,987 from federal funds) and a staffing level not to exceed 18.0 FTE's shall be expended for increased fraud investigators.
- (e) \$205,980 (including \$82,392 from federal funds) and 12.0 FTE's shall be utilized for increased operational review.
- (f) \$349,805 (including \$139,922 from federal funds) and 18.0 FTE's shall be expended for increased audit staff.

(6) FISCAL SERVICES.

General Fund Appropriation—State	\$	4,341,996
General Fund Appropriation—Federal	\$\$	2,711,199
Total Appropriation	\$	7,053,195

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 479.8 FTE staff years within the fiscal services category during the 1975-77 biennium.
- (b) \$429,650 and 28.0 FTE staff years (including \$171,860 from federal funds) shall be expended for increased accounting workload.

(7) SPECIAL PROJECTS.

General Fund Appropriation—Federal	\$	6,611,187
Total Appropriation	\$	6,611,187

The appropriation contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 65.0 FTE staff years within the special projects category during the 1975-77 biennium.

(8) PROGRAM SUPPORT.

General Fund Appropriation—State	\$	5,586,473
General Fund Appropriation—Federal	\$	3,701,822
Total Appropriation	\$	9,288,295

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 455.8 FTE staff years within the program support category during the 1975-77 biennium.
- (b) \$424,975 (including \$163,615 from federal funds) and a staffing level not to exceed 16.0 FTE's shall be expended for industrial engineers.

- (c) \$315,577 (including \$126,231 from federal funds) and 19.0 FTE's shall be expended for increased quality control in SSI and Title XIX and for standard setting and program analysis.
- (d) \$764,940 (including \$430,211 from federal funds) and 48.8 FTE's shall be expended for augmenting productivity efforts.
- (e) \$171,176 (including \$68,470 from federal funds) shall be expended for twice-monthly payment support.

NEW SECTION. Sec. 62. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CONTINGENCY FUNDS.

It is the intent of the legislature that the appropriations contained within this section shall be for the described purposes but shall not be expended or encumbered without the specific approval of the legislative budget committee or its statutory successor.

(1) FOR THE ADULT CORRECTIONS PROGRAM.

General Fund Appropriation—State	\$	250,000
General Fund Appropriation—Federal	\$	750,000
Total Appropriation	\$	1,000,000

It is the intent of the legislature that the expenditure of funds appropriated by this subsection shall be for the purpose of developing detailed and comprehensive plans for a department of social and health services adult corrections program delinèating, but not limited to, at least the following factors of a "community-based corrections system" for adult offenders:

- (a) Detailed plans for the development and phased implementation of an improved classification system that will demonstrate substantial improvements over the present classification system as it relates to the rehabilitation of adult offenders and comprehensive evaluation of public risks and public attitudes regarding plan concepts and location plans involved in the placement of such offenders in the various kinds of correctional facilities and programs envisioned for the new or improved rehabilitation systems to be proposed;
- (b) Comprehensive plans illustrating the physical and operational aspects of new or improved correctional facilities involved in the proposed new correctional system;
- (c) Plans for the utilization, improvement, or deactivation of existing correctional facilities;
- (d) Specific details concerning improvement of or changes in custody, counseling, vocational, educational, work-release, probation and parole or other existing or new rehabilitation programs that will be included in the new correctional system; and
- (e) Time-phasing and costs and program benefit evaluation of the above or other components of the system plan.

A segment on "Community Participation: Plans, Policy, and Procedures" is to be included in the report. The department shall describe in a detailed manner the procedures and steps to be used to insure that community participation will be included as a special process in the development of a community based corrections program. The methodology of participation shall assure the legislature that

community involvement and acceptance will be an integral part of proposed community based correction centers.

The legislature recognizes the need to improve the adult corrections program so that offenders against the society of our state can be returned to society as productive and compatible members of that society. While the benefits of such improvements are apparent, the risks and costs of such improvements must be clearly defined and understood as a responsibility of the legislature to the nonoffender public.

The department of social and health services shall formulate a proposal to develop a systems plan to include the items outlined in this section and shall present its recommendations to the legislative budget committee or its statutory successor for approval no later than September 1, 1975, and prior to the release of funds appropriated in this section.

(2) MENTAL HEALTH PROGRAM—COMMUNITY REHABILITATIVE SERVICES.

General Fund Appropriation—State	\$	629,693
General Fund Appropriation—Federal	\$	3,222,682
Total Appropriation	\$	3,852,375

The department shall develop a standards program for community mental health organizations receiving any state funds that shall include, but not be limited to, treatment criteria, client and treatment priorities, eligibility criteria, program and account definitions, a client cost sharing formula, and a six year program plan. The standards program shall be submitted to the legislative budget committee or its statutory successor for review and approval prior to release of any amount of the funds appropriated by this subsection for grant increases.

It is the intent of the legislature that to the maximum extent possible, the mental health programs provided by the community mental health organizations, whether funded pursuant to this section or any other section of this budget or from any other source whatever, shall be controlled and developed by the local organizations and that the department of social and health services shall assume no more control or direction over such programs that are provided for by statutes or are contained in this act.

(3) DEVELOPMENTAL DISABILITIES PROGRAM—COMMUNITY SERVICES.

General Fund Appropriation—State	\$	3,199,424
Total Appropriation	\$	3,199,424

The department shall develop a standards program for group homes and developmental centers including, but not limited to, the various aspects of treatment, facilities criteria, other components of care and rehabilitative programs, and a six year program plan. The standards program shall be submitted to the legislative budget committee or its statutory successor for review and approval prior to release of any amount of the funds appropriated by this subsection for grant increases.

(4) INCOME MAINTENANCE—CASELOAD CONTROL.

General Fund Appropriation—State	\$	7,573,198
General Fund Appropriation—Federal	\$	7,154,326

Total Appropriation \$ 14,727,524

The department shall develop a program to regularly monitor productivity and performance of staff and procedures related to eligibility determination and program performance measurements. This program shall include but not be limited to, a management information system that provides early visibility of caseload changes and related eligibility activity, vendor performance, and procedures and policies for management decision and response. The department shall submit its management plan to the legislative budget committee or its statutory successor for approval prior to the release of any amount of the funds appropriated by this subsection or utilization of FTE staff years authorized by this subsection. The legislative budget committee or its statutory successor may approve not more than 114.7 FTE staff years to carry out the provisions of this subsection.

(5) INCOME MAINTENANCE—MAINTENANCE GRANTS.

General Fund Appropriation—State	\$	1,105,982
General Fund Appropriation—Federal	\$	242,159
Total Appropriation	\$	1,348,141

It is the intent of the legislature that the expenditure of funds appropriated by this subsection shall only be permitted if:

- (a) The projected reductions in caseload resulting from improvement in SSI procedures is not realized; and
- (b) Approval for release of any portion of funds appropriated by this subsection is received from the legislative budget committee or its statutory successor.

(6) COMMUNITY SOCIAL SERVICES—CASELOAD CONTROL.

General Fund Appropriation—State	\$	1,535,436
General Fund Appropriation—Federal	\$	1,321,047
Total Appropriation	\$	2,856,483

The department shall develop a program to regularly monitor productivity and performance of staff and procedures related to eligibility determination and program performance measurements. This program shall include, but not be limited to, a management information system that provides early visibility of caseload changes and related eligibility activity, vendor performance, and procedures and policies for management decision and response. The department shall submit its management plan to the legislative budget committee or its statutory successor for approval prior to the release of any amount of the funds appropriated by this subsection.

(7) COMMUNITY SOCIAL SERVICES—FAMILY AND CHILDREN SERVICES.

General Fund Appropriation—State	\$	1,228,865
General Fund Appropriation—Federal	\$	191,123
Total Appropriation	\$	1,419,988

It is the intent of the legislature that the expenditure of funds appropriated by this subsection shall be permitted only if:

- (a) The actual experience of the department in realizing projected reductions in foster care caseload necessitates such expenditure; and

(b) Approval for release of any portion of funds appropriated by this subsection is received from the legislative budget committee or its statutory successor.

(8) MEDICAL ASSISTANCE—CASELOAD CONTROL.

General Fund Appropriation—State	\$	10,210,382
General Fund Appropriation—Federal	\$	10,259,336
Total Appropriation	\$	20,469,718

The department shall develop a program to regularly monitor productivity and performance of staff and procedures related to eligibility determination and program performance measurements. This program shall include, but not be limited to, a management information system that provides early visibility of caseload changes and related eligibility activity, vendor performance, and procedures and policies for management decision and response. Additionally, the department shall develop a component of its management plan that will include comprehensive utilization review procedures and regular performance auditing of all vendors. The department shall submit its management plan to the legislative budget committee or its statutory successor for approval prior to the release of any amount of the funds appropriated by this subsection or utilization of FTE staff years authorized by this subsection. The legislative budget committee or its statutory successor may approve not more than 46.7 FTE staff years to carry out the provisions of this subsection.

(9) VOCATIONAL REHABILITATION PROGRAM.

General Fund Appropriation—State	\$	844,440
Total Appropriation	\$	844,440

The department shall submit to the legislative budget committee or its statutory successor a complete description of its efforts to secure maximum local funds, including in-kind matching funds and, if local funds are not sufficient, the reasons for such insufficiency, prior to the release of any amount of the funds appropriated by this subsection. Of the appropriation contained in this subsection not more than \$250,000 may be expended for the support of general rehabilitation services and not more than \$594,440 may be expended for the support of rehabilitation facilities and sheltered workshops.

(10) ADMINISTRATION AND SUPPORTING SERVICES.

General Fund Appropriation—State	\$	6,000,000
General Fund Appropriation—Federal	\$	6,000,000
Total Appropriation	\$	12,000,000

It is the intent of the legislature that the expenditure of funds appropriated by this subsection shall only be permitted if:

- (a) Demonstrable efforts are made to control expenditures within a program-category to amounts appropriated; and
- (b) Alternatives to the expenditure of funds appropriated by this subsection are considered and presented.
- (c) Funds are to be expended for current programs including community mental health programs;
- (d) Approval for release of any portion of funds appropriated by this subsection is received from the legislative budget committee or its statutory successor.

NEW SECTION. Sec. 62A. DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REAPPROPRIATIONS

General Fund Reappropriation—State	\$	6,989,000
General Fund Reappropriation—Federal	\$	350,952
Total Reappropriation	\$	7,339,952

The reappropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$6,477,000 shall be for medical services and supplies not in excess of the unexpended balance of the 1973–75 appropriations or allotments for this purpose.

Within this amount, the following programs shall be included:

- (a) Mental health, \$175,000;
- (b) Income Maintenance, \$2,000;
- (c) Community social services, \$300,000; and
- (d) Medical assistance, \$6,000,000.

(2) \$512,000 shall be for grants to communities for mental retardation construction grants from the developmental disabilities program not in excess of the unexpended balance of the 1973–75 appropriations or allotments for this purpose.

(3) \$350,952 from federal funds shall be for innovation and expansion projects in the vocational rehabilitation program not in excess of the unexpended balance of the 1973–75 appropriation or allotments for this purpose.

***NEW SECTION. Sec. 63. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY**

General Fund Appropriation—State	\$	5,412,059
General Fund Appropriation—Federal	\$	122,715,237
Total Appropriation	\$	128,127,296

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Whenever the planning and community affairs agency receives anticipated federal grants which exceed the amount intended for a specific activity by more than fifty thousand dollars or increases the FTE staff years related thereto, then the agency shall not expend such amounts without review by and prior approval of the legislative budget committee.

(2) Whenever the planning and community affairs agency receives federal grants which have not been included in the appropriations contained in this section, then the agency shall not expend such amounts without review by and prior approval of the legislative budget committee.

(3) It is the intent of the legislature that state funds which are appropriated for the specific purpose of matching a federal grant and which are not used for that purpose shall be reverted at the end of the biennium.

(4) Not later than August 15, 1976, the agency shall transmit a list to the standing ways and means committees of all federal moneys received, including unanticipated receipts so noted, as of July 1, 1975, by agency program, category, and organizational unit which list shall include the following information:

- (a) The granting federal agency;
- (b) A brief description and federal reference number, if applicable;

- (c) The specific amount of money received and the purpose for which it is intended;
- (d) The matching requirements; and
- (e) The limiting factors, if any.

Monthly revisions to the list required by this subsection, including unanticipated receipts, shall be provided in the same manner as the original list for the remainder of the fiscal biennium.

(5) Not more than \$1,507,912 (including \$523,245 from federal funds) shall be expended for the administration and support services program.

(6) Not more than \$6,049,511 (including \$5,518,462 from federal funds) shall be expended for the community planning program.

(7) Not more than \$120,569,873 (including \$116,673,530 from federal funds) shall be expended for the human resources planning program.

(8) It is the intent of the legislature that the office of voluntary action shall present a detailed report of its planned activities and its estimated accomplishments during the 1975-77 biennium to the standing ways and means committees on or before January 1, 1976.

(9) *It is the intent of the legislature that funds from the appropriations contained in this section shall not be expended to provide for toll-free telephone services.*

***Sec. 63. was partially vetoed, see message at end of chapter.**

NEW SECTION. Sec. 64. FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$ 1,508,984
General Fund Appropriation—Federal	\$ 82,000
General Fund Appropriation—Local	\$ 96,000
Total Appropriation	\$ 1,686,984

NEW SECTION. Sec. 65. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Accident Fund Appropriation	\$ 988,318
Medical Aid Fund Appropriation	\$ 988,317
Total Appropriation	\$ 1,976,635

NEW SECTION. Sec. 66. FOR THE WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund Appropriation—State	\$ 394,449
General Fund Appropriation—Federal	\$ 2,281,666
Total Appropriation	\$ 2,676,115

NEW SECTION. Sec. 67. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation—State	\$ 5,396,030
General Fund Appropriation—Federal	\$ 60,000
Accident Fund Appropriation	\$ 18,457,844
Medical Aid Fund Appropriation	\$ 16,577,497
Plumbing Certificate Fund Appropriation	\$ 74,100
Electrical License Account Appropriation	\$ 3,035,849
Total Appropriation	\$ 43,601,320

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) It is the intent of the legislature that not more than \$1,200,000 shall be expended for the Automated Records Management System (ARMS) under the Industrial Insurance Program, and that the department shall abolish sixty-five positions in the Industrial Insurance Program not later than January 30, 1977, as the result of such implementation of ARMS.

(2) \$786,669 of the general fund appropriation shall be expended, pursuant to chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.160, for the payment of claims to provide relief for victims of criminal acts committed between January 1, 1972, and July 1, 1974. Of such amount, \$118,408 shall be for administrative and appeals costs based upon the enactment of chapter ..., Laws of 1975 1st ex. sess. (SB 2070).

(3) Upon the enactment of chapter ..., Laws of 1975 1st ex. sess. (ESSB 2408), \$315,743 of the general fund appropriation—state moneys shall be transferred from the department of labor and industries to the public employment relations commission created by such chapter.

NEW SECTION. Sec. 68. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund—Puget Sound Pilotage Account Ap- propriation	\$	15,490
Total Appropriation	\$	15,490

NEW SECTION. Sec. 69. FOR THE BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation	\$	1,213,444
Total Appropriation	\$	1,213,444

NEW SECTION. Sec. 70. FOR THE HOSPITAL COMMISSION

General Fund Appropriation	\$	517,554
Total Appropriation	\$	517,554

NEW SECTION. Sec. 71. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State	\$	2,037,772
General Fund Appropriation—Federal	\$	43,786,684
Unemployment Compensation Administration Fund Appropriation—Federal	\$	61,979,210
Administrative Contingency Fund Appropriation	\$	200,000
Total Appropriation	\$	108,003,666

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$40,000 of general fund—federal appropriation shall be utilized for services of an additional assistant attorney general.

(2) \$1,000,000 of the state general fund appropriation shall be expended for continuation during the period from July 1, 1975, to June 30, 1976, of the Program for Local Services in which full time, stipended volunteers shall spend one year in service to local government agencies and private, nonprofit corporations.

The program shall provide recruitment, placement, training, and support of volunteers in nonstaff activities which focus on human, social, and environmental services. A report on the placement of volunteers under this program shall be provided to the legislature not later than January 15, 1976. Federal funds shall be expended in lieu of state funds if such federal funds become available for this program.

(3) \$500,000 of the unemployment compensation administration fund appropriation—federal contained in this section shall be expended by the department under the direction of the commissioner of the employment security department for the purpose of paying for rents and premises of the employment security department and for the purpose of paying the legally authorized and required salaries and fringe benefits to the employees of the employment security department, in the event and to the extent that the United States or its agents fail or refuse to supply sufficient current obligational authority to make such payments to provide needed facilities necessary to carry out the activities of the employment security department of the state of Washington. The amount appropriated pursuant to this subsection during any twelve-month period beginning on July 1, 1975, and ending June 30, 1976, shall not exceed the amount by which (a) the aggregate of the amount credited to the account of this state pursuant to section 903 of the Social Security Act during such twelve-month period and the twenty-four preceding twelve-month periods exceeds (b) the aggregate of the amounts obligated for the administration and paid out for benefits and charged against the amounts credited to the account of the state during such twenty-five twelve-month period.

(4) \$90,000 of the general fund appropriation—state contained in this section shall be expended for the continuation and implementation of an experimental program leading to employment of mentally retarded persons currently in activity centers, sheltered workshops, and group homes or schools for the mentally retarded. This program shall include employment preparation, diagnostic orientation and testing, academic tutoring, social adjustment, orientation to employment and employment relationships, job search and placement, and employer orientation to provide employers of the trainees with an understanding of the unique assets and limitations of the mentally retarded as they relate to employment responsibilities. The program shall provide for financial penalties to the extent that such performance objectives are not met, and a new, competitive bid process be employed which stresses assessment of past performance by interested potential contractors.

A report on the activities and progress of this program shall be made to the standing ways and means committees no later than December 1, 1975, and December 1, 1976, including, but not limited to:

- (a) The contractors assigned;
- (b) The amount and purpose of the contract; and
- (c) A detailed description of services performed.

(5) \$175,000 of the general fund appropriation—state contained in this section shall be expended for the continuation and further development of a program for the delivery of specialized employment services to persons previously convicted of a felony. All offenders receiving parole stipend moneys shall actively participate in preemployment counseling and placement programs approved by the

department of employment security and refusal to participate in programs authorized by this subsection shall result in termination of any post release stipend being provided to said felons. The department shall contract for the development of such a program after calling for competitive bids. Contracts awarded under this subsection shall contain performance specifications and financial penalties to the contractor in the event of nonperformance, and a new, competitive bid process be employed which stresses assessment of past performance by interested potential contractors.

A report on the activities and progress of this program shall be made to the standing ways and means committees no later than December 1, 1975, and December 1, 1976, including, but not limited to:

- (a) The contractors assigned;
- (b) The amount and purpose of the contract; and
- (c) A detailed description of services performed.

(6) \$300,000 of the general fund appropriation—state contained in this section shall be expended for continuation of an ongoing performance oriented program of moving unemployed persons to full time employment: PROVIDED FURTHER, That a new, competitive bid process be employed which stresses assessment of past performance by interested potential contractors.

A report on the activities and progress of this program shall be made to the standing ways and means committees no later than December 1, 1975, and December 1, 1976, including, but not limited to:

- (a) The contractors assigned;
- (b) The amount and purpose of the contract; and
- (c) A detailed description of services performed.

(7) \$150,000 of the general fund appropriation—state and \$600,000 of the general fund appropriation—federal contained in this section shall be expended to implement the intent of the legislature that new and innovative efforts be made to assist, through concentrated and more effective use and coordination of federal, state, and local government training and employment programs, those persons in the state of Washington who are unemployed and who, to again become productively employed, must make career changes for economic, technological, or health reasons. It is also intended that these efforts be concentrated principally toward the utilization of existing government programs and facilities and particularly the CETA programs and related programs and facilities of the departments of social and health services and employment security.

The appropriation contained in this subsection is to fund a pilot program that shall include career change centers that will provide diagnostic services, family, resource and situational counseling, supporting services, job training, and search and placement for the target population.

The department of employment security shall be responsible for contracting and management of this program and other involved state agencies shall provide program and facilities support as determined reasonable and necessary by the department of employment security.

The planning and community affairs agency shall provide to the department of employment security the necessary CETA funds required to implement this program including counties with a population of 100,000 or less.

The career change center component of this program shall be let for competitive bid to qualified private educational and manpower training agencies with the contracts to specify performance criteria and substantial financial penalties for nonperformance.

A report on the activities and progress of this program shall be made to the standing ways and means committees no later than December 1, 1975, and December 1, 1976, including, but not limited to:

- (a) The contractors assigned;
- (b) The amount and purpose of the contract; and
- (c) A detailed description of services performed.

(8) \$75,000 of the general fund appropriation—state shall be expended to implement the intent of the legislature that a program be instituted through contracts with private training schools for the delivery of training and placement services to persons applying at food banks. The contracts for services shall be based on performance criteria with significant penalties for nonperformance, and contractors shall be chosen on a competitive basis by the department of employment security. The department shall administer the program and shall report the combined results of this project as well as the prior project carried out under section 22, chapter 197, Laws of 1974 ex. sess., to the legislature in January.

***NEW SECTION. Sec. 72. FOR THE DEPARTMENT OF TRANSPORTATION**

General Fund—Public Transportation Account Ap-

<i>propriation</i>	\$	553,400
<i>Total Appropriation</i>	\$	553,400

The appropriation contained in this section shall be subject to the following condition or limitation: Expenditure is contingent upon the enactment of chapter ..., Laws of 1975 1st ex. sess. (SSB 2535).

***Sec. 72. was vetoed, see message at end of chapter.**

NEW SECTION. Sec. 73. FOR THE COMPACT FOR EDUCATION

General Fund Appropriation	\$	35,000
Total Appropriation	\$	35,000

NEW SECTION. Sec. 74. FOR THE COUNCIL ON HIGHER EDUCATION (OR ITS STATUTORY SUCCESSOR)

General Fund Appropriation—State	\$	8,602,978
General Fund Appropriation—Federal	\$	860,000
Total Appropriation	\$	9,462,978

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) The council shall submit a report to the legislature and the governor not later than July 1, 1976, concerning the results of the Technological Clearinghouse and its achievements in improving the understanding of and opportunities for technological education in this state and the need for possible future funding for such purpose.

(2) \$242,000 shall be expended for the Western Interstate Commission for Higher Education and \$171,300 of such funds shall be expended to financially assist the education of Washington students enrolled in optometry programs in other western states through the WICHE student exchange program.

NEW SECTION. Sec. 75. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	397,970
Total Appropriation	\$	397,970

NEW SECTION. Sec. 76. FOR THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

General Fund Appropriation—State	\$	214,012
General Fund Appropriation—Federal	\$	250,000
Total Appropriation	\$	464,012

NEW SECTION. Sec. 77. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund Appropriation—State	\$	506,781
General Fund Appropriation—Federal	\$	825,000
Total Appropriation	\$	1,331,781

The appropriations contained in this section shall be subject to the following condition or limitation: \$127,170 of grants shall be expended for continuation of the Center for Creativity at Fort Worden.

NEW SECTION. Sec. 78. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation	\$	273,506
General Fund—State Capitol Historical Association		
Museum Account Appropriation	\$	20,000
Total Appropriation	\$	293,506

NEW SECTION. Sec. 79. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	302,875
Total Appropriation	\$	302,875

NEW SECTION. Sec. 80. FOR THE STATE LIBRARY

General Fund Appropriation—State	\$	6,953,334
General Fund Appropriation—Federal	\$	960,315
General Fund Appropriation—Private	\$	802,000
Total Appropriation	\$	8,715,649

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not less than \$474,000 shall be expended for library services to the blind and handicapped by interagency reimbursement from the department of social and health services.

(2) \$10,000 shall be expended to conduct a study of the feasibility and alternatives to a library materials central storage facility for both public and academic libraries. Such study shall be coordinated by the state library with representatives

from public libraries and college and university libraries and the report shall be submitted to the next regular session of the legislature.

(3) \$2,927,346 shall be expended for final development and operations of a computerized cataloging, acquisition, and circulation network system with the expansion of such system to the University of Washington and Washington State University.

(4) All work orders and deliverables in the further development of the computerized network system shall be approved by the Washington State Data Processing Authority.

(5) By January 1, 1976, a billing system for the participants' share of the cost of the computerized network system shall be established and all participants within the system and all future participants shall be billed pursuant to such billing system commencing with the first day of the next succeeding biennium.

NEW SECTION. Sec. 81. FOR THE COORDINATING COUNCIL FOR OCCUPATIONAL EDUCATION (OR ITS STATUTORY SUCCESSOR) AND FOR THE ADVISORY COUNCIL FOR VOCATIONAL EDUCATION

General Fund Appropriation—State	\$	1,368,155
General Fund Appropriation—Federal	\$	20,364,929
Total Appropriation	\$	21,733,084

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The appropriations contained in this section are appropriated to the Coordinating Council for Occupational Education or, contingent on the enactment of chapter ..., Laws of 1975 1st ex. sess. (ESSB 2463), to the Commission on Vocational Education, and such commission shall be subject to the provisions of such act.

(2) It is the intent of the legislature that an examination be conducted by the office of program planning and fiscal management of the desirability and feasibility of eliminating positions not necessary for state level vocational education administration and that any such funds made available by such reduction in staff shall be allocated for support of local vocational education programs. The plan implementation for reduction of such staff shall be reported to the standing ways and means committees no later than January 1, 1976.

(3) It is the intent of the legislature that no state funds shall be expended by the Advisory Council on Vocational Education.

NEW SECTION. Sec. 82. COMMUNITY COLLEGE EDUCATION. The appropriations contained in sections 86 through 90 of this act shall be subject to the following conditions and limitations:

(1) The base system-wide formula funding levels included in the appropriations made in sections 86 through 90 of this act for each year of the biennium are:

- (a) Student services program—45% of formula entitlements;
- (b) Operation and maintenance program:
 - (i) 100% of formula entitlement for fixed costs; and
 - (ii) 60% of formula entitlement for variable costs;
- (c) Library services program:
 - (i) 55% of formula entitlement for staffing;

(ii) 52% of formula entitlement for collections in fiscal year 1976; and

(iii) 54% of formula entitlement for collections in fiscal year 1977;

(d) Instruction program:

(i) 72% of formula entitlement for faculty staffing; and

(ii) 60% of formula entitlement for support staff and operations.

(2) It is the intent of the legislature that the state board for community college education shall not transfer more than 5% of the funds generated by the formula entitlements set forth in subsection (1) of this section between programs. Such transfers are subject to review and approval by the office of program planning and fiscal management. If any transfers between programs, up to the limit authorized by this subsection, are made the state board shall report the amounts and purposes of such transfers to the standing ways and means committees at the beginning of each session of the legislature.

(3) No community college may increase their 1974-75 FTE faculty positions to a level which is higher than that supported by the percent of formula funded in the appropriations made in section 90 of this act.

(4) The legislature directs that Olympia Vocational-Technical Institute shall not become a comprehensive community college and shall offer only those courses essential to vocational education.

NEW SECTION. Sec. 83. The funds appropriated by sections 86 through 90 of this act shall be distributed to the community college districts by the state board for community college education under the authority granted to the state board by chapter 28B.50 RCW.

NEW SECTION. Sec. 84. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation	\$	3,422,772
Total Appropriation	\$	3,422,772

The appropriation contained in this section shall be subject to the following condition or limitation: \$1,026,850 shall be expended for the maintenance and development of the management information system and such funds shall be expended only pursuant to a plan approved by the Washington state data processing authority.

NEW SECTION. Sec. 85. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation	\$	17,876,642
Total Appropriation	\$	17,876,642

NEW SECTION. Sec. 86. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$	18,947,141
Total Appropriation	\$	18,947,141

The appropriation contained in this section shall be subject to the following condition or limitation: \$900,000 shall be distributed by the state board and expended for the continuation of programs for minority and disadvantaged students.

NEW SECTION. Sec. 87. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$	18,954,969
Total Appropriation	\$	18,954,969

NEW SECTION. Sec. 88. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE LIBRARY SERVICES PROGRAM

General Fund Appropriation	\$	8,374,158
Total Appropriation	\$	8,374,158

NEW SECTION. Sec. 89. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE INSTRUCTION PROGRAM

General Fund Appropriation	\$	113,514,567
Total Appropriation	\$	113,514,567

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$8,333,734 shall be expended for the purchase and repair of instructional equipment.

(2) \$1,826,068 shall be expended for the small school adjustment to Whatcom, Olympia Vocational Technical Institute, Big Bend, Peninsula, Grays Harbor, Wenatchee Valley, Centralia, Lower Columbia, Walla Walla, and Skagit Valley Community Colleges. The distribution of such funds shall be based on a percent of formula entitlement for faculty staffing which shall be increased at the rate of one percentage point above the 72% base level for each 100 FTE students below the 2,500 enrollment level, except that no college shall be funded in excess of 87% of formula.

(3) \$765,275 shall be expended exclusively for maintaining the current dental hygiene programs at a student faculty ratio of 7 to 1.

NEW SECTION. Sec. 90. HIGHER EDUCATION.

The appropriations contained in sections 92 through 147 of this act shall be subject to the following conditions and limitations:

(1) The base formula funding for the four year institutions of higher education, unless otherwise provided for in sections 92 through 147 of this act, for each year of the biennium are based in part on special nonformula items and in part on the following formula entitlements:

- (a) Student services program—75% of formula entitlement;
- (b) Plant operations and maintenance program:
 - (i) 60% of formula entitlement for variable costs; and
 - (ii) 100% of formula entitlement for fixed costs;
- (c) Instruction and departmental research—General program:
 - (i) 70% of formula entitlement for faculty staffing for the University of Washington and Washington State University;

(ii) 72% of formula entitlement for faculty staffing for the four year state colleges; and

(iii) 75% of formula entitlement for faculty support;

(d) Libraries program—55% of formula entitlement for staffing.

(2) It is the intent of the legislature that the four year institutions of higher education are authorized to transfer up to five percent of the amount appropriated for any specific program or programs upon review and approval by the office of program planning and fiscal management. If any transfers between programs, up to the limit authorized by this subsection, are made the institution shall report the amount and purpose of any such transfer to the standing ways and means committees at the beginning of each session of the legislature.

NEW SECTION. Sec. 91. FOR THE UNIVERSITY OF WASHINGTON—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation	\$	16,618,808
Total Appropriation	\$	16,618,808

NEW SECTION. Sec. 92. FOR THE UNIVERSITY OF WASHINGTON—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$	6,795,553
Total Appropriation	\$	6,795,553

The appropriation contained in this section shall be subject to the following condition or limitation: Not less than \$1,450,000 shall be expended for the educational opportunity program.

NEW SECTION. Sec. 93. FOR THE UNIVERSITY OF WASHINGTON—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$	24,370,000
Total Appropriation	\$	24,370,000

NEW SECTION. Sec. 94. FOR THE UNIVERSITY OF WASHINGTON—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$	11,889,451
Total Appropriation	\$	11,889,451

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 79.6% of such formula entitlement for collections for the first year of the 1975–77 biennium and is at 80.4% of such formula entitlement for collections for the second year of the 1975–77 biennium and is at 74.6% of such formula entitlement for staffing for the first year of the 1975–77 biennium and is at 73.5% of such formula entitlement for the second year of the 1975–77 biennium and is further based in part on special nonformula items.

NEW SECTION. Sec. 95. FOR THE UNIVERSITY OF WASHINGTON—FOR THE INSTRUCTION AND DEPARTMENTAL RESEARCH—GENERAL PROGRAM

General Fund Appropriation	\$	66,456,354
Total Appropriation	\$	66,456,354

NEW SECTION. Sec. 96. FOR THE UNIVERSITY OF WASHINGTON—FOR THE INSTRUCTION AND DEPARTMENTAL RESEARCH—HEALTH SCIENCES PROGRAM

General Fund Appropriation	\$	31,388,410
Total Appropriation	\$	31,388,410

NEW SECTION. Sec. 97. FOR THE UNIVERSITY OF WASHINGTON—FOR THE JOINT CENTER FOR GRADUATE STUDY—RICHLAND PROGRAM

General Fund Appropriation	\$	313,574
Total Appropriation	\$	313,574

NEW SECTION. Sec. 98. FOR THE UNIVERSITY OF WASHINGTON—FOR THE ORGANIZED ACTIVITIES RELATED TO EDUCATIONAL DEPARTMENTS PROGRAM

General Fund Appropriation	\$	2,773,677
Total Appropriation	\$	2,773,677

NEW SECTION. Sec. 99. FOR THE UNIVERSITY OF WASHINGTON—FOR THE UNIVERSITY HOSPITAL PROGRAM

General Fund Appropriation	\$	7,700,700
Total Appropriation	\$	7,700,700

The appropriation contained in this section shall be subject to the following condition or limitation: \$900,000 contained in this appropriation is contingent upon the passage of chapter ..., Laws of 1975 1st ex. sess. (SB 2619).

NEW SECTION. Sec. 100. FOR THE UNIVERSITY OF WASHINGTON—FOR THE HARBORVIEW MEDICAL CENTER PROGRAM

General Fund Appropriation	\$	6,109,597
Total Appropriation	\$	6,109,597

NEW SECTION. Sec. 101. FOR THE UNIVERSITY OF WASHINGTON—FOR THE EXTENSION AND PUBLIC SERVICES PROGRAM

General Fund Appropriation	\$	2,528,640
Total Appropriation	\$	2,528,640

NEW SECTION. Sec. 102. FOR THE UNIVERSITY OF WASHINGTON—FOR THE SEPARATELY BUDGETED RESEARCH PROGRAM

General Fund Appropriation	\$	2,907,366
Accident Fund Appropriation	\$	717,500
Medical Aid Fund Appropriation	\$	717,500
Total Appropriation	\$	4,342,366

The appropriations contained in this section shall be subject to the following condition or limitation: \$234,586 of the general fund appropriation shall be expended to provide, to the school of public health and community medicine sufficient funds to implement a program of research and analysis of health care and health care programs in the state of Washington that will provide independent data to the legislative and administrative branches of state government necessary

to the formulation of policies and the development of improved health care programs.

NEW SECTION. Sec. 103. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	500,000
Total Appropriation	\$	500,000

The appropriation contained in this section shall be for the support of Washington State University's participation in the WAMI program.

NEW SECTION. Sec. 104. FOR WASHINGTON STATE UNIVERSITY—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation	\$	7,985,900
Total Appropriation	\$	7,985,900

NEW SECTION. Sec. 105. FOR WASHINGTON STATE UNIVERSITY—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$	4,534,073
Total Appropriation	\$	4,534,073

NEW SECTION. Sec. 106. FOR WASHINGTON STATE UNIVERSITY—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$	9,439,100
Total Appropriation	\$	9,439,100

NEW SECTION. Sec. 107. FOR WASHINGTON STATE UNIVERSITY—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$	5,145,164
Total Appropriation	\$	5,145,164

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 72.9% of such formula entitlement for collections in the first year of the 1975–77 biennium and is at 73.6% of such formula entitlement for collections in the second year of the 1975–77 biennium.

NEW SECTION. Sec. 108. FOR WASHINGTON STATE UNIVERSITY—FOR THE INSTRUCTION AND DEPARTMENTAL RESEARCH—GENERAL PROGRAM

General Fund Appropriation	\$	34,480,169
Total Appropriation	\$	34,480,169

NEW SECTION. Sec. 109. FOR WASHINGTON STATE UNIVERSITY—FOR INSTRUCTION AND DEPARTMENTAL RESEARCH—HEALTH SCIENCES PROGRAM

General Fund Appropriation	\$	6,367,003
Total Appropriation	\$	6,367,003

NEW SECTION. Sec. 110. FOR WASHINGTON STATE UNIVERSITY—FOR THE JOINT CENTER FOR GRADUATE STUDY—RICHLAND PROGRAM

General Fund Appropriation	\$	313,574
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Total Appropriation	\$	313,574
NEW SECTION. Sec. 111. FOR WASHINGTON STATE UNIVERSITY—FOR THE ORGANIZED ACTIVITIES RELATED TO EDUCATIONAL DEPARTMENTS PROGRAM		
General Fund Appropriation	\$	678,864
Total Appropriation	\$	678,864
NEW SECTION. Sec. 112. FOR WASHINGTON STATE UNIVERSITY—FOR THE AGRICULTURAL COOPERATIVE EXTENSION PROGRAM		
General Fund Appropriation	\$	5,172,700
Total Appropriation	\$	5,172,700
NEW SECTION. Sec. 113. FOR WASHINGTON STATE UNIVERSITY—FOR THE EXTENSION AND PUBLIC SERVICES—GENERAL PROGRAM		
General Fund Appropriation	\$	1,625,900
Total Appropriation	\$	1,625,900
NEW SECTION. Sec. 114. FOR WASHINGTON STATE UNIVERSITY—FOR THE SEPARATELY BUDGETED RESEARCH—AGRICULTURAL PROGRAM		
General Fund Appropriation	\$	12,577,900
Total Appropriation	\$	12,577,900
NEW SECTION. Sec. 115. FOR WASHINGTON STATE UNIVERSITY—FOR THE SEPARATELY BUDGETED RESEARCH—ENGINEERING PROGRAM		
General Fund Appropriation	\$	2,109,300
Total Appropriation	\$	2,109,300
NEW SECTION. Sec. 116. FOR WASHINGTON STATE UNIVERSITY—FOR THE SEPARATELY BUDGETED RESEARCH—OTHER PROGRAM		
General Fund Appropriation	\$	1,465,400
Total Appropriation	\$	1,465,400
NEW SECTION. Sec. 117. The legislature hereby directs that Western Washington State College shall not expend any of the funds appropriated to it by sections 119 through 126 of this act for the development of a Ph.D. program in any academic discipline or subject field.		
NEW SECTION. Sec. 118. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM		
General Fund Appropriation	\$	2,979,100
Total Appropriation	\$	2,979,100
NEW SECTION. Sec. 119. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM		
General Fund Appropriation	\$	2,066,100
Total Appropriation	\$	2,066,100

NEW SECTION. Sec. 120. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$	3,561,500
Total Appropriation	\$	3,561,500

NEW SECTION. Sec. 121. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$	1,850,449
Total Appropriation	\$	1,850,449

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 97.5% of such formula entitlement for collections in the first year of the 1975–77 biennium and is at 99.4% of such formula entitlement for collections in the second year of the 1975–77 biennium.

NEW SECTION. Sec. 122. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE INSTRUCTION AND DEPARTMENTAL RESEARCH PROGRAM

General Fund Appropriation	\$	18,582,855
Total Appropriation	\$	18,582,855

NEW SECTION. Sec. 123. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE ORGANIZED ACTIVITIES RELATED TO EDUCATIONAL DEPARTMENTS PROGRAM

General Fund Appropriation	\$	694,900
Total Appropriation	\$	694,900

NEW SECTION. Sec. 124. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE EXTENSION AND PUBLIC SERVICE PROGRAM—FOR THE FAIRHAVEN BRIDGE PROGRAM

General Fund Appropriation	\$	80,000
Total Appropriation	\$	80,000

NEW SECTION. Sec. 125. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE SEPARATELY BUDGETED RESEARCH PROGRAM

General Fund Appropriation	\$	50,000
Total Appropriation	\$	50,000

NEW SECTION. Sec. 126. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation	\$	2,107,000
Total Appropriation	\$	2,107,000

NEW SECTION. Sec. 127. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$	1,821,700
Total Appropriation	\$	1,821,700

NEW SECTION. Sec. 128. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$	3,660,100
Total Appropriation	\$	3,660,100

NEW SECTION. Sec. 129. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$	1,677,700
Total Appropriation	\$	1,677,700

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 86.2% of such formula entitlement for collections for the first year of the 1975–77 biennium and is at 87.1% of such formula entitlement for collections for the second year of the 1975–77 biennium.

NEW SECTION. Sec. 130. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE INSTRUCTION AND DEPARTMENTAL RESEARCH PROGRAM

General Fund Appropriation	\$	15,342,087
Total Appropriation	\$	15,342,087

NEW SECTION. Sec. 131. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE ORGANIZED ACTIVITIES RELATED TO EDUCATIONAL DEPARTMENTS PROGRAM

General Fund Appropriation	\$	1,413,100
Total Appropriation	\$	1,413,100

The appropriation contained in this section shall be subject to the following condition or limitation: \$250,000 shall be expended for the conversion of existing data processing systems from their current environment to a joint utilization of other shared state data processing resources.

NEW SECTION. Sec. 132. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE SEPARATELY BUDGETED RESEARCH PROGRAM

General Fund Appropriation	\$	40,000
Total Appropriation	\$	40,000

NEW SECTION. Sec. 133. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation	\$	2,193,800
Total Appropriation	\$	2,193,800

NEW SECTION. Sec. 134. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$	1,250,900
Total Appropriation	\$	1,250,900

NEW SECTION. Sec. 135. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$	4,488,300
Total Appropriation	\$	4,488,300

NEW SECTION. Sec. 136. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$	1,381,330
Total Appropriation	\$	1,381,330

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 82.8% of such formula entitlement for collections for the first year of the 1975–77 biennium and is at 83.3% of such formula entitlement for collections for the second year of the 1975–77 biennium.

NEW SECTION. Sec. 137. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE GENERAL INSTRUCTION PROGRAM

General Fund Appropriation	\$	14,360,189
Total Appropriation	\$	14,360,189

NEW SECTION. Sec. 138. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE INSTRUCTION AND DEPARTMENTAL RESEARCH—HEALTH SCIENCES PROGRAM

General Fund Appropriation	\$	330,033
Total Appropriation	\$	330,033

NEW SECTION. Sec. 139. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE ORGANIZED ACTIVITIES RELATED TO EDUCATIONAL DEPARTMENTS PROGRAM

General Fund Appropriation	\$	1,336,200
Total Appropriation	\$	1,336,200

NEW SECTION. Sec. 140. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE SEPARATELY BUDGETED RESEARCH PROGRAM

General Fund Appropriation	\$	10,000
Total Appropriation	\$	10,000

NEW SECTION. Sec. 141. FOR THE EVERGREEN STATE COLLEGE—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation	\$	1,767,300
Total Appropriation	\$	1,767,300

NEW SECTION. Sec. 142. FOR THE EVERGREEN STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$	677,734
Total Appropriation	\$	677,734

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the student services budget model and the funding level contained in this section is at 85% of such formula entitlement for the first year of the 1975–77 biennium and is at 75% of such formula entitlement for the second year of the 1975–77 biennium and is further based in part on special nonformula items.

NEW SECTION. Sec. 143. FOR THE EVERGREEN STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$	2,683,299
Total Appropriation	\$	2,683,299

NEW SECTION. Sec. 144. FOR THE EVERGREEN STATE COLLEGE—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$	1,416,823
Total Appropriation	\$	1,416,823

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 82.9% of such formula entitlement for collections for the first year of the 1975–77 biennium and is at 82.1% of such formula entitlement for collections for the second year of the 1975–77 biennium.

NEW SECTION. Sec. 145. FOR THE EVERGREEN STATE COLLEGE—FOR THE INSTRUCTION AND DEPARTMENTAL RESEARCH PROGRAM

General Fund Appropriation	\$	5,387,428
Total Appropriation	\$	5,387,428

NEW SECTION. Sec. 146. FOR THE EVERGREEN STATE COLLEGE—FOR THE ORGANIZED ACTIVITIES RELATED TO EDUCATIONAL DEPARTMENTS PROGRAM

General Fund Appropriation	\$	600,000
Total Appropriation	\$	600,000

***NEW SECTION. Sec. 147. K-12 PROGRAM.**

The appropriations contained in sections 149 through 164 of this act shall be subject to the following conditions and limitations:

(1) No funds shall be expended to support the state board of education's adopted 1971 "Guidelines and Standards" relating to the preparation of professional education staff. No funds shall be expended for development, implementation, or continuation of activities associated with the 1971 "Guidelines and Standards".

(2) No funds shall be expended directly or indirectly for purposes of advancing the development of occupational skill centers. Operations of skill centers in existence on the effective date of this act may be continued.

***Sec. 147. was vetoed, see message at end of chapter.**

***NEW SECTION. Sec. 148. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING THE STATE BOARD FOR EDUCATION)**

General Fund Appropriation—State	\$	8,718,921
General Fund Appropriation—Federal	\$	3,904,000
General Fund—Traffic Safety Education Account		
Appropriation	\$	667,690
Total Appropriation	\$	13,290,611

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The superintendent of public instruction is authorized to continue operating a career education program through the 1975–77 biennium: PROVIDED,

That no more than \$100,000 of state funds shall be used for the continuation of this program.

(2) \$280,000 shall be expended exclusively to provide support for legal actions against local school districts which result from reduction-in-force procedures. Such funds may only be disbursed to local school districts on approval of the superintendent of public instruction and no such funds shall be disbursed after March 15, 1976. Disbursements shall be made to local school districts only if such districts provide at least twenty-five percent of the costs of such legal actions from nonappropriated funds.

(3) Not more than \$90,000 shall be expended to provide office support for the management of the transportation program.

(4) Not more than \$667,690 shall be expended for state office administration of the traffic safety education program. The superintendent of public instruction shall develop a plan for reducing administrative costs associated with such program and submit the plan to the standing ways and means committees no later than July 1, 1976.

(5) *The state board of education shall not reduce the number of intermediate school districts, including any realignment of boundaries, until approval is received by the legislature.*

***Sec. 148. was partially vetoed, see message at end of chapter.**

NEW SECTION. Sec. 149. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—GENERAL APPORTIONMENT

General Fund Appropriation:

For General Apportionment	\$ 1,073,195,265
Total Appropriation	\$ 1,073,195,265

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Salary increases for classified and certificated employees of common school districts are not mandated by the provisions of this section.

(2) Any local school district which does provide a salary increase from funds appropriated by this section shall provide a district-wide salary increase which is equal for both certificated and classified personnel.

(3) Local school districts receiving funds from the appropriation made in this section may expend all or a portion of such funds to retain needed personnel in-lieu of salary increases.

(4) It is the intent of the legislature that to the extent that any district receives funds through the state apportionment formula in excess of the amount anticipated by such a district when it established its excess levy for collection in 1976 and when such excess can be utilized to relieve special levy burdens, then such a district should place a first priority on reducing its special levy.

(5) The superintendent of public instruction is hereby authorized to direct from the appropriation contained in this section, such funds as may be necessary to grant salary increases for certificated and classified employees funded through categorical programs, but in no event shall such allocation exceed the average salary increase amount authorized for state employees during the 1974-75 fiscal year.

(6) The weighting schedule used by the superintendent of public instruction during the 1975-77 biennium in computing the apportionment of funds for each school district shall be based on the following factors:

- (a) A base weighting factor of 1.0 for each full time equivalent student enrolled;
- (b) An additional weighting factor of 1.0 for each full time equivalent student enrolled in vocational education in grades 9-12 which is approved by the superintendent of public instruction. The superintendent of public instruction shall report the results of a comprehensive study on vocational education to the standing ways and means committees no later than January 1, 1976. Such study shall document the cost of vocational education presently qualifying for 0.2 support on a sample basis. Such study shall include an examination of the criteria for determining full time equivalents and recommendations for alternative funding procedures and a time line for implementation thereof;
- (c) Continuation of the weighting factors used by the superintendent of public instruction for the purpose of reimbursement to each school district for costs resulting from staff education and experience greater than the minimum requirements. The superintendent of public instruction shall employ the staff characteristic factor of the respective local districts established in each of the immediately preceding school years for purposes of distribution throughout the 1975-77 biennium;
- (d) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for school districts enrolling not more than 250 full time equivalent students in grades 9-12;
- (e) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for nonhigh school districts enrolling not more than 100 full time equivalent students which districts have been judged to be remote and necessary by the state board of education;
- (f) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for small school plants which are judged remote and necessary within any school district by the state board of education;
- (g) An additional weighting factor for a period of not more than four years, for any consolidated school district formed after July 1, 1971, equal to the additional weighting factor in effect in each qualifying district during the school year immediately preceding consolidation, which district consists of one or more former school districts which were either remote and necessary or which contained not more than 250 students in grades 9-12;
- (h) An additional weighting factor of 0.25 for full time equivalent students residing on tax exempt property as set forth in RCW 28A.41.140(6)(b) or (c); and
- (i) An additional weighting factor of 0.25 for full time equivalent students in an approved interdistrict cooperative program as authorized by RCW 28A.41.140(6)(a) and 28A.58.075.

(7) It is the intent of the legislature that a portion of the funds appropriated by this section for general apportionment may be used by school districts for costs associated with public use of school gymnasiums during evening and weekend hours.

(8) During the 1975-77 biennium the superintendent of public instruction shall distribute not more than \$960,000 of the funds appropriated by this section for general apportionment, outside of the apportionment formula to school districts for the following purposes:

- (a) To pay fire protection districts at a rate of \$1.00 per year for each student attending a school located in an unincorporated area within a fire protection district as mandated by the provisions of RCW 52.36.020 by the expenditure of not more than \$560,000;
- (b) To pay for school district emergencies by the expenditure of not more than \$400,000.

(9) During the 1975-77 biennium the superintendent of public instruction may direct the expenditure of funds contained in this appropriation to fund the percentage of school psychologists, speech therapists and other ancillary personnel not funded in the handicapped excess cost appropriation for the 1975-77 biennium.

**NEW SECTION. Sec. 150. There is hereby appropriated from the state general fund to the superintendent of public instruction for the biennium ending June 30, 1977, for distribution appropriate to the purposes of this section during the 1975-76 school year to school districts as hereinafter in this section provided, the sum of sixty-five million dollars or so much thereof as may be necessary: PROVIDED, That not more than three and one-half million dollars of such amount shall be allocated to districts which have submitted but failed to authorize one or more excess levies for maintenance and operations in 1976 and with a relatively high percentage of urban, rural, racial, and disadvantaged children, to continue quality educational programs for the 1975-76 school year at approximately the same student-teacher ratio that existed during the 1974-75 school year for any such districts or schools within such districts.*

Allocations under this section for special levy relief shall be made by the superintendent of public instruction to local school districts in accordance with the following procedure:

Those local school districts which have received authorization for collection of an excess levy in 1976 for maintenance and operations or which have submitted one or more excess levies for maintenance and operations in 1976 shall receive an amount in the sum of eighty dollars per full time equivalent pupil enrolled for the 1975-76 school year. The superintendent of public instruction shall determine and notify each local school district of the amount of such funds made available by this section. Each board of directors of a local school district which qualifies for an allotment of funds for special levy relief pursuant to the provisions of this section and has been authorized an excess levy for maintenance and operations for collection in 1976, prior to receiving an allotment of funds hereunder, shall certify to the respective county legislative authority a reduction in the excess levy equal to the amount of funds made available for special levy relief pursuant to this section. Any school district which fails to certify and roll back excess levies in the

manner required by this section shall not receive any allotment from the superintendent of public instruction of the funds made available under this section.

Those local school districts which did not submit one or more excess levies for maintenance and operations for collection in 1976 and in addition experience a net per pupil expenditure, excluding transportation costs, of less than the state-wide average per student during the 1974-75 school year, shall receive an amount equal to fifty dollars per full time equivalent pupil during the 1975-76 school year.

The superintendent of public instruction, pursuant to chapter 34.04 RCW, shall promulgate rules and regulations to effect the intent of this section.

***Sec. 150. was vetoed, see message at end of chapter.**

NEW SECTION. Sec. 151. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EXCESS COSTS

General Fund Appropriation—State	\$	73,163,256
General Fund Appropriation—Federal	\$	3,423,000
Total Appropriation	\$	76,586,256

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The number of students receiving special education for learning language disabilities shall be increased from 0.8 percent to 1.0 percent of the total student enrollment during the 1975-76 school year.

(2) Not more than \$2,437,230 of the funds contained in the appropriations made in this section shall be held in reserve to increase the current percentage to 1.5 percent of the total student enrollment during the 1976-77 school year upon satisfactory completion of the requirement set forth in subsection (3) of this section.

(3) No reserve funds shall be released without approval of the legislative budget committee and that committee shall not release such funds until the superintendent of public instruction has implemented an appropriate screening device designed to identify children with learning language disabilities. The office of the superintendent of public instruction shall not expend more than \$40,000 of the funds contained in these appropriations to implement such a screening device.

(4) Handicapped program categories are budgeted for on the student-teacher ratios provided for by the rules and regulations adopted by the superintendent of public instruction with the exception of resource rooms which are budgeted for on a ratio of 35 students to 1 teacher.

(5) During the 1975-76 school year the superintendent of public instruction shall implement a system of monthly reporting by each school district of handicapped student enrollments by the disability categories.

(6) A committee composed of ten persons (three appointed by the superintendent of public instruction, three appointed by the governor, two appointed by each of the standing ways and means committees), which shall be provided such support services by the superintendent of public instruction as are necessary to accomplish the tasks imposed by this subsection, shall provide a report to the office of program planning and fiscal management and the standing ways and means committees not later than February 1, 1976, which shall include, but not necessarily be limited to the following:

- (a) Redefinition by handicapped category of eligibility criteria for excess cost funding including type of disability, degree of disability, and related criteria;
- (b) Coordination of definitions and criteria with mental health, developmental disabilities, and other related programs of the department of social and health services;
- (c) A state-wide needs assessment which shall be a six year projection;
- (d) A thorough review of screening techniques and referral processes;
- (e) A revaluation of instructional methods; and
- (f) A revision of accounting and reporting requirements to insure accountability of expenditures to budget assumptions and to measure the effectiveness of special education programs in assisting students to achieve their appropriate grade levels.

(7) Not more than \$36,000 shall be used to initiate a program to instruct teachers and school nurses in techniques for recognizing and caring for epileptic students.

NEW SECTION. Sec. 152. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation	\$	61,699,889
Total Appropriation	\$	61,699,889

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$350,000 shall be expended to provide for the improved management of the transportation and safety programs initiated by chapter 91, Laws of 1974 ex. sess.

(2) The superintendent of public instruction shall develop a new vehicle depreciation schedule that more accurately reflects the useful life of transportation equipment and shall report recommendations to the respective ways and means committees of the legislature not later than September 1, 1975.

NEW SECTION. Sec. 153. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation	\$	20,398,748
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NEW SECTION. Sec. 154. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State	\$	8,866,998
General Fund Appropriation—Federal	\$	3,699,540
Total Appropriation	\$	12,566,538

NEW SECTION. Sec. 155. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR URBAN RURAL RACIAL DISADVANTAGED PROGRAMS

General Fund Appropriation	\$	9,611,362
Total Appropriation	\$	9,611,362

The appropriation contained in this section shall be subject to the following condition or limitation: Not less than \$1,000,000 shall be expended for districts with an average annual enrollment of 2,500 full time equivalent students or less.

NEW SECTION. Sec. 156. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INTERMEDIATE SCHOOL DISTRICTS

General Fund Appropriation	\$	3,624,870
Total Appropriation	\$	3,624,870

NEW SECTION. Sec. 157. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE GIFTED PUPIL PROGRAM

General Fund Appropriation	\$	913,000
Total Appropriation	\$	913,000

The appropriation contained in this section shall be subject to the following condition or limitation: The superintendent of public instruction shall provide a report to the legislative budget committee not later than February 1, 1976, which shall include the following:

- (1) A state-wide needs assessment which shall be a six year projection;
- (2) Quantifiable definitions of intellectually and creatively gifted students who are determined eligible for excess cost funding;
- (3) An explanation of screening techniques relating to gifted students;
- (4) A description of instructional methods relating to gifted students;
- (5) Program cost data; and
- (6) Program success data.

NEW SECTION. Sec. 158. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CULTURAL ENRICHMENT PROGRAMS

General Fund Appropriation	\$	1,111,781
Total Appropriation	\$	1,111,781

NEW SECTION. Sec. 159. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE PACIFIC SCIENCE CENTER FOR MATHEMATICS AND SCIENCE EDUCATION SERVICES TO BE PROVIDED PUBLIC SCHOOL STUDENTS AND TEACHERS

General Fund Appropriation	\$	513,121
Total Appropriation	\$	513,121

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$338,121 may be expended by the superintendent of public instruction to construct, remodel and equip an astronomy education facility upon property owned by Pacific Science Center Foundation for the purpose of providing such educational services.
- (2) The superintendent of public instruction may contract to transfer title to such facility and equipment provided for in subsection (1) of this section to the Pacific Science Center Foundation or its successor at such time as the value of educational services provided to public school students and teachers exceeds the costs reimbursed by the superintendent of public instruction and participating school districts by an amount equivalent to at least the cost to the superintendent

of public instruction for the construction and acquisition of such facility and equipment.

NEW SECTION. Sec. 160. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE TRAFFIC SAFETY PROGRAM

General Fund—Traffic Safety Education Account

Appropriation	\$	8,951,410
Total Appropriation	\$	8,951,410

NEW SECTION. Sec. 161. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation—State	\$	7,650,964
General Fund Appropriation—Federal	\$	41,796,311
Total Appropriation	\$	49,447,275

NEW SECTION. Sec. 162. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES

General Fund Appropriation—Federal	\$	60,731,414
Total Appropriation	\$	60,731,414
Elementary and Secondary Education Act of 1965	\$	57,054,157
National Defense Education Act of 1958	\$	617,257
Education of Indian Children	\$	1,810,000
Adult Basic Education	\$	1,250,000

NEW SECTION. Sec. 163. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENCUMBRANCE OF FEDERAL GRANTS

General Fund Appropriation—Federal	\$	15,221,787
Total Appropriation	\$	15,221,787

NEW SECTION. Sec. 164. FOR THE OCEANOGRAPHIC COMMISSION

General Fund Appropriation	\$	227,486
Total Appropriation	\$	227,486

The appropriation contained in this section shall be subject to the following limitation or condition: Not more than \$40,000 shall be expended on a research feasibility study for an underwater pipeline crossing of Admiralty Inlet. Results of such study shall be submitted to the legislature not later than January 1, 1976.

NEW SECTION. Sec. 165. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$	14,205,592
General Fund Appropriation—Federal	\$	7,206,050
General Fund—Reclamation Revolving Account		
Appropriation	\$	526,000
General Fund—Litter Control Account Appropria- tion	\$	1,725,260
Stream Gaging Basic Data Fund Appropriation	\$	170,000
General Fund—Water Pollution Control Facilities		
Account Appropriation	\$	4,000,000
General Fund—State and Local Improvements Re- volving Account—Waste Disposal Facilities: Appropria- ted pursuant to the provisions of chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$	93,744,785

General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to the provisions of chapter 128,

Laws of 1972 ex. sess. (Referendum 27)	\$	53,944,043
Total Appropriation	\$	175,521,730

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$1,063,931 in state funds from the appropriations contained herein shall be expended by the department for matching purposes for activated air pollution control authorities. If such authorities do not expend an equal amount to match such funds during the 1975–77 biennium, then such unmatched, unexpended state funds shall be available to the department.

(2) \$1,388,050 from federal air pollution control grant funds shall be made available to activated air pollution control authorities in the state as directed by the federal environmental protection agency.

(3) Not more than \$2,500 shall be expended for water master services in Walla Walla county.

(4) \$20,769,529 of the state and local improvements account—water supply appropriation shall be expended exclusively for agricultural water supply facilities. Not more than \$15,000,000 of such \$20,769,529 appropriation shall be expended for the Second Bacon Siphon and Tunnel.

(5) On or before October 1, 1975, the department of ecology shall file with the standing ways and means committees of the legislature a master compilation by project type of those projects proposed for funding during the 1975–77 biennium from the appropriations for waste disposal facilities and municipal and industrial water supply facilities. The department shall submit updates for the master compilation to the standing ways and means committees at six month intervals during the 1975–77 biennium. The updates shall reflect project completions, deletions, and substitutions or additions made during the course of administering such projects. If the department proposes to change or modify any project listed on the master compilation, it shall give the standing ways and means committees thirty days written notice of such change or modification prior to the expenditure or obligation of any funds appropriated by this section. The department shall inform the standing ways and means committees as soon as is practicable of emergent federal action which has any affect whatsoever on the appropriations for waste disposal facilities and water supply facilities.

(6) The appropriation from the state and local improvements revolving account—municipal and industrial water supply facilities may be expended to pay up to fifty percent of the eligible cost of any project, as a grant or loan or combination thereof. Also, the department may loan up to one hundred percent of the eligible costs of preconstruction activities and the department may provide up to one hundred percent of the costs necessary to meet the conditions required to receive federal funds.

(7) The appropriation from the state and local improvements revolving account—waste disposal facilities may be expended by the department to pay for up to fifty percent of the eligible cost of any project, as a grant or loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake

rehabilitation, or solid waste management facilities. The department is hereby authorized to loan up to one hundred percent of the eligible costs of preconstruction activities. The department is hereby authorized to provide up to one hundred percent of the costs necessary to meet the conditions required to receive federal funds.

NEW SECTION. Sec. 166. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund Appropriation—State	\$	3,600
General Fund Appropriation—Federal	\$	16,000
Total Appropriation	\$	19,600

NEW SECTION. Sec. 167. FOR THE POLLUTION CONTROL HEARINGS BOARD

General Fund Appropriation	\$	404,756
Total Appropriation	\$	404,756

NEW SECTION. Sec. 168. FOR THE THERMAL POWER PLANT SITE EVALUATION COUNCIL

General Fund Appropriation	\$	324,609
Total Appropriation	\$	324,609

The appropriation contained in this section is subject to the following condition or limitation: The council shall establish a schedule of charges for monitoring compliance with state site certification requirements. Such charges shall be sufficient to maintain the expense of the compliance monitoring function. The schedule shall be submitted to the standing ways and means committees of the legislature not later than November 30, 1975.

NEW SECTION. Sec. 169. FOR THE SHORELINES HEARING BOARD

General Fund Appropriation	\$	56,000
Total Appropriation	\$	56,000

NEW SECTION. Sec. 170. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	15,907,721
General Fund Appropriation—Federal	\$	252,205
General Fund—Trust Land Purchase Account Appropriation	\$	2,522,968
Motor Vehicle Fund Appropriation	\$	600,000
General Fund—State and Local Improvement Revolving Account Appropriation—Public Recreation Facilities; Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess.	\$	625,000
Total Appropriation	\$	19,907,894

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The commission shall make no contractual agreements or receive any donation of real property or an interest therein which commits the commission to either assuming on a current basis or to requesting funds at a future time for operating, development, or acquisition costs without prior approval of the legislative

budget committee or the standing ways and means committees if the legislature is in session.

(2) \$6,150,450 shall be expended for the administrative services program to be funded from the following sources: \$2,750,277 from the state general fund, \$252,205 from the federal general fund, \$2,522,968 from the trust land purchase account, and \$625,000 from the state and local improvement revolving account.

Not more than \$35,000 shall be expended within the administrative services program for the purpose of studying the feasibility, desirability, and need for a greenway along the Yakima river from Selah Gap to Union Gap.

Not more than \$15,000 shall remain unexpended for the contingent purpose of making a grant to the Port of Skagit County in the event that the planned operation of the historical railroad from Sedro Woolley to Concrete is not fully self-supporting in the first year of operation.

It is the intent of the legislature that \$625,000 shall be expended for the "Historic Preservation Program" to be operated by the Commission. Such Commission and the office of program planning and fiscal management shall adopt rules and regulations pursuant to chapter 34.04 RCW for the purpose of administering such program.

(3) \$2,317,228 shall be expended for the resource development program to be funded by \$1,717,228 from the state general fund and \$600,000 from the motor vehicle fund appropriation.

(4) The park operation program is funded by \$11,440,216 from the state general fund.

\$60,000 shall be expended within the park operation program for continuation of contractual agreements with Grays Harbor and Pacific counties for beach patrol and law enforcement on North Beach, South Beach, and Long Beach.

NEW SECTION. Sec. 171. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund—Outdoor Recreation Account Ap- propriation.....	\$ 14,756,013
General Fund—Outdoor Recreation Account Ap- propriation; Appropriated pursuant to section 4(2), chapter 129, Laws of 1972 ex. sess.	\$ 7,210,000
Total Appropriation	\$ 21,966,013

The appropriations contained in this section shall be subject to the following condition or limitation: Not more than \$818,732 of the Outdoor Recreation Account Appropriation of \$14,756,013 shall be expended for administration.

NEW SECTION. Sec. 172. FOR THE COUNCIL ON ENVIRONMENTAL POLICY

General Fund Appropriation	\$ 44,324
Total Appropriation	\$ 44,324

***NEW SECTION. Sec. 173. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT**

General Fund Appropriation—State	\$ 3,111,558
General Fund Appropriation—Federal	\$ 250,000
Motor Vehicle Fund Appropriation	\$ 295,277

Total Appropriation \$ 3,656,835

The appropriations contained in this section shall be subject to the following condition or limitation: \$286,400 of the general fund appropriation—state shall be available solely for service contracts on a one to one dollar match basis by nonprofit corporations, organizations, councils, or associations involved in local economic development.

***Sec. 173. was partially vetoed, see message at end of chapter.**

NEW SECTION. Sec. 174. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$	16,134,576
General Fund Appropriation—Federal	\$	3,690,856
General Fund Appropriation—Local	\$	1,392,728
General Fund—Lewis River Hatchery Account Ap- propriation	\$	26,640
Vessel, Gear, License, and Permit Reduction Fund	\$	4,947,000
Total Appropriation	\$	26,191,800

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$200,000 of the general fund appropriation—state shall be expended for the operation of the Spaight Creek rearing unit.

(2) \$12,000 of the general fund appropriation—state shall be expended for an engineering survey of the Dungeness Diversion Dam in Clallam county.

(3) The expenditure of \$4,947,000 of the vessel, gear, license, and permit reduction fund shall be contingent on the enactment of chapter ..., Laws of 1975 1st ex. sess. (SSB 2574). If chapter ..., Laws of 1975 1st ex. sess. (SSB 2574) is not enacted into law and federal funds are available to the state for purchase and removal of commercial fishing vessels, it is the intent of the legislature that the department of fisheries shall be the only state agency which may apply for such funds through the unanticipated receipts process.

(4) \$10,000 of the general fund appropriation—state may be utilized in a pilot project in cooperation with the office of the superintendent of public instruction in the establishment of a fisheries resource education program in local school districts. Such funds are to be matched, by school districts participating, on a one to one basis from private or local resources.

NEW SECTION. Sec. 175. FOR THE DEPARTMENT OF GAME

General Fund Appropriation	\$	36,000
General Fund—Outdoor Recreation Account Ap- propriation	\$	220,759
Game Fund Appropriation—State	\$	16,922,465
Game Fund Appropriation—Federal	\$	4,210,000
Game Fund Appropriation—Local	\$	550,000
Total Appropriation	\$	21,939,224

The appropriations contained in this section shall be subject to the following condition or limitation:

(1) It is the intent of the legislature that the department shall be required to administer each program so that there shall be a vacancy rate of not greater than five percent and such percentage shall be attained by abolishing vacant positions.

(2) Not less than \$3,218,668 from the game fund appropriation—state, \$1,650,000 from the game fund appropriation—federal, and \$400,000 from the game fund appropriation—local shall be expended on fish management and fish production.

NEW SECTION. Sec. 176. FOR THE FOREST PRACTICES APPEALS BOARD

General Fund Appropriation	\$	223,005
Total Appropriation	\$	223,005

NEW SECTION. Sec. 177. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	12,412,273
General Fund Appropriation—Federal	\$	653,035
General Fund—General Contingency Forest Fire Suppression Account Appropriation	\$	1,000,000
General Fund—Landowners Forest Fire Suppression Account Appropriation	\$	1,000,000
General Fund—Resource Management Cost Ac- count Appropriation	\$	29,197,685
General Fund—Forest Development Account Ap- propriation	\$	5,075,390
State Timber Reserve Fund Appropriation	\$	1,894,650
General Fund—Outdoor Recreation Account Ap- propriation	\$	1,840,539
Total Appropriation	\$	53,073,572

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$1,000,000 of the state general fund appropriation is for emergency fire suppression costs and shall be allocated and transferred to the general contingency forest fire suppression account only as such funds are actually needed for the purpose of paying emergency fire suppression costs.

(2) \$100,000 of the general fund appropriation—state and \$25,000 of the resource management account appropriation shall be expended by the department in a program directed toward the eradication of the star thistle weed (*centaurea solstitialis*) on lands managed by the department. The department shall provide a one-third state share for problem areas adjacent to such lands which are privately owned if participating counties and individual landowners provide their equal one-third shares.

(3) \$483,872 of the general fund—resource management account appropriation and \$44,908 of the general fund—forest development account appropriation may be expended only if chapter ..., Laws of 1975 ex. sess. (HB 971 or a similar measure) is not enacted into law. Expenditures of such funds shall be for payment of leasehold excise taxes by the department.

(4) \$200,000 of the general fund—resource management account appropriation shall be expended for payment by the department of past due in-lieu excise tax payments.

(5) \$593,035 from the general fund appropriation—federal shall be expended for the job opportunities program to stimulate or expand job creating activities in areas that are suffering from high unemployment.

NEW SECTION. Sec. 178. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	5,230,611
General Fund Appropriation—Federal	\$	140,556
General Fund—Commercial Feed Account Appropriation	\$	226,420
General Fund—Egg Inspection Account Appropriation	\$	306,054
General Fund—Feed and Fertilizer Account Appropriation	\$	12,972
General Fund—Fertilizer, Agricultural, Mineral and Lime Account Appropriation	\$	217,736
General Fund—Nursery Inspection Account Appropriation	\$	199,251
General Fund—Seed Account Appropriation	\$	585,610
General Fund—Special Grass Seed Burning Account Appropriation	\$	85,000
Grain and Hay Inspection Fund Appropriation	\$	4,928,226
Total Appropriation	\$	11,932,436

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The department, in conjunction with the office of program planning and fiscal management shall prepare a report for submission to the legislature not later than January 1, 1976. Such report shall contain provisions for a system which will allow the various agricultural dedicated funds and accounts, whether appropriated or nonappropriated, to financially support the general administration program.

(2) \$272,336 of the state general fund appropriation shall be expended by the department for its one-third share for completion of the special program in conjunction with the noxious weed control boards of the several counties directed towards the eradication of the noxious weed tansy. Continued state expenditures are conditioned on the continuation of payment of an equal one-third share by participating county noxious weed control boards and individual landowners. No county noxious weed control board or individual land owner shall be eligible for the state's one-third share unless such board or landowner has developed a range management program approved by the department in cooperation with the appropriate local or other agency responsible for said conservation. \$67,596 of the \$272,336 shall be expended in cooperation with Washington State University for research into the poisonous properties of tansy ragwort (*Senecio-Jacobaea*). \$37,740 of the \$272,336 shall be expended to support a noxious weed coordinator for the duration of the special program.

(3) The grass seed burning account appropriation shall be expended for research at Washington State University in alternative methods of burning grasses grown for commercial seed production.

(4) Not more than \$27,500 from the state general fund appropriation shall be expended for the continuation of the wetlands survey being conducted by the Water Research Center at Washington State University.

NEW SECTION. Sec. 179. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund Appropriation	\$	4,077,374
Total Appropriation	\$	4,077,374

NEW SECTION. Sec. 180. FOR THE STATE PATROL

General Fund Appropriation—State	\$	4,996,541
General Fund Appropriation—Federal	\$	1,892,737
Motor Vehicle Fund Appropriation	\$	48,773,702
Total Appropriation	\$	55,662,980

NEW SECTION. Sec. 181. FOR THE VEHICLE EQUIPMENT SAFETY COMMISSION

Motor Vehicle Fund Appropriation	\$	6,500
Total Appropriation	\$	6,500

NEW SECTION. Sec. 182. FOR THE DEPARTMENT OF MOTOR VEHICLES

General Fund Appropriation	\$	3,758,459
General Fund—Architect's License Account Appropriation	\$	84,046
General Fund—Commercial Automobile Driver Training School Account Appropriation	\$	2,522
General Fund—Optician's Account Appropriation	\$	3,641
General Fund—Optometry Account Appropriation	\$	22,324
General Fund—Professional Engineer's Account Appropriation	\$	234,895
General Fund—Real Estate Commission Account Appropriation	\$	1,708,136
General Fund—Sanitarian's Licensing Account Appropriation	\$	8,855
General Fund—Board of Psychological Examiners Account Appropriation	\$	15,885
Game Fund Appropriation	\$	104,744
Highway Safety Fund Appropriation	\$	16,187,284
Motor Vehicle Fund Appropriation	\$	12,812,439
Total Appropriation	\$	34,943,230

NEW SECTION. Sec. 183. FOR THE AERONAUTICS COMMISSION

General Fund—Search and Rescue Account Appropriation	\$	36,000
General Fund—Aeronautics Account Appropriation	\$	1,057,240
Total Appropriation	\$	1,093,240

NEW SECTION. Sec. 184. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund Appropriation	\$	222,285
Total Appropriation	\$	222,285

The appropriation contained in this section shall be subject to the following condition or limitation: If Substitute Senate Bill No. 2713 is not enacted, \$79,915 shall lapse at the end of the biennium.

NEW SECTION. Sec. 185. FOR THE STATE TREASURER—
TRANSFERS

Motor Vehicle Fund Appropriation: For transfer to the Grade Crossing Protective Fund for appropriation to the Utilities and Transportation Commission for the 1975-77 biennium to carry out the provisions of RCW 81.53.261, 81.53.271, 81.53.281, and 81.53.291	\$	575,000
General Fund—Investment Reserve Account Appropriation: For transfer to the General Fund on or before June 29, 1977, pursuant to chapter 50, Laws of 1969	\$	10,700,000
State Treasurer's Service Fund Appropriation: For transfer to the General Fund on or before June 30, 1976	\$	2,000,000
Motor Vehicle Fund Appropriation: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the Department of Highways and the Washington State Patrol during the period July 1, 1975, through June 30, 1977	\$	1,300,000
General Fund—State and Local Improvements Revolving Account—Public Recreation Facilities Appropriation: For transfer to the General Fund—Outdoor Recreation Account on or before June 30, 1977, pursuant to the provisions of section 4(2), chapter 129, Laws of 1972 ex. sess.	\$	5,000,000
General Fund—State and Local Improvements Revolving Account—Public Recreation Facilities Appropriation: For transfer to the General Fund—Outdoor Recreation Account on or before June 30, 1977, pursuant to the provisions of section 4(1), chapter 129, Laws of 1972 ex. sess.	\$	3,300,000
General Fund Appropriation: For transfer to the General Fund—Public Facilities Construction Loan and Grant Revolving Account on or before June 30, 1977 as required to meet obligations: PROVIDED, That notwithstanding the provisions of chapter 43-31A RCW, this appropriation shall be allocated to the Planning and Community Affairs Agency to be used exclusively for continuation of the Indian Economic and Employment Assistance Program for		

projects requested by reservation tribes through the
 Program Administrator \$ 1,568,691

**NEW SECTION. Sec. 186. FOR BELATED CLAIMS, SUNDRY CLAIMS,
 ELECTION COSTS, AND CRIMINAL COSTS**

The following sums, or so much thereof as shall severally be found necessary are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1976, except as otherwise noted.

BELATED CLAIMS

To reimburse the General Fund for Expenditures from Appropriation for Belated Claims to be disbursed on vouchers approved by the State Auditor:

General Fund—Commercial Feed Account Appropriation	\$ 46.24
General Fund—Commission Merchants Account Appropriation	\$ 40.32
General Fund—Contingency Forest Fire Suppression Account Appropriation	\$ 648.49
General Fund—Egg Inspection Account Appropriation	\$ 143.53
General Fund—Electrical License Account Appropriation	\$ 551.08
General Fund—Feed and Fertilizer Account Appropriation	\$.30
General Fund—Fertilizer, Agricultural Mineral and Lime Account Appropriation	\$ 31.08
General Fund—Real Estate Commission Account Appropriation	\$ 887.15
General Fund—Seed Account Appropriation	\$ 73.95
General Fund—Capitol Building Construction Account Appropriation	\$ 2,712.00
General Fund—Aeronautics Account Appropriation	\$ 50.70
General Fund—Resource Management Cost Account Appropriation	\$ 3,617.10
General Fund—Seattle Armory Account Appropriation	\$ 461.77
General Fund—Traffic Safety Education Account Appropriation	\$ 16.57
General Fund—Outdoor Recreation Account Appropriation	\$ 5,363.93
Game Fund Appropriation	\$ 3,341.04
Grain and Hay Inspection Fund Appropriation	\$ 1,512.08
Highway Safety Fund Appropriation	\$ 2,182.53
Motor Vehicle Fund Appropriation	\$ 39,645.25
Public Service Revolving Fund Appropriation	\$ 3,116.42
Administrative Contingency Fund Appropriation	\$ 298.32
Agricultural Local Fund Accounts Fund Appropriation	\$ 1,391.17

Horticultural Districts Fund Appropriation	\$	413.22
General Local Fund Appropriation	\$	156.60
Clarke-McNary Fund Appropriation	\$	1,681.16
General Administration Facilities and Services Revolving Fund Appropriation	\$	358.06
Liquor Board Revolving Fund Appropriation	\$	36.25
Retirement System Expense Fund Appropriation	\$	1,083.73
Accident Fund Appropriation	\$	1,181.51
Medical Aid Fund Appropriation	\$	654.48
Teachers' Retirement Fund Appropriation	\$	50.40
Total Appropriation	\$	71,746.43

SUNDRY CLAIMS

General Fund Appropriations for relief of various individuals, firms, and corporations for sundry reasons to be disbursed on vouchers approved by the State Auditor as follows:

(1) For restoration of funds from the Washington State Public Employees' Retirement System

FRED R. BOHME	\$	418.74
GEORGIA ANN COMPTON	\$	248.61
VERA M. HARMA	\$	728.26
MARION M. FREITAG	\$	908.99
SIDNEY W. FUNDIN	\$	530.07

(2) Payment for transcribing statement of facts for appeals of indigents:

VIVIAN E. ROBINSON—# 4855	\$	76.50
NORENE CAMPBELL—# IIII-II	\$	67.50
KATRINA A. HAMMERICH—# 752375	\$	838.00
IRENE GAY—# 709032	\$	129.60
ELAINE E. URGUHART—# 5162	\$	271.50
CATHERINE WILLIAMS—# 63120	\$	35.15
VIVIAN E. ROBINSON—# 64427	\$	483.00

(3) PARADISE SKI TOWS, INC., For refund of gas tax paid

	\$	117.45
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(4) MONTGOMERY, PURDUE, BLANKENSHIP, AND AUSTIN, For payment of attorney fees in Washington State Supreme Court causes # 42570 and # 42571

	\$	15,676.00
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(5) FRANCIS E. NELSON, Payment for destruction of residence by inmate at Rainier School: PROVIDED, That the state auditor is authorized and directed to draw up a separate warrant with voucher, such voucher to be presigned by Francis E. Nelson prior to release of the warrant, which voucher shall state: "The acceptance of this amount releases the state of Washington and all of its political subdivisions, and their agents, of further claims arising out of the destruction of the residence of the claimant by an inmate at Rainier School"

	\$	18,500.00
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- (6) GARY F. BASS, For attorney fees and costs for representing Francis E. Nelson: PROVIDED, That the state auditor is authorized and directed to draw up a separate warrant with voucher, such voucher to be presigned by Gary F. Bass prior to the release of the warrant, which voucher shall state: "The acceptance of this amount relieves the state of Washington of any further claims by me for legal services on behalf of Francis E. Nelson and satisfies any claim for legal services I have against my client, Francis E. Nelson, for representing her in the case involving the destruction of residence by an inmate of Rainier School" \$ 3,500.00
- (7) WESTRADE, INC., Payment for refund of utility tax \$ 14,627.09
- (8) DEPARTMENT OF EMPLOYMENT SECURITY, Refund of "Emergency Employment Act" funds \$ 17,001.76
- (9) Payment for loss of personal property lost in armed robbery at liquor store:
 - JOSEPH MATSUYAKI \$ 38.50
 - WILBUR WRIGHT \$ 38.00
 - IRVING R. SEVENSON \$ 32.00
- (10) Payment for loss of personal tools stolen from Department of Highways Maintenance Shop:
 - HERCHEL L. HAMNER \$ 382.48
 - ESTATE OF RICHARD F. PICKERING \$ 377.58
- (11) INGRAM, LELASKO, AND GOODWIN, For payment of legal services for representing an indigent, # 1452-II \$ 1,019.90
- (12) STANFORD RESEARCH INSTITUTE, For services rendered at Francis-Hadden Morgan Children's Center \$ 25,413.00
- (13) CAWDREY AND VEMO, INC., For payment of judgment against the State of Washington, # 768324 \$ 175,000.00
- (14) JOHN LOWRIE, For payment of judgment against the State of Washington, # 18000 \$ 371.00
- (15) For payments to widows of policemen in lieu of pension: PROVIDED, That the state auditor is authorized and directed to establish such allocation arrangements so as to reduce, to the extent possible, any ineligibility for public assistance that the recipient may be subject to as a result of this appropriation: PROVIDED FURTHER, That the state auditor shall not make an allocation to a recipient named herein if such recipient is deceased on or before the effective date of this act:
 - ALICE KLOAK \$ 1,428.00
 - MRS. GEORGE HOODE \$ 1,678.00
 - CLAIRE TELLING \$ 2,000.00

JEAN RICHARDSON	\$ 1,964.00
MRS. SIGNORA HALE	\$ 1,357.00
PAT STOWE	\$ 1,749.00
MARGARET PLAYFORD	\$ 1,714.00
ELIZABETH DICKINSON	\$ 1,178.00
SUZAN KENT	\$ 1,035.00
ADA AASLAND	\$ 1,357.00
MILDRED JORDAN (Now MRS. WM. KEHOE)	\$ 2,000.00
MRS. GLADYS DUGGINS	\$ 1,464.00
MRS. FAYE KEMPER	\$ 1,392.00
JEANIE OVERHOLT	\$ 1,357.00
ERMA E. BETTINGER	\$ 2,000.00
MAUDE COX	\$ 1,678.00
LEVA JOHNSON	\$ 1,642.00
MYRTLE MANNING	\$ 1,535.00
VIVIAN SEXSMITH	\$ 1,607.00
FANNY WAGNER	\$ 1,428.00
BERTHA SAVAGE	\$ 1,821.00
ALVETA JOHNSON	\$ 1,214.00
BETTY WARREN	\$ 1,892.00
VIOLET FARRAR	\$ 1,785.00
MARION OLMSTEAD	\$ 1,607.00
MARY LYONS	\$ 1,678.00
MARIE HERBST	\$ 1,821.00
MARY LUNDBERG	\$ 1,642.00
HELEN PENN	\$ 1,749.00
INA BERGLUND	\$ 1,464.00
GRACE JENSEN	\$ 1,749.00
FRANCES FINNEL	\$ 1,249.00
ESTHER SNYDER	\$ 1,428.00
HAZEL BOLEN	\$ 1,428.00
MAY COVELL	\$ 1,535.00
PAULINE RAMBO	\$ 1,464.00
EDNA OAKES	\$ 1,642.00
EVA ROBBINS	\$ 1,535.00
RUTH HOUSEHOLDER	\$ 1,249.00
GERTRUDE HALLSON	\$ 1,857.00
RUTH BIGHAM	\$ 1,785.00
ADELSA DOPH	\$ 1,607.00
JANETTE CASE	\$ 1,607.00
LELA HINTON	\$ 1,284.00
ALICE JORDAN	\$ 1,214.00
MILDRED KENNEDY	\$ 1,607.00
ROSA MARCY	\$ 2,000.00

PUBLIC ASSISTANCE BELATED CLAIMS

General Fund Appropriation to the department of social and health services for various vendors in full

settlement of services rendered to welfare patients to be paid at the rate of fifty percent of each late billing received for services rendered, on vouchers approved by the department of social and health services..... \$ 401,417.00

CRIMINAL COST BILLS

General Fund Appropriation reimbursing counties for various cost bills in felony cases to be disbursed on vouchers approved by the state auditor:

TREASURER, CLARK COUNTY.....	\$	19.90
TREASURER, GRANT COUNTY.....	\$	123.40
TREASURER, KING COUNTY.....	\$	18,255.05
TREASURER, KITSAP COUNTY.....	\$	1,779.80
TREASURER, OKANOGAN COUNTY.....	\$	3,446.00
TREASURER, PIERCE COUNTY.....	\$	1,479.00
TREASURER, SNOHOMISH COUNTY.....	\$	1,028.70
TREASURER, SPOKANE COUNTY.....	\$	449.60
TREASURER, WALLA WALLA COUNTY.....	\$	682.90
TREASURER, WHATCOM COUNTY.....	\$	176.50
TREASURER, WHITMAN COUNTY.....	\$	677.30
TREASURER, YAKIMA COUNTY.....	\$	800.20

ELECTION COSTS

General Fund Appropriation reimbursing counties for the state's share of election costs:

ADAMS COUNTY.....	\$	3,129.64
ASOTIN COUNTY.....	\$	2,564.43
BENTON COUNTY.....	\$	4,993.27
CHELAN COUNTY.....	\$	7,554.96
CLALLAM COUNTY.....	\$	4,501.38
CLARK COUNTY.....	\$	13,700.39
COLUMBIA COUNTY.....	\$	671.40
COWLITZ COUNTY.....	\$	8,180.41
DOUGLAS COUNTY.....	\$	3,175.00
FERRY COUNTY.....	\$	2,165.45
FRANKLIN COUNTY.....	\$	1,531.96
GARFIELD COUNTY.....	\$	776.68
GRANT COUNTY.....	\$	5,817.58
GRAYS HARBOR COUNTY.....	\$	5,976.53
ISLAND COUNTY.....	\$	4,980.01
JEFFERSON COUNTY.....	\$	2,023.83
KING COUNTY.....	\$	96,872.20
KITSAP COUNTY.....	\$	7,729.22
KITTITAS COUNTY.....	\$	4,585.08
KLICKITAT COUNTY.....	\$	2,828.19
LEWIS COUNTY.....	\$	4,792.43
LINCOLN COUNTY.....	\$	1,673.26
MASON COUNTY.....	\$	3,216.75
OKANOGAN COUNTY.....	\$	4,571.08

PACIFIC COUNTY	\$ 4,996.39
PEND OREILLE COUNTY	\$ 1,115.07
PIERCE COUNTY	\$ 19,979.18
SAN JUAN COUNTY	\$ 1,357.00
SKAGIT COUNTY	\$ 5,703.13
SKAMANIA COUNTY	\$ 684.39
SNOHOMISH COUNTY	\$ 11,351.20
SPOKANE COUNTY	\$ 29,500.93
STEVENS COUNTY	\$ 1,538.38
THURSTON COUNTY	\$ 10,359.95
WAHKIAKUM COUNTY	\$ 1,489.60
WALLA WALLA COUNTY	\$ 5,844.55
WHATCOM COUNTY	\$ 9,795.78
WHITMAN COUNTY	\$ 7,750.82
YAKIMA COUNTY	\$ 13,580.15

NEW SECTION. Sec. 187. In accordance with the provisions of this section the office of program planning and fiscal management shall use the allotment process during the 1975-77 biennium to control the funding of the formula portion of the instruction and departmental research programs of all the four year institutions of higher education and the community colleges. For the purpose of the controls outlined in this section, deviations in the formula entitlements for faculty staffing shall be the controlling factor. For the purpose of this section, the "contract level" is defined as the formula entitlement level upon which the budget is based, and the "base level" is defined as the formula entitlement level corresponding to the prior year's contract or actual enrollment level, whichever is lower. Controls shall be applied to each four year institution separately and to the community college education system as a total entity. "Growth funding" is defined as that portion of the appropriation by which the contract level exceeds the base level. All growth funds shall be reserved at the time of annual allotments. Such reserves shall be released only to the extent that the contract level is achieved, based upon the office of program planning and fiscal management's population studies section projections of full year enrollments from actual enrollments on the tenth day of the fall term. Growth funding not so released shall lapse at the end of a fiscal year. In any case where actual formula faculty entitlement, as computed from full year enrollments in spring, exceeds the contract level by more than one and one-half percent, appropriated funds equal in amount to the student operating fees derived from such excess enrollment shall be withheld during the same or subsequent year and shall revert to the state general fund following the close of the 1975-1977 biennium.

NEW SECTION. Sec. 188. Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess. the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration, general administration facilities and revolving account, for services rendered by the department for operation, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1975.

****NEW SECTION. Sec. 189.** No agency shall reallocate authorized personnel board positions in such a manner that the net cost impact of such reallocations upward and downward will increase agency expenditures for salaries and wages.*

**Sec. 189. was vetoed, see message at end of chapter.*

NEW SECTION. Sec. 190. All or any portion of the funds provided in sections 149 through 164 of this act for allocation to school districts shall be withheld by the superintendent of public instruction from any school district which expends moneys in excess of such districts certified budget or budget extensions thereto as filed with the office of the superintendent of public instruction and the state board of education.

****NEW SECTION. Sec. 191.** Every state agency other than institutions of higher education, common school or intermediate school districts, and the legislature, shall have withheld from the allotments or series of allotments to be made to such agencies by the office of program planning and fiscal management during the fiscal year 1977 an amount of money equal to not less than three percent of the funds available for expenditure by each such agency for full time equivalent staff years from the appropriations contained in this act.*

**Sec. 191. was vetoed, see message at end of chapter.*

NEW SECTION. Sec. 192. Any state agency which receives funds pursuant to the provisions of this act and utilizes any portion of such funds for grants to local public bodies shall not withhold consideration of potential grant projects for local public bodies located within the Trident impact area merely on the basis that federal funds for the same or similar services and/or projects are or will be available at the present time or at some future date.

NEW SECTION. Sec. 193. If any municipality, which shall have pledged the revenue from the special excise tax authorized by RCW 35.58.273 to secure the payment of all or any part of the principal of or interest on any general obligation bonds or revenue bonds issued pursuant to RCW 35.58.279, does not receive state transit assistance sufficient to meet such bond obligations, there is hereby appropriated from the general fund the sum of \$3,000,000, or so much thereof as shall be necessary, to the state treasurer who shall distribute to each such municipality a sum equal to such bond obligation.

NEW SECTION. Sec. 194. It is the expressed intention of the legislature that agency operational activity will be regularly monitored by the office of program planning and fiscal management, under their statutory authority relating to the allotment control function, in order to limit fluctuations in biennial spending patterns which tend to inflate the final current level base. Particular control emphasis will be placed on those instances in which biennial full time equivalent employment authorization is deliberately delayed in order to increase the agency position count as substantiation for the ensuing biennial request. Unanticipated receipts, which are authorized and expended by any state agency, shall not be used as the basis for expansion of current level full time equivalents, as it relates to legislative appropriations made prior to such authorization, unless definite assurance is made of continuation of funds from the specific source involved.

****NEW SECTION. Sec. 195.** (1) Federal funds, which were not anticipated relative to the appropriations enacted on the budget approved by the legislature*

for the biennium ending June 30, 1977, for programs financed from both state and federal revenues, shall be used in lieu of moneys from state or local revenue sources unless prohibited by federal law, rule, regulation or other restriction. The provisions of RCW 43.79.260 through 43.79.280 shall not apply to authorize expenditures beyond either budgeted or appropriated amounts from federal funds subject to this subsection. Exceptions to the rule imposed by this subsection may be granted by the legislature if in session or by the legislative budget committee or its statutory successor during the interim between legislative sessions or when the legislature has been in recess for three days or more.

(2) Notwithstanding the provisions of RCW 43.79.260 through 43.79.280 federal funds which are not subject to subsection (1) of this section and which were not anticipated relative to appropriations enacted or the budget approved by the legislature shall not be allotted for expenditure in excess of either appropriations provided by law or the budget approved by the legislature for the biennium ending June 30, 1977, without prior approval of the legislature if in session or by the legislative budget committee or its statutory successor during the interim between legislative sessions or when the legislature has been in recess for three days or more.

(3) Notwithstanding the provisions of RCW 43.79.260 through 43.79.280 any unanticipated state or local revenues to appropriated funds or accounts shall not be allocated for expenditure in excess of appropriations provided by law or budget approved by the legislature for the biennium ending June 30, 1977, without prior approval of the legislature if in session or by the legislative budget committee or its statutory successor during the interim between legislative sessions or when the legislature has been in recess for three days or more.

*Sec. 195. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 196. The word "agency" used in this act, unless the context requires otherwise, means and includes every state government office, officer, each institution, whether educational, correctional, or other, and every department, division, board, and commission, except as otherwise provided in this act.

The phrase "agencies headed by elective officials" used herein shall mean those executive offices or departments of the state which are directly supervised, administered, or controlled by the governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, or insurance commissioner, but it shall not include those boards, commissions, or committees on which one or more of the above-mentioned officials serve.

NEW SECTION. Sec. 197. In order to carry out the provisions of these appropriations and the state budget, the director of the Office of Program Planning and Fiscal Management with the approval of the governor, may:

(1) Allot all of any portion of the funds herein appropriated or included in the state budget, to the various agencies by such periods as he shall determine and may place any funds not so allotted in reserve available for subsequent allotment: PROVIDED, That the director of the office of program planning and fiscal management shall not alter allotment requests filed with him, nor shall he place in reserve any funds, for the following: Washington State Apple Advertising

Commission; Washington State Fruit Commission; Washington Dairy Products Commission or any agricultural commodity commission created under the provisions of chapter 15.66 RCW; the legislative branch of state government including the legislative budget committee, the statute law committee, and any legislative committee; or the judicial branch of state government: PROVIDED FURTHER, That the aggregate of allotments for any agency shall not exceed the total of applicable appropriations and local funds available to the agency concerned. It shall be unlawful for any officer or employee to incur obligations in excess of approved allotments or to incur a deficiency and any obligation so made shall be deemed invalid. Nothing in this section or in chapter 328, Laws of 1959, shall prevent revisions of any allotment when necessary to prevent the making of expenditures under appropriations in this act in excess of available revenues.

(2) Issue rules and regulations to establish uniform standards and business practices throughout the state service, including regulation of travel by officers and employees and the conditions under which per diem shall be paid, so as to improve efficiency and conserve funds.

(3) Prescribe procedures and forms to carry out the above.

(4) Allot funds from appropriations in this act in advance of July 1, 1975; for the sole purpose of authorizing agencies to order goods, supplies, or services for delivery after July 1, 1975: PROVIDED, That no expenditures may be made from the appropriations contained in this act, except as otherwise provided, until after July 1, 1975.

NEW SECTION. Sec. 198. Whenever possible, the receipt of federal or other funds which are not anticipated by the governor's budget or in the appropriations enacted by the legislature shall be used to support regular programs instead of using funds appropriated from state taxes or similar revenue sources.

NEW SECTION. Sec. 199. In the event that receipts shall be less than those estimated in the budget from any source expenditures shall be limited to the amount received and allotments made as provided in section 193 of this act. Receipts for purposes of this section shall include amounts realized within one calendar month following the close of a fiscal period and applicable to expenditures of that period. The amount of such payment shall be credited to and shall be treated for all purposes as having been collected during the fiscal period.

NEW SECTION. Sec. 200. If any part of this act shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules and regulations under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state. .

NEW SECTION. Sec. 201. Agencies are authorized to make refunds of erroneous or excessive payments and in the case of other refunds, which may be provided by law, without express appropriation therefor.

NEW SECTION. Sec. 202. Whenever allocations are made from the governor's emergency appropriation to an agency which is financed by other than general fund moneys, the director of the office of program planning and fiscal

management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance such agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 203. In addition to the amounts appropriated in this act for revenue for distribution, excluding those funds appropriated for urban mass transit assistance, and bond retirement and interest, and interest on registered warrants, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION. Sec. 204. Amounts received by an agency as reimbursements pursuant to RCW 43.09.210 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of the office of program planning and fiscal management which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 205. In order to obtain maximum interagency use of aircraft, the Aeronautics Commission, in accordance with RCW 43.09.210 and chapter 39.34 RCW is hereby authorized to lease, purchase or otherwise acquire suitable aircraft which shall be utilized for the purposes of the Aeronautics Commission and also by other state agencies which have a need for an aircraft to carry out agency assigned responsibilities: **PROVIDED**, That the Aeronautics Commission is further authorized to enter into contractual agreements with other state agencies in order to acquire aircraft, establish rental rates for aircraft under their control, provide pilot services, aircraft maintenance and make such other provisions as necessary to provide aircraft and related services for multi-agency use: **PROVIDED FURTHER**, That in order to achieve economy in the use of the appropriations contained within this act no state agency may purchase or otherwise acquire an aircraft or enter into a flying service or aircraft rental contract without first seeking such service from the Aeronautics Commission and without prior approval of the director of the office of program planning and fiscal management.

NEW SECTION. Sec. 206. From the amounts appropriated to the senate and the house of representatives for the expenses and costs of the legislature by section 2, chapter 16, Laws of 1975 1st ex. sess., the senate and house of representatives respectively shall reimburse their members in quarterly amounts of not to exceed one hundred fifty dollars upon presentation of vouchers by a member claiming reimbursement for interim expenses and certified by him that his expenses for such three month period were equal to or in excess of one hundred fifty dollars.

NEW SECTION. Sec. 207. In making expenditures for the salaries of state officers and employees, transfer from one branch of state government to another or within the legislative branch shall be deemed a termination of employment within the meaning of RCW 43.01.041 provided the officer or employee so transferred elects to receive accrued vacation leave by written notice filed with both the

transferor and transferee employer at least five days preceding the effective date of the transfer.

NEW SECTION. Sec. 208. 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. 209. 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 8, 1975.

Passed the Senate June 8, 1975.

Approved by the Governor June 30, 1975, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State July 1, 1975.

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

"I am returning herewith without my approval as to certain sections and items Substitute House Bill No. 866 entitled:

"AN ACT Adopting the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1975, and ending June 30, 1977; making other appropriations; designating effective dates for certain appropriations; and declaring an emergency."

The specific sections and items which I have vetoed are as follows:

1. Alternatives for Washington.

On page 4, section 11, I have vetoed subsection (10) which declares that no part of the Governor's special appropriation fund shall be used for the Alternatives for Washington program.

The value of studies which help in the planning and development of policy has long been recognized by the Legislature, and there has not been a session of the Legislature in recent history that has not appropriated funds for studies on a host of subjects. The executive, as an equal and coordinate branch of government, must likewise be permitted to engage in such studies as will enable it to carry out its constitutional and statutory duties in appropriate manner.

2. State magazine.

On page 7, section 21, I have vetoed subsection (4) which provides for the reversion of \$248,000 purportedly included in state agency budgets for state magazine purposes to the general fund.

The concept of a quality state magazine was conceived to provide a single, unified, and informative source of information on the operations of state government of general interest to our citizens. It was further intended, along with executive request legislation proposed during the recently adjourned sessions of the Legislature, to eliminate the multiplicity of publications issued by state agencies, each of which provided little information of general interest. While certain of these publications serve a valuable purpose and should be continued, publication of the state magazine should remove the need for the remainder and should result in noticeable reductions in overall state agency publication costs.

3. Timber tax return audits.

On page 10, section 28, I have vetoed subsection (2) which places a restriction on the manner in which the Department of Revenue is to conduct audits of timber tax returns.

The Department of Revenue has had adequate staffing to conduct audit responsibilities assigned to it during the past biennium. Subsection (1) of section 28 mandates an increase in the audit coverage of timber tax returns. To add this burden to

the department at the same time flexibility is removed for proper staffing is unduly restrictive and unrealistic.

4. Purchasing and material control.

On page 11, section 32, I have vetoed subsection (3) which appropriates \$210,000 for implementation of the provisions of House Bill No. 102.

I previously vetoed this bill on May 15, 1975, and in my veto message stated that I agree with and support the intent of that legislation but could not accept the creation of a policy board to implement that intent. While I am vetoing this appropriation because it relates to House Bill No. 102, I have already asked the Department of General Administration to proceed under the policy declared by the Legislature in that bill to the fullest extent permitted by existing law.

5. Planning and Community Affairs Agency – federal grants.

On page 58, section 63, I have vetoed subsection (1) which requires the Planning and Community Affairs Agency to obtain prior approval of the Legislative Budget Committee before expenditure of federal grants which exceed by a certain amount the anticipated sum for specific activities.

I believe there are serious questions as to whether this kind of prior approval of expenditures by the Legislative Budget Committee is constitutional. These same concerns were elaborated in my veto message attached to Substitute House Bill No. 111 dated March 17, 1975. In brief, I believe this provision constitutes an encroachment into executive functions by a legislative committee and further question whether this is a valid delegation of legislative power to a single committee. The question can also be raised as to whether the delegation of this type of function to the Legislative Budget Committee would make that committee a "civil office" within the meaning of Article II, section 13 of the state constitution so that members of the Legislature would not be able to serve thereon. Even disregarding the constitutional questions, I believe the restriction is bad policy because it removes needed flexibility from the agency in utilizing the funds received. Such flexibility is required at times to meet newly imposed federal regulations governing expenditures of the grant funds.

6. Planning and Community Affairs Agency – federal grants.

On page 58, section 63, I have vetoed subsection (2) which requires the Planning and Community Affairs Agency to obtain prior approval of the Legislative Budget Committee before expending federal grants not included in the agency's appropriation.

The reasons stated above for the veto of subsection (1) of section 63 also apply here. In addition, RCW 43.79.260-280 already sets out a procedure for the receipt and expenditure of unanticipated funds involving approval by the Governor and notification to the Legislative Budget Committee and both standing Committees on Ways and Means. No valid reason has been given to alter that procedure either for this or any other agency.

7. Toll-free telephone service.

On page 59, section 63, I have vetoed subsection (9) declaring that no funds from the Planning and Community Affairs Agency appropriation shall be used for toll-free telephone services.

This provision is apparently directed at toll-free telephone services initiated by the Planning and Community Affairs Agency in the area of housing information and in encouraging local government agencies to take advantage of available state assistance in planning and other technical matters. There is every reason to believe that the use of toll-free telephone services not only promotes greater communication between that state agency and its constituent population, but also effects net cost savings by reducing the time and expense otherwise involved in travel by staff members of that agency across the state to accomplish the same goals now being achieved by installation of toll-free telephone services. The Legislature itself has recognized the wisdom of such telephone service by the installation of its own toll-free service for use by citizens from every part of the state.

8. Department of Transportation.

On page 65, I have vetoed section 72 which makes an appropriation to the Department of Transportation from the public transportation account of the general fund.

The appropriation in this section is contingent on the passage of Substitute Senate Bill No. 2535. That bill was not passed by the Legislature nor was a public transportation account established in the general fund.

9. K-12 Program.

On page 81, I have vetoed section 147 which provides that no funds shall be expended for (a) 1971 "Guidelines and Standards" adopted by the State Board of Education, and (b) development of occupational skill centers.

The 1971 "Guidelines and Standards" developed by the Board of Education provides at this time the certification criteria for over 1,000 professional staff persons in the K-12 program. Perhaps, as the Legislature apparently believes, the certification process can be better administered in some other fashion. But until such time as better standards and guidelines are actually developed, it is inappropriate simply to do away with the present program and thereby jeopardize the certification of the large number of persons affected.

The prohibition against funding occupational skill centers in this section 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 section is therefore premature at this time.

10. State Board of Education.

On page 82, section 148, I have vetoed subsection (5) which prohibits the State Board of Education from consolidating intermediate school districts without approval by the Legislature.

I believe that if the State Board of Education can effect greater efficiency in educational management and save the taxpayers' money by consolidating intermediate school districts, it should not be prevented from so doing. Such efforts should, indeed, be encouraged to the greatest extent.

11. Emergency school special levy relief.

On page 85, I have vetoed section 150 which appropriates \$65 million for emergency special levy relief and provides a formula of distribution of these funds.

I firmly believe that the level of special levy relief approved by the Legislature is inadequate to meet the basic needs of our common schools. For those districts which have lost their special levies, it is no longer a question of simply cutting back on what have commonly become known and vaguely defined as "frills" and "extras". Rather, there are school districts across the state facing the prospect of not being able even to offer a subsistence level of education and services to the children in their schools. Not only will educational programs be cut back or eliminated, but there will be a great number of schools which will deteriorate physically into unsafe, unclean, and unhealthy facilities.

The funds are available at this time for adequate emergency relief, and I can think of no higher priority for the use of those funds. In terms of the entire state budget, the higher amount of relief I am asking the Legislature to appropriate is an insignificant sum. But in terms of affected school districts, the difference can be dramatic. Without question, the distribution of special levy relief in whatever amount should be concentrated on those districts which lost their special levies. It should also be noted that both houses at one point or other in the recently adjourned session approved special levy relief in amounts up to and exceeding \$100 million, but the final action produced considerably less.

The excellence of our public school system is widely recognized and contributes immeasurably to the high quality of life we are blessed with in this state. It would indeed be sad if this invaluable asset that has been developed over many years is depreciated in one session by the refusal to look beyond short term fiscal difficulties.

12. Local economic development grants.

On page 97, section 173, I have vetoed the item earmarking \$286,400 for proposed local economic development grants.

The Legislature apparently intends the amount set aside for this purpose to come partially from the elimination of the nuclear energy division in the Department of Commerce and Economic Development. I cannot accept at a time when development of energy sources could well be the most important factor in the future development of the state, the elimination of the one state program which addresses itself to energy needs for economic development. In keeping with the basic intent of the item I am vetoing, however, I will direct the Department to develop an operating plan within the limits of the agency's appropriation which will allow initiation of this pilot program of local economic development grants, without eliminating entirely the nuclear energy program.

13. Reallocation of personnel positions.

On page 112, I have vetoed section 189 which prohibits any agency from reallocating personnel board approved positions in a manner which would increase expenditures for salaries and wages.

Limitation of amounts that may be expended out of an agency's appropriation for salaries and wages is contrary to good management practice, and would severely hinder the ability to respond to changing conditions or program requirements not foreseen at the time the budget was prepared. Flexibility is often needed to meet new demands imposed by new federal regulations, state laws or changing economic conditions. It should remain the agency's prerogative to make such adjustments without violating legislative intent on program content.

14. Reduction in full time equivalent staff years.

On page 113, I have vetoed section 191 which requires all state agencies with the exception of educational institutions and the Legislature to have withheld from its fiscal year 1977 allotments an amount "not less than three percent of the funds available . . . for full-time equivalent staff years from appropriations contained in this act."

This language is unclear as to purpose and intent and easily subject to misinterpretation. For example, it could be read to mean that three percent of the full biennium FTE allowance would be withheld during the second year, which would mean six percent of the second year allotments. The language would also indicate conflict with legislative intent for the salary increase approved during the recently adjourned session. A three percent (or potential six percent) reduction in the funding available for FTE staff years could well result in lesser salary increases than were intended.

Whatever the intent of this section, I would suggest that the Legislature seek to accomplish it in a more flexible fashion and with greater uniformity in application.

15. Unanticipated receipts.

On page 114, I have vetoed section 195, which provides that unanticipated federal, state and local funds shall be used in lieu of appropriated state funds where possible, and that such unanticipated receipts shall not be spent without approval by the Legislative Budget Committee.

This section also provides that RCW 43.79.260 through 43.79.280 shall not apply to such unanticipated receipts. The referenced sections authorize the Governor to receive all funds from federal and other sources, and provide that state agencies and the Governor shall provide to the Legislative Budget Committee, and the Ways and Means Committees of both houses, copies of all proposals for such receipts and expenditures, and copies of all approvals by the Governor.

Earlier in this message, I outlined my reasons for objecting to prior approval required by the Legislative Budget Committee as it applied to funds received by the Planning and Community Affairs Agency in section 63, subsection (1) and (2). These same reasons apply here. I simply believe this kind of provision trends on questionable constitutional grounds. Moreover, no valid reasons have been cited to prove that the provisions of RCW 43.79.260-280 have not functioned satisfactorily.

With the exception of the foregoing sections and items which I have vetoed for the reasons stated, the remainder of Substitute House Bill No. 866 is approved."

CHAPTER 270

[Engrossed Substitute Senate Bill No. 2280]

PUBLIC TRANSPORTATION

AN ACT Relating to transportation; amending section 7, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.272; amending section 13, chapter 255, Laws of 1969 ex. sess. as amended by section 1, chapter 54, Laws of 1974 ex. sess. and RCW 35.58.278; amending section 2, chapter 111, Laws of 1965 ex. sess. as last amended by section 2, chapter 255, Laws of 1969 ex. sess. and RCW 35.95.020; amending section 4, chapter 111, Laws of 1965 ex. sess. and RCW 35.95.040; amending section 8, chapter 167, Laws of 1974 ex. sess. and RCW 36.57.080; amending section 2, chapter 296, Laws of 1971 ex. sess. and RCW 82.14.045; adding new sections to chapter 35.58 RCW; adding new sections to chapter 36.57 RCW; adding a new chapter to Title 36 RCW; repealing section 10, chapter 167, Laws of 1974 ex. sess. and RCW 82.14.047; repealing sections 1 through 9, chapter 136, Laws of 1973 1st ex. sess. and RCW 35.58.2731; repealing section 6, chapter 54, Laws of 1974 ex. sess.; making an appropriation; prescribing an effective date; and declaring an emergency.

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

Section 1. Section 7, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.272 are each amended to read as follows:

"Municipality" as used in RCW 35.58.272 through 35.58.279, as now or hereafter amended, and in sections 5 and 7 through 26 of this 1975 amendatory act, means any metropolitan municipal corporation which shall have been authorized to perform the function of metropolitan public transportation; any county performing the public transportation function as authorized by sections 9 and 10 of this amendatory act or which has established a county transportation authority pursuant to chapter 36.57 RCW; any public transportation benefit area established pursuant to sections 11 through 26 of this amendatory act; and any city, which is not located within the boundaries of ((such)) a metropolitan municipal corporation, county transportation authority, or public transportation benefit area, and which owns, operates or contracts for the services of a publicly owned or operated system of transportation: PROVIDED, That the term "municipality" shall mean in respect to any county performing the public transportation function pursuant to sections 9 and 10 of this amendatory act only that portion of the unincorporated area lying wholly within such unincorporated transportation benefit area.

"Motor vehicle" as used in RCW 35.58.272 through 35.58.279, as now or hereafter amended, shall have the same meaning as in RCW 82.44.010.

"County auditor" shall mean the county auditor of any county or any person designated to perform the duties of a county auditor pursuant to RCW 82.44.140.

"Person" shall mean any individual, corporation, firm, association or other form of business association.

Sec. 2. Section 13, chapter 255, Laws of 1969 ex. sess. as amended by section 1, chapter 54, Laws of 1974 ex. sess. and RCW 35.58.278 are each amended to read as follows:

Distribution of the special excise taxes paid into the general fund on behalf of any municipality shall be made to such municipality as provided in RCW 82.44.150, as now or hereafter amended.

~~((This section shall expire on June 30, 1981.))~~

Sec. 3. Section 2, chapter 111, Laws of 1965 ex. sess. as last amended by section 2, chapter 255, Laws of 1969 ex. sess. and RCW 35.95.020 are each amended to read as follows:

The following terms however used or referred to in this chapter, shall have the following meanings, unless a different meaning is required by the context:

(1) "Corporate authority" shall mean the council or other legislative body of a municipality.

(2) "Municipality" shall mean any incorporated city (~~of the first, second or third class in the state~~), town, county pursuant to sections 9 and 10 of this amendatory act, any county transportation authority created pursuant to chapter 36.57 RCW, any public transportation benefit area created pursuant to sections 11 through 26 of this amendatory act, or any metropolitan municipal corporation created pursuant to RCW 35.58.010, et seq: PROVIDED, That the term "municipality" shall mean in respect to any county performing the public transportation function pursuant to sections 9 and 10 of this amendatory act only that portion of the unincorporated area lying wholly within such unincorporated transportation benefit area.

(3) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, school district or political subdivision of the state, fraternal, benevolent, religious or charitable society, club or organization, and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity. The term "person" shall not be construed to include the United States nor the state of Washington.

Sec. 4. Section 4, chapter 111, Laws of 1965 ex. sess. and RCW 35.95.040 are each amended to read as follows:

The corporate authorities of a municipality are authorized to adopt ordinances for the levy and collection of excise taxes and/or for the imposition of an additional tax for the act or privilege of engaging in business activities. Such business and occupation tax shall be imposed in such amounts as fixed and determined by the corporate authorities of the municipality and shall be measured by the application of rates against value of products, gross proceeds of sales, or gross income of the business, as the case may be. The terms "business", "engaging in business", "gross proceeds of sales", and "gross income of the business" shall for the purpose of this chapter have the same meanings as defined and set forth in chapter 82.04 RCW or as said chapter may hereafter be amended.

The excise taxes other than the business and occupation tax above provided for shall be levied and collected from all persons within the municipality (~~who are served and billed for any one or more public utility services owned and operated by such municipality~~) in such amounts as shall be fixed and determined by the corporate authorities of the municipality: PROVIDED, That such excise tax shall not exceed one dollar per month for each housing unit. For the purposes of this section, the term "housing unit" shall mean a building or portion thereof designed for or used as the residence or living quarters of one or more persons living together, or of one family.

All taxes herein authorized shall be taxes other than a retail sales tax defined in chapter 82.08 RCW and a use tax defined in chapter 82.12 RCW, and the

municipality shall appropriate and use the proceeds derived from all taxes authorized herein only for the operation, maintenance and capital needs of its municipally owned or leased and municipally operated public transportation system.

Before any county transportation authority established pursuant to chapter 36.57 RCW or any public transportation benefit area authority established pursuant to sections 11 through 26 of this amendatory act may impose any of the excise taxes authorized pursuant to this section, the authorization for imposition of such taxes shall be approved by the voters residing within such respective area.

The county on behalf of an unincorporated transportation benefit area established pursuant to sections 9 and 10 of this amendatory act may impose any of the excise taxes authorized pursuant to this section only within the boundaries of such unincorporated transportation benefit area.

Sec. 5. Section 8, chapter 167, Laws of 1974 ex. sess. and RCW 36.57.080 are each amended to read as follows:

On the effective date of the proposition approved by the voters in accord with RCW ~~((82.14.047))~~ 35.95.040 or 82.14.045, as now or hereafter amended, the authority shall have and exercise all rights with respect to the construction, acquisition, maintenance, operation, extension, alteration, repair, control and management of passenger transportation which the county or any city located within such county shall have been previously empowered to exercise and such powers shall not thereafter be exercised by the county or such cities without the consent of the authority. The county and all cities within such county upon demand of the authority shall transfer to the authority all unexpended funds earmarked or budgeted from any source for public transportation, including funds receivable. The county in which an authority is located shall have the power to contract indebtedness and issue bonds pursuant to chapter 36.67 RCW to enable the authority to carry out the purposes of this chapter and ~~((RCW 82.14.047))~~ 35.95.040 or 82.14.045, as now or hereafter amended, and the purposes of this chapter and ~~((RCW 82.14.047))~~ 35.95.040 or 82.14.045, as now or hereafter amended, shall constitute a "county purpose" as that term is used in chapter 36.67 RCW.

Sec. 6. Section 2, chapter 296, Laws of 1971 ex. sess. and RCW 82.14.045 are each amended to read as follows:

(1) ~~The ((governing body upon written request by the mayor or other executive officer of any city within a class AA county, a class AA county or any metropolitan municipal corporation within a class AA county))~~ legislative body of any city pursuant to RCW 35.92.060, of any county which has created an unincorporated transportation benefit area pursuant to sections 9 and 10 of this amendatory act, of any public transportation benefit area pursuant to sections 18 and 19 of this amendatory act, of any county transportation authority established pursuant to chapter 36.57 RCW, and of any metropolitan municipal corporation within a class AA county pursuant to chapter 35.58 RCW, ((while not required by legislative mandate to do so,)) may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, as now or hereafter amended, submit an authorizing proposition to the

voters or include such authorization in a proposition to perform the function of ~~((metropolitan))~~ public transportation ~~((pursuant to chapter 35.58 RCW))~~ and if approved by a majority of persons voting thereon, fix and impose a sales and use tax in accordance with the terms of this chapter ~~((to be effective on or after July 1, 1972: PROVIDED, That during the fiscal year ending June 30, 1973, no more than three million dollars of the sales and use tax levied and collected pursuant to *this 1971 amendatory act may be used as qualifying matching funds to authorize a levy of motor vehicle excise taxes during such fiscal year pursuant to chapter 255, ex. sess., Laws of 1969))~~: PROVIDED, That no such legislative body shall impose such a sales and use tax without submitting such an authorizing proposition to the voters and obtaining the approval of a majority of persons voting thereon: PROVIDED FURTHER, That where such a proposition is submitted by a county on behalf of an unincorporated transportation benefit area, it shall be voted upon by the voters residing within the boundaries of such unincorporated transportation benefit area and, if approved, the sales and use tax shall be imposed only within such area. Notwithstanding any provisions of this section to the contrary, any county in which a county public transportation plan has been adopted pursuant to RCW 36.57.070 and the voters of such county have authorized the imposition of a sales and use tax pursuant to the provisions of RCW 82.14.047, section 10, chapter 167, Laws of 1974 ex. sess., prior to the effective date of this 1975 amendatory act, shall be authorized to fix and impose a sales and use tax as provided in this section at not to exceed the rate so authorized without additional approval of the voters of such county as otherwise required by this section.

~~((Such))~~ The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, public transportation benefit area, county, or metropolitan municipal corporation as the case may be. The rate of such tax ((imposed by such city, county or metropolitan municipal corporation)) shall be one-tenth, two-tenths, or three-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax) and shall not exceed the rate authorized in the proposition approved by the voters unless such increase shall be similarly approved~~((: PROVIDED, HOWEVER, That))~~.

(2)(a) In the event a metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter no city, county which has created an unincorporated transportation benefit area, public transportation benefit area authority, or county transportation authority wholly ((or partly)) within such metropolitan municipal corporation shall ((impose a sales and use tax pursuant to this chapter)) be empowered to levy and/or collect taxes pursuant to RCW 35.58.273, 35.95.040 and/or 82.14.045, as now or hereafter amended, but nothing herein shall prevent such city or county from imposing sales and use taxes pursuant to any other authorization~~((: PROVIDED FURTHER, That in the event a metropolitan municipal corporation or county shall impose a sales and use tax pursuant to this 1971 amendatory act, no city within such county or wholly or~~

~~partly within such metropolitan municipal corporation shall impose an excise tax pursuant to RCW 35.95.040).~~

(b) In the event a county transportation authority shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, public transportation benefit area, or metropolitan municipal corporation, located within the territory of the authority, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045, as now or hereafter amended.

(c) In the event a public transportation benefit area shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, or metropolitan municipal corporation, located wholly or partly within the territory of the public transportation benefit area, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040 or 82.14.045, as now or hereafter amended.

(3) Any local sales and use tax revenue collected pursuant to this section by any city or by any county for transportation purposes pursuant to sections 9 and 10 of this amendatory act shall not be counted as locally generated tax revenues for the purposes of apportionment and distribution, in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended, of the proceeds of the motor vehicle excise tax authorized pursuant to RCW 35.58.273, as now or hereafter amended.

NEW SECTION. Sec. 7. There is added to chapter 35.58 RCW a new section to read as follows:

In addition to any other authority now provided by law, and subject only to constitutional limitations, the governing body of any municipality shall be authorized to acquire, construct, operate, and maintain a public transportation system and additions and betterments thereto, and to issue general obligation bonds for public mass transportation capital purposes including but not limited to replacement of equipment: PROVIDED, That the general indebtedness incurred under this section when considered together with all the other outstanding general indebtedness of the municipality shall not exceed the amounts of indebtedness authorized by chapter 39.36 RCW and chapter 35.58 RCW, as now or hereafter amended, to be incurred without and with the assent of the voters.

Upon the effective date of this 1975 amendatory act any such municipality is authorized to pledge that the taxes authorized, levied and collected to pay or secure the payment of any bonds issued after such effective date for authorized public transportation purposes shall continue to be levied, collected and applied until such bonds shall have been paid or sufficient funds for such payment shall have been duly provided and irrevocably set aside by the issuer for such payment. If any of the revenue from any tax or surcharge authorized by this or any other chapter shall have been pledged to secure the payment of any bonds as herein authorized, then as long as that pledge shall be in effect the legislature shall not withdraw the authority to levy and collect the tax. Any municipality is authorized to pledge for the payment or security of the principal of and interest on any bonds issued for authorized public transportation purposes all or any portion of any taxes authorized to be levied by the issuer, including, but not limited to, the local sales and use tax authorized pursuant to RCW 82.14.045 and section 6 of this

1975 amendatory act, as now or hereafter amended, and not more than ten percent of the motor vehicle excise taxes levied and collected pursuant to RCW 35.58.273: PROVIDED, That such ten percent limitation shall not apply to any bonds outstanding on the effective date of this 1975 amendatory act.

NEW SECTION. Sec. 8. There is added to chapter 35.58 RCW a new section to read as follows:

Any city, county, public transportation benefit area authority, county transportation authority, or metropolitan municipal corporation operating a public transportation system shall be authorized to conduct, contract for, participate in and support research, demonstration, testing and development of public transportation systems, equipment and use incentives and shall have all powers necessary to comply with any criteria, standards, and regulations which may be adopted under the urban mass transportation act (78 Stat. 302 et seq., 49 U.S.C. 1601 et seq.) and to take all actions necessary to meet the requirements of that act. Any county in which a county transportation authority or public transportation benefit area shall have been established and any metropolitan municipal corporation which shall have been authorized to perform the function of metropolitan public transportation shall have, in addition to such powers, the authority to prepare, adopt and carry out a comprehensive transit plan and to make such other plans and studies and to perform such programs as the governing body of the county authority public transportation benefit area authority or metropolitan municipal corporation shall deem necessary to implement and comply with said federal act.

NEW SECTION. Sec. 9. There is added to chapter 36.57 RCW a new section to read as follows:

Every county, except a county in which a metropolitan municipal corporation is performing the public transportation function as of the effective date of this 1975 amendatory act, is authorized to perform such function in such portions of the unincorporated areas of the county, except within the boundaries of a public transportation benefit area established pursuant to sections 11 through 26 of this amendatory act, as the county legislative body shall determine and the county shall have those powers as are specified in RCW 36.57.040 with respect to the provision of public transportation as is authorized pursuant to RCW 36.57.040.

NEW SECTION. Sec. 10. There is added to chapter 36.57 RCW a new section to read as follows:

The legislative body of any county is hereby authorized to create and define the boundaries of unincorporated transportation benefit areas within the unincorporated areas of the county, following school district or election precinct lines, as far as practicable. Such areas shall include only those portions of the unincorporated area of the county which could reasonably assume to benefit from the provision of public transportation services.

NEW SECTION. Sec. 11. For the purposes of this chapter the following definitions shall apply:

(1) "Public transportation benefit area" means a municipal corporation of the state of Washington created pursuant to this chapter.

(2) "Public transportation benefit area authority" or "authority" means the legislative body of a public transportation benefit area.

(3) "City" means an incorporated city or town.

(4) "Component city" means an incorporated city or town within a public transportation benefit area.

(5) "City council" means the legislative body of any city or town.

(6) "County legislative body" means the board of county commissioners or the county council.

(7) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made by the office of program planning and fiscal management.

(8) "Public transportation service" means the transportation of packages, passengers and their incidental baggage by means other than by chartered bus, sight-seeing bus, together with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from such people moving systems: PROVIDED, That nothing shall prohibit an authority from leasing its buses to private certified carriers or prohibit the authority from providing school bus service.

(9) "Public transportation improvement conference" or "conference" shall mean the body established pursuant to section 12 of this amendatory act which shall be authorized to establish, subject to the provisions of section 13 of this amendatory act, a public transportation benefit area pursuant to the provisions of this chapter.

NEW SECTION. Sec. 12. The county legislative authority of every class A, class 1, class 2, or class 3 county shall, and the legislative authority of every other county may, within ninety days of the effective date of this 1975 amendatory act, and as often thereafter as it deems necessary, and upon thirty days prior written notice addressed to the legislative body of each city within the county and with thirty days public notice, convene a public transportation improvement conference to be attended by an elected representative selected by the legislative body of each city, within such county, and by the county commissioners. Such conference shall be for the purpose of evaluating the need for and the desirability of the creation of a public transportation benefit area within certain incorporated and unincorporated portions of the county to provide public transportation services within such area. In those counties where county officials believe the need for public transportation service extends across county boundaries so as to provide public transportation service in a metropolitan area, the county legislative bodies of two or more neighboring counties may elect to convene a multi-county conference. In addition, county-wide conferences may be convened by resolution of the legislative bodies of two or more cities within the county, not to exceed one in any twelve month period, or a petition signed by at least ten percent of the registered voters in the last general election of the city, county or city/county areas of a proposed benefit area. The chairman of the conference shall be elected from the members at large.

NEW SECTION. Sec. 13. Any conference which finds it desirable to establish a public transportation benefit area or change the boundaries of any existing public transportation benefit area shall fix a date for a public hearing thereon, or

the legislative bodies of any two or more component cities or the county legislative body by resolution may require the public transportation improvement conference to fix a date for a public hearing thereon. Prior to the convening of the public hearing, the county governing body shall delineate the area of the county proposed to be included within the transportation benefit area, and shall furnish a copy of such delineation to each incorporated city within such area. Each city shall advise the county governing body, on a preliminary basis, of its desire to be included or excluded from the transportation benefit area. The county governing body shall cause the delineations to be revised to reflect the wishes of such incorporated cities. This delineation shall be considered by the conference at the public hearing for inclusion in the public transportation benefit area.

Notice of such hearing shall be published once a week for at least four consecutive weeks in one or more newspapers of general circulation within the area. The notice shall contain a description and map of the boundaries of the proposed public transportation benefit area and shall state the time and place of the hearing and the fact that any changes in the boundaries of the public transportation benefit area will be considered at such time and place. At such hearing or any continuation thereof, any interested person may appear and be heard on all matters relating to the effect of the formation of the proposed public transportation benefit area.

The conference may make such changes in the boundaries of the public transportation benefit area as they shall deem reasonable and proper, but may not delete any portion of the proposed area which will create an island of included or excluded lands, and may not delete a portion of any city. If the conference shall determine that any additional territory should be included in the public transportation benefit area, a second hearing shall be held and notice given in the same manner as for the original hearing. The conference may adjourn the hearing on the formation of a public transportation benefit area from time to time not exceeding thirty days in all.

At the next regular meeting following the conclusion of such hearing the conference shall adopt a resolution fixing the boundaries of the proposed public transportation benefit area, declaring that the formation of the proposed public transportation benefit area will be conducive to the welfare and benefit of the persons and property therein.

Within thirty days of the adoption of such conference resolution, the county legislative authority of each county wherein a conference has established proposed boundaries of a public transportation benefit area, may by resolution, upon making a legislative finding that the proposed benefit area includes portions of the county which could not be reasonably expected to benefit from such benefit area or excludes portions of the county which could be reasonably expected to benefit from its creation, disapprove and terminate the establishment of such public transportation benefit area within such county.

NEW SECTION. Sec. 14. At the time of its formation no public transportation benefit area shall include only a part of any city, and every city shall be either wholly included or wholly excluded from the boundaries of such area. If subsequent to the formation of a public transportation benefit area a part only of any city shall be included within the boundaries of a public transportation

benefit area such part shall be deemed to be "unincorporated" for the purpose of selecting a member of the governing authority pursuant to section 16 of this amendatory act.

The boundaries of any public transportation benefit area shall follow school district lines or election precinct lines, as far as practicable. Only such areas shall be included which the conference determines could reasonably benefit from the provision of public transportation services. Only one public transportation benefit area may be created in any county.

NEW SECTION. Sec. 15. Within sixty days of the establishment of the boundaries of the public transportation benefit area the county commissioners and elected representatives of cities within the area shall provide for the selection of the governing body of such area, the public transportation benefit area authority, which shall consist of elected officials selected by and serving at the pleasure of the governing bodies of component cities within the area and the county commissioners of each county within the area.

Within such sixty day period, the legislative body of any city may by resolution of its legislative body withdraw from participation in the public transportation benefit area. The county legislative authority and each city remaining in the public transportation benefit area may disapprove and prevent the establishment of any governing body of a public transportation benefit area if the composition thereof does not meet its approval.

In no case shall the governing body of a single county public transportation benefit area be greater than nine members and in the case of a multi-county area, fifteen members. Those cities within the transportation benefit area and excluded from direct membership on the authority are hereby authorized to designate a member of the authority who shall be entitled to represent the interests of such city which is excluded from direct membership on the authority. The legislative body of such city shall notify the authority as to the determination of its authorized representative on the authority.

Any member of the authority who is an elected official and whose office is not a full time position shall receive forty dollars for each day attending official meetings of the authority.

NEW SECTION. Sec. 16. The public transportation benefit area authority authorized pursuant to section 15 of this amendatory act shall develop a comprehensive transit plan for the area. Such plan shall include, but not be limited to the following elements:

(1) The levels of transit service that can be reasonably provided for various portions of the benefit area.

(2) The funding requirements, including local tax sources, state and federal funds, necessary to provide various levels of service within the area.

(3) The impact of such a transportation program on other transit systems operating within that county or adjacent counties.

(4) The future enlargement of the benefit area or the consolidation of such benefit area with other transit systems.

NEW SECTION. Sec. 17. The comprehensive transit plan adopted by the authority shall be reviewed by the state transportation commission, and if such

commission does not exist, by the planning and community affairs agency or its successor to determine:

(1) The completeness of service to be offered and the economic viability of the transit system proposed in such comprehensive transit plan;

(2) Whether such plan integrates the proposed transportation system with existing transportation modes and systems that serve the benefit area;

(3) Whether such plan coordinates that area's system and service with nearby public transportation systems;

(4) Whether such plan is eligible for matching state or federal funds;

After reviewing the comprehensive transit plan, the state transportation commission, and if such does not exist, the planning and community affairs agency or its successor shall have sixty days in which to approve such plan and to certify to the state treasurer that such public transportation benefit area shall be eligible to receive the motor vehicle excise tax proceeds authorized pursuant to RCW 35.58.273, as now or hereafter amended in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended. To be approved a plan shall provide for coordinated transportation planning, the integration of such proposed transportation program with other transportation systems operating in areas adjacent to, or in the vicinity of the proposed public transportation benefit area, and be consistent with the public transportation coordination criteria adopted pursuant to the urban mass transportation act of 1964 as amended as of the effective date of this 1975 amendatory act. In the event such comprehensive plan is disapproved and ruled ineligible to receive motor vehicle tax proceeds, the state transportation commission, and if such does not exist, the planning and community affairs agency or its successor, shall provide written notice to the authority within thirty days as to the reasons for such plan's disapproval and such ineligibility. The authority may resubmit such plan upon reconsideration and correction of such deficiencies in the plan cited in such notice of disapproval.

NEW SECTION. Sec. 18. In addition to the powers specifically granted by this chapter a public transportation benefit area shall have all powers which are necessary to carry out the purposes of the public transportation benefit area. A public transportation benefit area may contract with the United States or any agency thereof, any state or agency thereof, any other public transportation benefit area, any county, city, metropolitan municipal corporation, special district, or governmental agency, within or without the state, and any private person, firm or corporation for the purpose of receiving gifts or grants or securing loans or advances for preliminary planning and feasibility studies, or for the design, construction or operation of transportation facilities. In addition a public transportation benefit area may contract with any governmental agency or with any private person, firm or corporation for the use by either contracting party of all or any part of the facilities, structures, lands, interests in lands, air rights over lands and rights of way of all kinds which are owned, leased or held by the other party and for the purpose of planning, constructing or operating any facility or performing any service which the public transportation benefit area may be authorized to operate or perform, on such terms as may be agreed upon by the contracting parties. Before any contract for the lease or operation of any public transportation benefit area facilities shall be let to any private person, firm or

corporation, a general schedule of rental rates for bus equipment with or without drivers shall be publicly posted applicable to all private certificated carriers, and for other facilities competitive bids shall first be called upon such notice, bidder qualifications and bid conditions as the public transportation benefit area authority shall determine.

A public transportation benefit area may sue and be sued in its corporate capacity in all courts and in all proceedings.

NEW SECTION. Sec. 19. A public transportation benefit area authority shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare, adopt and carry out a general comprehensive plan for public transportation service which will best serve the residents of the public transportation benefit area and to amend said plan from time to time to meet changed conditions and requirements.

(2) To acquire by purchase, condemnation, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of transportation facilities and properties within or without the public transportation benefit area or the state, including systems of surface, underground or overhead railways, tramways, buses, or any other means of local transportation except taxis, and including escalators, moving sidewalks or other people-moving systems, passenger terminal and parking facilities and properties and such other facilities and properties as may be necessary for passenger and vehicular access to and from such people-moving systems, terminal and parking facilities and properties, together with all lands, rights of way, property, equipment and accessories necessary for such systems and facilities. Public transportation facilities and properties which are owned by any city may be acquired or used by the public transportation benefit area authority only with the consent of the city council of the city owning such facilities. Cities are hereby authorized to convey or lease such facilities to a public transportation benefit area authority or to contract for their joint use on such terms as may be fixed by agreement between the city council of such city and the public transportation benefit area authority, without submitting the matter to the voters of such city.

The facilities and properties of a public transportation benefit area system whose vehicles will operate primarily within the rights of way of public streets, roads or highways, may be acquired, developed and operated without the corridor and design hearings which are required by RCW 35.58.273, as now or hereafter amended, for mass transit facilities operating on a separate right of way.

(3) To fix rates, tolls, fares and charges for the use of such facilities and to establish various routes and classes of service.

In the event any public transportation benefit area shall extend its public transportation services to any area of service already offered by any company holding a certificate of public convenience and necessity from the Washington utilities and transportation commission, under RCW 81.68.040 it shall by purchase or condemnation acquire at the fair market value, from the person holding the existing certificate for providing the services, that portion of the operating authority and equipment representing the services within the area of public operation.

NEW SECTION. Sec. 20. Except in accordance with an agreement made as provided in this section, upon the effective date on which the public transportation benefit area commences to perform the public transportation service, no person or private corporation shall operate a local public passenger transportation service within the public transportation benefit area with the exception of taxis, buses owned or operated by a school district or private school, and buses owned or operated by any corporation or organization solely for the purposes of the corporation or organization and for the use of which no fee or fare is charged.

An agreement may be entered into between the public transportation benefit area authority and any person or corporation legally operating a local public passenger transportation service wholly within or partly within and partly without the public transportation benefit area and on said effective date under which such person or corporation may continue to operate such service or any part thereof for such time and upon such terms and conditions as provided in such agreement. Where any such local public passenger transportation service will be required to cease to operate within the public transportation benefit area, the public transportation benefit area authority may agree with the owner of such service to purchase the assets used in providing such service, or if no agreement can be reached, the public transportation benefit area authority shall condemn such assets in the manner and by the same procedure as is or may be provided by law for the condemnation of other properties for cities of the first class, except insofar as such laws may be inconsistent with the provisions of this chapter.

Wherever a privately owned public carrier operates wholly or partly within a public transportation benefit area, the Washington utilities and transportation commission shall continue to exercise jurisdiction over such operation as provided by law.

NEW SECTION. Sec. 21. The public transportation benefit area shall have and exercise all rights with respect to the construction, acquisition, maintenance, operation, extension, alteration, repair, control and management of passenger transportation which any component city shall have been previously empowered to exercise and such powers shall not thereafter be exercised by such component cities without the consent of the public transportation benefit area: **PROVIDED,** That any city owning and operating a public transportation system on such effective date of this chapter may continue to operate such system within such city until such system shall have been acquired by the public transportation benefit area and a public transportation benefit area may not acquire such system without the consent of the city council of such city.

NEW SECTION. Sec. 22. If a public transportation benefit area shall acquire any existing transportation system, it shall assume and observe all existing labor contracts relating to such system and, to the extent necessary for operation of facilities, all of the employees of such acquired transportation system whose duties are necessary to operate efficiently the facilities acquired shall be appointed to comparable positions to those which they held at the time of such transfer, and no employee or retired or pensioned employee of such systems shall be placed in any worse position with respect to pension seniority, wages, sick leave, vacation or other benefits that he enjoyed as an employee of such system prior to such

acquisition. The public transportation benefit area authority shall engage in collective bargaining with the duly appointed representatives of any employee labor organization having existing contracts with the acquired transportation system and may enter into labor contracts with such employee labor organization.

NEW SECTION. Sec. 23. Each public transportation benefit area authority shall establish a fund to be designated as the "transportation fund", in which shall be placed all sums received by the authority from any source except the proceeds of bonds issued by the authority, and out of which shall be expended all sums disbursed by the authority unless otherwise provided in bond covenants. The county treasurer, or in the case of a multi-county public transportation benefit area, the county treasurer of the largest component county, shall be the custodian of the fund. The county auditor of such county shall keep the record of the receipts and disbursements, and shall draw and such county treasurer shall honor and pay all warrants, which shall be approved before issuance and payment as directed by the authority.

The county or counties and each city or town which is included in the authority shall contribute such sums towards the expense for maintaining and operating the public transportation system as shall be agreed upon between them.

NEW SECTION. Sec. 24. (1) An election to authorize the annexation of territory contiguous to a public transportation benefit area may be called within the area to be annexed pursuant to resolution or petition in the following manner:

(a) By resolution of a public transportation benefit area authority when it shall determine that the best interests and general welfare of such public transportation benefit area would be served. Such authority shall consider the question of areas to be annexed to the public transportation benefit area at least once every two years.

(b) By petition calling for such an election signed by at least four percent of the qualified voters residing within the area to be annexed and filed with the auditor of the county wherein the largest portion of the public transportation benefit area is located, and notice thereof shall be given to such authority. Upon receipt of such a petition, the auditor shall examine the same and certify to the sufficiency of the signatures thereon.

(c) By resolution of a public transportation benefit area authority upon request of any city for annexation thereto.

(2) The resolution or petition shall describe the boundaries of the area to be annexed. It shall require that there also be submitted to the electorate of the territory sought to be annexed a proposition authorizing the inclusion of such area within the public transportation benefit area and authorizing the imposition of such taxes authorized by law to be collected by the authority.

(3) Upon the annexation of additional area to a public transportation benefit area, the authority of the public transportation benefit area shall be reconstituted within sixty days in accordance with the provisions of section 15 of this amendatory act.

NEW SECTION. Sec. 25. Counties that have established a county transportation authority pursuant to chapter 36.57 RCW and public transportation benefit areas that have been established pursuant to this chapter

are eligible to receive a one-time advanced financial support payment from the state to assist in the development of the initial comprehensive transit plan required by RCW 36.57.070 and section 16 of this amendatory act. The amount of this support payment is established at one dollar per person residing within each county or public transportation benefit area, as determined by the office of program planning and fiscal management, but no single payment shall exceed \$50,000. Repayment of an advanced financial support payment shall be made to the public transportation account in the general fund or, if such account does not exist, to the general fund by each agency within two years of the date such advanced payment was received. Such repayment shall be waived within two years of the date such advanced payment was received if the voters in the appropriate counties or public transportation benefit areas do not elect to levy and collect taxes enabled under authority of this 1975 amendatory act. The state department of transportation or, if such department does not exist, the planning and community affairs agency shall provide technical assistance in the preparation of local transit plans, and administer the advanced financial support payments authorized by this section.

NEW SECTION. Sec. 26. A public transportation benefit area established pursuant to this chapter may be dissolved and its affairs liquidated when so directed by a majority of persons in the benefit area voting on such question. An election placing such question before the voters may be called in the following manner:

- (1) By resolution of the public transportation benefit area authority;
- (2) By resolution of the county legislative body or bodies with the concurrence therein by resolution of the city council of a component city; or
- (3) By petition calling for such election signed by at least ten percent of the qualified voters residing within the area filed with auditor of the county wherein the largest portion of the public transportation benefit area is located. The auditor shall examine the same and certify to the sufficiency of the signatures thereon: PROVIDED, That to be validated, signatures must have been collected within a ninety day period as designated by the petition sponsors.

With dissolution of the benefit area, any outstanding obligations and bonded indebtedness of the public transportation benefit area shall be satisfied or allocated by mutual agreement to the county or counties and component cities of the public transportation benefit area.

NEW SECTION. Sec. 27. There is hereby appropriated from the public transportation account in the general fund or, if such account does not exist, from the general fund to the transportation commission or, if such commission does not exist to the planning and community affairs agency for the biennium ending June 30, 1977 the sum of \$450,000, or so much thereof as may be necessary, to carry out the provisions of sections 16, 17, and 25 of this amendatory act.

NEW SECTION. Sec. 28. The following acts or parts of acts are each hereby repealed:

- (1) Section 10, chapter 167, Laws of 1974 ex. sess. and RCW 82.14.047;
- (2) Sections 1 through 9, chapter 136, Laws of 1973 1st ex. sess. and RCW 35.58.2731; and

(3) Section 6, chapter 54, Laws of 1974 ex. sess.

NEW SECTION. Sec. 29. Sections 11 through 26 shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 30. If any provision of this 1975 amendatory 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 1975 amendatory 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 July 1, 1975.

Passed the Senate June 7, 1975.

Passed the House June 7, 1975.

Approved by the Governor July 1, 1975.

Filed in Office of Secretary of State July 1, 1975.

CHAPTER 271

[House Bill No. 437]

OUTDOOR ADVERTISING

AN ACT Relating to outdoor advertising; amending section 4, chapter 96, Laws of 1961 as amended by section 4, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.040; amending section 7, chapter 62, Laws of 1971 ex. sess. as last amended by section 2, chapter 154, Laws of 1974 ex. sess. and RCW 47.42.062; amending section 8, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.063; amending section 9, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.065; amending section 12, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.102; and declaring an emergency.

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

Section 1. Section 4, chapter 96, Laws of 1961 as amended by section 4, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.040 are each amended to read as follows:

It is declared to be the policy of the state that no signs which are visible from the main traveled way of the interstate system, primary system, or scenic system shall be erected or maintained except the following types:

(1) Directional or other official signs or notices that are required or authorized by law;

(2) Signs advertising the sale or lease of the property upon which they are located;

(3) Signs advertising activities conducted on the property on which they are located;

(4) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the national standards promulgated thereunder by the secretary of commerce or the secretary of transportation, advertising activities being conducted at a location within twelve miles of the point at which such signs are located: PROVIDED, That no sign lawfully erected pursuant to this subsection

adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;

(5) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the regulations promulgated thereunder by the secretary of commerce or the secretary of transportation, designed to give information in the specific interest of the traveling public: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;

(6) Signs lawfully in existence on October 22, 1965, determined by the commission, subject to the approval of the United States secretary of transportation, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of chapter 47.42 RCW.

Only signs of type 1, 2 and 3 shall be erected or maintained within view of the scenic system.

Sec. 2. Section 12, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.102 are each amended to read as follows:

~~(1) ((Just compensation shall be paid upon the removal of the following outdoor advertising signs:~~

~~(a) Those signs within six hundred and sixty feet of the nearest edge of the right of way of the interstate system and the primary system which were lawfully in existence on October 22, 1965;~~

~~(b) Those signs lawfully within six hundred and sixty feet of the nearest edge of the right of way of any highway made a part of the interstate or primary system between October 21, 1965 and January 1, 1968; and~~

~~(c) Those signs lawfully erected within six hundred and sixty feet of the nearest edge of the right of way of the interstate system and the primary system on or after January 1, 1968:)) Except as otherwise provided in subsection (3) of this section, just compensation shall be paid upon the removal of any sign (pursuant to the provisions of chapter 47.42 RCW), lawfully erected under state law, which is visible from the main traveled way of the interstate system or the primary system.~~

(2) Such compensation shall be paid for the following:

(a) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(b) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

(3) In no event, however, shall compensation be paid for the taking or removal of signs adjacent to the interstate system and the scenic system which became subject to removal pursuant to chapter 96, Laws of 1961 as amended by section 55, chapter 3, Laws of 1963 ex. sess. prior to May 10, 1971.

Sec. 3. Section 7, chapter 62, Laws of 1971 ex. sess. as last amended by section 2, chapter 154, Laws of 1974 ex. sess. and RCW 47.42.062 are each amended to read as follows:

Signs within six hundred and sixty feet of the nearest edge of the right of way which are visible from the main traveled way of the primary system within commercial and industrial areas and whose size, lighting, and spacing are consistent with the customary use of property for the effective display of outdoor advertising as set forth in this section may be erected and maintained: PROVIDED, That this section shall not serve to restrict type 3 signs located along any portion of the primary system within an incorporated city or town or within any commercial or industrial area.

(1) General: Signs shall not be erected or maintained which (a) imitate or resemble any official traffic sign, signal, or device; (b) are erected or maintained upon trees or painted or drawn upon rocks or other natural features and which are structurally unsafe or in disrepair; or (c) have any visible moving parts.

(2) Size of signs:

(a) The maximum area for any one sign shall be six hundred seventy-two square feet with a maximum height of twenty-five feet and maximum length of fifty feet inclusive of any border and trim but excluding the base or apron, supports and other structural members: PROVIDED, That cut-outs and extensions may add up to twenty percent of additional sign area.

(b) For the purposes of this subsection, double-faced, back-to-back, or V-type signs shall be considered as two signs.

(c) Signs which exceed three hundred twenty-five square feet in area may not be double-faced (abutting and facing the same direction).

(3) Spacing of signs:

(a) Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.

(b) On limited access highways established pursuant to chapter 47.52 RCW no two signs shall be spaced less than one thousand feet apart, and no sign may be located within three thousand feet of the center of an interchange, a safety rest area, or information center, or within one thousand feet of an intersection at grade. Double-faced signs shall be prohibited. Not more than total of five sign structures shall be permitted on both sides of the highway per mile.

(c) On noncontrolled access highways inside the boundaries of incorporated cities and towns not more than a total of four sign structures on both sides of the highway within a space of six hundred sixty feet shall be permitted with a minimum of one hundred feet between sign structures. In no event, however, shall more than four sign structures be permitted between platted intersecting streets or highways. On noncontrolled access highways outside the boundaries of incorporated cities and towns minimum spacing between sign structures on each side of the highway shall be five hundred feet.

(d) For the purposes of this subsection, a back-to-back sign and a V-type sign shall be considered one sign structure.

(e) Official signs, and signs advertising activities conducted on the property on which they are located shall not be considered in determining compliance with the above spacing requirements. The minimum space between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply to signs located on the same side of the highway.

(4) Lighting: Signs may be illuminated, subject to the following restrictions:

(a) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.

(b) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

(c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.

(d) All such lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the state.

Sec. 4. Section 8, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.063 are each amended to read as follows:

(1) Signs within six hundred and sixty feet of the nearest edge of the right of way lawfully erected and maintained which are visible from the main traveled way of the primary system within commercial and industrial areas on June 1, 1971 shall be permitted to remain and be maintained.

(2) Signs within six hundred and sixty feet of the nearest edge of the right of way which are visible from the main traveled way of the primary system within commercial and industrial areas whose size, lighting, and spacing are consistent with customary use as set forth in RCW 47.42.062 may be erected and maintained. Signs lawfully erected and maintained on June 1, 1971 shall be included in the determination of spacing requirements for additional signs.

Sec. 5. Section 9, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.065 are each amended to read as follows:

Notwithstanding any other provision of chapter 47.42 RCW, ~~((the commission shall adopt regulations permitting the erection and maintenance of))~~ signs may be erected and maintained ((which are)) more than six hundred and sixty feet from the nearest edge of the right of way ((and)) which are visible from the main traveled way of the interstate system, primary system, or scenic system ((which are)) when designed and oriented to be viewed from highways or streets other than the interstate system, primary system, or the scenic system and the advertising or informative contents of ~~((such signs))~~ which may not be clearly comprehended by motorists using the main traveled way of the interstate system, primary system or scenic system.

NEW SECTION. Sec. 6. This 1975 amendatory 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 March 31, 1975.

Passed the Senate May 30, 1975.

Approved by the Governor July 1, 1975.

Filed in Office of Secretary of State July 1, 1975.

CHAPTER 272

[Substitute House Bill No. 1141]
 BELLEVUE-SEATTLE SEGMENT OF
 I-90—DECISION SCHEDULE

AN ACT Relating to transportation; creating new sections; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds that the Washington department of highways initiated route studies for the location of that segment of the national system of interstate and defense highways (interstate system) between south Bellevue and state route No. 5 in Seattle in 1957 culminating in a corridor public hearing and adoption of a corridor in 1963; that thereafter the department utilizing a multidisciplinary design team and soliciting the broadest public participation developed a series of designs culminating in a public design hearing in 1970, a public limited access hearing in 1971 and adoption of a design and limited access plan for the facility in 1971; that commencing in 1970 the proposed facility has been the subject of numerous lawsuits and administrative proceedings which have prevented advancement of the project to construction; that since further development of the project was enjoined by federal courts in 1971 the cost of constructing the project has increased by more than one hundred million dollars; that the traffic congestion and traffic hazards existing in the existing highway corridor between south Bellevue, Mercer Island and the city of Seattle are no longer tolerable; that after more than seventeen years of studies the public interest now requires that final decisions regarding the appropriate system for meeting the transportation requirements between south Bellevue and the city of Seattle be made promptly and in accordance with a prescribed schedule.

It is therefore the sense of the legislature that further protracted delay in establishing the transportation system to be constructed between south Bellevue and state route No. 5 in the city of Seattle is contrary to the interest of the people of this state and can no longer be tolerated as acceptable public administration. Accordingly the schedule for finally determining the character of transportation modes between south Bellevue and state route No. 5 in the city of Seattle as set forth in this act is adopted as the public policy of this state.

NEW SECTION. Sec. 2. (1) The Puget Sound council of governments (until July 1, 1975, known as the Puget Sound governmental conference) now engaged in a study of the withdrawal from the interstate system of that segment of state route No. 90 between the south Bellevue interchange and the Connecticut street

interchange on state route No. 5 and the substitution of public mass transit projects in lieu thereof as authorized by section 103(e)(4) of Title 23, United States Code, is directed to complete all phases of the study by November 1, 1975.

(2) No later than January 15, 1976, the city councils of Seattle, Mercer Island and Bellevue and the county council of King County shall each by resolution either approve or disapprove a request to withdraw from the interstate system the segment of state route No. 90 between south Bellevue interchange and the Connecticut street interchange on state route No. 5. Nothing in this subsection shall be construed as requiring the city or county councils to adopt by January 15, 1976 any proposal for substitute mass transit projects.

(3) If at least three of the four city and county councils request withdrawal from the interstate system of the designated segment of state route No. 90 by January 15, 1976, and such request is thereafter concurred in by the governor and the Puget Sound council of governments, such determination shall be final as it relates to the state of Washington and except as may be required to terminate the project in an orderly manner, no moneys shall thereafter be expended from the motor vehicle fund for further development of the designated section of highway as an interstate highway without further express authorization of the legislature.

(4) If fewer than three of the four city and county councils request withdrawal from the interstate system of the designated segment of state route No. 90 by January 15, 1976, or if the governor does not concur in the withdrawal request, then no tax revenues collected by the state of Washington shall thereafter be expended for the construction of substitute public mass transit projects in the Seattle metropolitan area pursuant to section 103(e)(4) of Title 23, United States Code, without further express authorization of the legislature.

NEW SECTION. Sec. 3. In the event that fewer than three of the four councils of the cities of Seattle, Mercer Island and Bellevue and King County pass resolutions requesting withdrawal from the interstate system of the segment of state route No. 90 between south Bellevue and state route No. 5 by January 15, 1976, the Washington department of highways shall conduct a public hearing as required by federal law and regulations relating to the location and design of the designated segment of the interstate system commencing no later than February 1, 1976.

NEW SECTION. Sec. 4. In the event public hearings are conducted as described in section 3 of this 1975 act, and the department of highways determines that the segment of the interstate system along state route No. 90 between south Bellevue and state route No. 5 in Seattle should be constructed, then the department, in cooperation with the federal highway administration, shall complete a final environmental impact statement on such proposal in compliance with the national environmental policy act and chapter 43.21C RCW by May 1, 1976, and file the same with appropriate federal and state offices.

NEW SECTION. Sec. 5. State court proceedings instituted to challenge the validity of any steps taken in pursuance of the construction of the segment of the interstate system between south Bellevue and state route no. 5 in Seattle, or the construction of substitute public mass transit projects in lieu thereof, shall take precedence over all other causes not involving the public interest in all courts of

this state to the end construction of such facilities may be expedited to the fullest. The legislature of the state of Washington respectfully requests of the federal judiciary that challenges instituted in the federal courts relating to the validity of steps leading to the construction of the designated interstate highway or substitute public mass transit projects in lieu thereof be expedited to the fullest.

NEW SECTION. Sec. 6. 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. 7. 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 1, 1975.

Passed the Senate May 29, 1975.

Approved by the Governor July 1, 1975.

Filed in Office of Secretary of State July 1, 1975.

CHAPTER 273

[House Bill No. 12]

VIET NAM VETERANS' BONUSES

AN ACT Relating to veterans benefits; amending section 2, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.020; amending section 10, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.090; amending section 13, chapter 154, Laws of 1972 ex. sess. as amended by section 2, chapter 173, Laws of 1974 ex. sess. and RCW 73.34.120; making an appropriation; and declaring an emergency.

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

Section 1. Section 2, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.020 are each amended to read as follows:

(1) There shall be paid to each person who has received the Viet Nam Service Medal or Armed Forces Expeditionary Medal (Viet Nam) or who has been on active federal service as a member of the armed military or naval forces of the United States between a period commencing August 5, 1964, and ~~((ending on such date as shall thereafter be determined by presidential proclamation or concurrent resolution of the congress terminating the conflict involving United States forces battling in South Viet Nam, or in the case of a reduction in hostilities, on a date determined by proclamation of the governor,))~~ March 28, 1973, and who has been honorably separated or discharged from such service, and who for a period of one year immediately prior to the date of his entry into such service~~(;)~~ was a bona fide citizen or resident of the state of Washington, ~~((and received the Viet Nam Service Medal, the sum of two hundred and fifty dollars))~~ for such service between said dates~~((: PROVIDED, HOWEVER, That persons otherwise eligible who have been continuously in said armed services for a period of five years or more immediately prior to August 5, 1964, shall not be eligible to receive compensation under the terms of this chapter. PROVIDED FURTHER))~~ the sum of two hundred fifty dollars for service in the Viet Nam combat zone and said person received the Viet Nam service medal or Armed Forces Expeditionary Medal (Viet Nam): PROVIDED HOWEVER, That persons otherwise eligible who have

been continuously in said armed services for a period of five years or more immediately prior to August 5, 1964, shall not be eligible to receive compensation under the terms of this chapter, except that POW's, dependents of MIA's and survivors of those persons who have been continuously in said armed services for a period of five years or more immediately prior to August 5, 1964, shall be eligible to receive compensation under the terms of this chapter: PROVIDED FURTHER, That persons otherwise eligible who were on active duty for training only, excepting persons who received the Viet Nam service medal or Armed Forces Expeditionary Medal (Viet Nam), shall not be eligible to receive compensation under the terms of this chapter: AND PROVIDED FURTHER, That persons who have already received extra compensation or other benefits based upon claimed residence at the time of entry into such active service from any other state or territory shall not be entitled to compensation under this chapter: AND PROVIDED FURTHER, That no person shall be eligible to receive compensation under this chapter having prior thereto applied for and received compensation hereunder.

(2) In lieu of awaiting receipt of the stated money amounts as provided in subsection (1) above, any qualified person may elect to receive credit for tuition, incidental fees or other fees in such amount at any state institution of higher education, including community colleges and vocational technical institutions, or at private institutions of higher education within the state, such credit to be immediately available upon the processing of such person's claim for a bonus under this chapter; institutions of higher education entering into this program under this chapter shall be reimbursed at such time as the bonus payment would otherwise be made.

(3) In case of the death of any such person prior to said termination date as referred to in subsection (1) above, or at such time as such person would have been eligible for benefits hereunder, an equal amount shall be paid to his surviving widow if not remarried at the time compensation is requested, or in case he left no widow or in case his widow remarried and he has left children, then to his surviving children, or in the event he left no widow eligible for payment hereunder, or children surviving on such date, then to his surviving parent or parents, or in the event he left no widow eligible for payment hereunder, or children surviving on such date, or parent or parents surviving on such date, then to his surviving grandparent or grandparents: PROVIDED, HOWEVER, That no such parent who has been deprived of custody of such child by a decree of a court of competent jurisdiction shall be entitled to any compensation under this chapter. Where a preceding beneficiary fails to file a proper claim for compensation before the final date set by this chapter, succeeding beneficiaries who have filed proper claims before such final date may proceed to qualify upon submission of satisfactory proof of eligibility. Widows, children, or parents of persons missing in action or prisoners of war may file claims for compensation as authorized by this chapter and in the same order as claims for deceased veterans. Any compensation paid to a beneficiary pursuant to this subsection shall be complete settlement and satisfaction of any claim thereafter made on behalf of the person or by the person himself.

~~((4) It is the purpose of the legislature that benefits payable under the provisions of this chapter shall be comparable to those paid to veterans under former~~

~~laws, the increase in dollar amount herein reflecting an approximation of the increase in the cost of living as indicated by the consumer price index of the United States Department of Labor, Bureau of Labor Statistics.))~~

Sec. 2. Section 10, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.090 are each amended to read as follows:

No charge shall be made by any agent, notary public, or attorney for any service in connection with obtaining a certificate to obtain the allowance provided for by this chapter, and no person shall, for a consideration, discount or attempt to discount, or for a consideration, advance money upon any certificate or certificates issued pursuant to this chapter. No claim for payment under this chapter shall be subject to garnishment, attachment, levy, or execution. Any violation of this section shall be a gross misdemeanor.

Sec. 3. Section 13, chapter 154, Laws of 1972 ex. sess. as amended by section 2, chapter 173, Laws of 1974 ex. sess. and RCW 73.34.120 are each amended to read as follows:

No certificate or claim for compensation under this chapter shall be accepted after March 28, ~~((1975, nor shall any warrant be))~~ 1976. No warrant shall be drawn for the payment of any compensation authorized by this chapter unless a formal application has been filed ((on the day)) as set forth above.

The state treasurer and his authorized agents shall have until ~~((March 28, 1976,))~~ December 31, 1976, to process all applications filed pursuant to this chapter and microfilm all records pertaining thereto.

**NEW SECTION. Sec. 4. This amendatory 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.*

**Sec. 4. was vetoed, see message at end of chapter.*

NEW SECTION. Sec. 5. There is hereby appropriated from the War Veterans' Compensation Fund the sum of seventy-five thousand, six hundred dollars or so much as is necessary to carry out the provisions of this act for the period ending December 31, 1976.

Passed the House June 7, 1975.

Passed the Senate June 6, 1975.

Approved by the Governor July 2, 1975 with the exception of section 4 which is vetoed.

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

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

"I am returning herewith without my approval as to one section House Bill No. 12 entitled:

"AN ACT Relating to veterans benefits."

This bill makes certain changes in the eligibility requirements for receipt of Viet Nam veterans bonuses.

Section 4 declares an emergency and provides for the act to take effect immediately. I have, on several recent occasions, expressed my increasing apprehension over repeated and unwarranted use of emergency clauses in bills that do not measure up to the standard of urgency contained in Article II, section 1(b) of our Constitution. I have vetoed emergency clauses from such bills, and must do so again for the same reason in the case of this bill.

With the exception of section 4 which I have vetoed, the remainder of House Bill No. 12 is approved."

CHAPTER 274
[House Bill No. 176]
PUBLIC EMPLOYEES' BENEFITS—COMMITTEE
FOR DEFERRED COMPENSATION—
APPROPRIATION

AN ACT Relating to public employees' benefits; amending section 1, chapter 264, Laws of 1971 ex. sess. as last amended by section 1, chapter 99, Laws of 1973 1st ex. sess. and RCW 41.04.250; adding a new section to chapter 41.04 RCW; making an appropriation.

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

NEW SECTION. Section 1. There is added to chapter 41.04 RCW a new section to read as follows:

There is hereby created a committee for deferred compensation to be composed of five members appointed by the Governor, one of whom shall be a representative of an employee association or union certified as an exclusive representative of at least one bargaining unit of classified employees, one who shall be a representative of either a credit union, savings and loan association, mutual savings bank or bank, one who shall be a representative of an insurance association or investment company, one who shall be the state attorney general or his designee and one additional member selected by the Governor. The committee shall serve without compensation but shall receive necessary expenses as provided for in RCW 43.03.050 and 43.03.060. The committee shall be trustees of the deferred compensation revolving fund which is hereby created in the state treasury. All expenses of the committee including staffing and administrative expenses shall be paid out of the deferred compensation revolving fund. The amount of compensation deferred or amounts paid by employees under agreements entered into under the authority contained in RCW 41.04.250 shall be paid into the revolving fund and shall be sufficient to cover costs of administration and staffing in addition to such other amounts as determined by this committee. The revolving fund shall be used to carry out the purposes of RCW 41.04.250. Any county, municipality or other subdivision of the state may elect to participate in any agreements entered into by the committee under RCW 41.04.250.

Sec. 2. Section 1, chapter 264, Laws of 1971 ex. sess. as last amended by section 1, chapter 99, Laws of 1973 1st ex. sess. and RCW 41.04.250 are each amended to read as follows:

~~((Any department, division, or separate agency of))~~ The state ((government)), through the committee for deferred compensation created in section 1 of this amendatory act, and any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body is authorized to:

(1) Enter into an agreement with any life insurance company, bank trustee, or custodian authorized to do business in the state of Washington to provide qualified pension plans under the provisions of 26 U.S.C., section 401 (a), as amended by Public Law 89-809, 80 Stat. 1577, 1578 as now or hereafter amended, or to

provide deferred annuities for all officials and employees of said public entities deemed to be eligible by the agency of the United States government having jurisdiction of the matter under the provisions of 26 U.S.C., section 403 (b), as amended by Public Law 87-370, 75 Stat. 796 and as now or hereafter amended, such pension or annuities to be in lieu of a portion of salary or wages. Such pension plans or tax deferred annuity benefits shall be available to those employees who elect to participate in said agreement and who agree to take a reduction in salary in the equivalent amount of the contribution required to be made by the public entity for and on behalf of such employee. The funds derived from such reductions in salary shall be deposited and accounted for in an appropriately designated account maintained by the public employer of such employee and any official authorized to disburse such funds is empowered to remit these designated funds to the insurer, custodian, or trustee in accordance with the salary reduction agreement between the public entity and the employee.

(2) Contract with an employee to defer a portion of that employee's income, which deferred portion shall in no event exceed ~~((twenty-five percent of such income, and may subsequently))~~ the appropriate internal revenue service exclusion allowance for such plans, and shall promptly with the consent of the employee, deposit or invest in a credit union, savings and loan association, bank, mutual savings bank or purchase ((a)) life insurance, shares of an investment company, or fixed and/or variable annuity contracts, for the purpose of funding a deferred compensation program for the employee, from any life underwriter or registered representative duly licensed by this state who represents an insurance company or any investment company licensed to contract business in this state. The committee can provide such plans as it deems are in the interests of state employees. In no event shall the total payments made for the purchase of said life insurance contract, or fixed and/or variable annuity contract and the employee's nondeferred income for any year exceed the total annual salary, or compensation under the existing salary schedule or classification plan applicable to such employee in such year. Any income deferred under such a plan shall continue to be included as regular compensation, for the purpose of computing the retirement and pension benefits earned by any employee, but any sum so deducted shall not be included in the computation of any taxes withheld on behalf of any such employee.

Coverage of an employee under a qualified pension plan, contract for a deferred annuity or deferred compensation plan under this section shall not render such employee ineligible for simultaneous membership and participation in the pension systems for public employees which are provided for by chapters 41.26, 41.32 and 41.40 RCW.

NEW SECTION. Sec. 3. There is hereby appropriated from the general fund to the deferred compensation revolving fund, the sum of thirty-five thousand dollars, which amount shall be repaid to the general fund from the deferred compensation revolving fund prior to the end of 1975-77 biennium.

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 275

[House Bill No. 205]

INTERMEDIATE SCHOOL DISTRICTS—REDESIGNATION
AS EDUCATIONAL SERVICE DISTRICTS

AN ACT Relating to intermediate school districts; redesignating such districts, with their attendant boards and officials as educational service districts; amending section 1, chapter 176, Laws of 1969 ex. sess. as amended by section 1, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.010; amending section 2, chapter 176, Laws of 1969 ex. sess. as amended by section 2, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.020; amending section 3, chapter 176, Laws of 1969 ex. sess. as last amended by section 1, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.030; amending section 3, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.0302; amending section 4, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.0303; amending section 5, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.0304; amending section 6, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.0305; amending section 7, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.0306; amending section 4, chapter 282, Laws of 1971 ex. sess. as amended by section 8, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.035; amending section 5, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.037; amending section 4, chapter 176, Laws of 1969 ex. sess. as amended by section 6, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.040; amending section 5, chapter 176, Laws of 1969 ex. sess. as amended by section 7, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.050; amending section 6, chapter 176, Laws of 1969 ex. sess. as amended by section 8, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.060; amending section 7, chapter 176, Laws of 1969 ex. sess. as last amended by section 9, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.070; amending section 8, chapter 176, Laws of 1969 ex. sess. as amended by section 10, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.080; amending section 11, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.086; amending section 12, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.088; amending section 9, chapter 176, Laws of 1969 ex. sess. as last amended by section 13, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.090; amending section 14, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.092; amending section 15, chapter 282, Laws of 1971 ex. sess. as amended by section 9, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.095; amending section 10, chapter 176, Laws of 1969 ex. sess. as last amended by section 10, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.100; amending section 19, chapter 34, Laws of 1969 ex. sess. as last amended by section 11, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.105; amending section 20, chapter 34, Laws of 1969 ex. sess. as last amended by section 12, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.106; amending section 11, chapter 176, Laws of 1969 ex. sess. as last amended by section 13, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.110; amending section 14, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.111; amending section 15, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.112; amending section 16, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.113; amending section 12, chapter 176, Laws of 1969 ex. sess. as last amended by section 17, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.120; amending section 13, chapter 176, Laws of 1969 ex. sess. as amended by section 19, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.130; amending section 20, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.135; amending section 14, chapter 176, Laws of 1969 ex. sess. as amended by section 22, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.140; amending section 16, chapter 176, Laws of 1969 ex. sess. as amended by section 23, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.160; amending section 17, chapter 176, Laws of 1969 ex. sess. as amended by section 21, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.170; amending section 18, chapter 176, Laws of 1969 ex. sess. as last amended by section 20, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.180; amending section 23, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.195; amending section 21, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.200; amending section 23, chapter 176, Laws of 1969 ex. sess. as amended by section 28, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.220; amending section 5, chapter 91, Laws of 1974 ex. sess. and RCW 28A.21.300; amending section 27, chapter 104, Laws of 1903 as last amended by section 25, chapter 176, Laws of 1969 ex. sess. and RCW 27.16.010; amending section 28, chapter 104, Laws of 1903 as last amended by section 8, chapter 195, Laws of 1973 1st ex. sess. and RCW 27.16.020; amending section 3, chapter 97, page 320, Laws of 1909 as amended by section 27, chapter 176, Laws of 1969 ex. sess. and RCW 27.16.030; amending section 4, chapter 97, page 320, Laws of 1909 as last amended by section 28, chapter 176, Laws of 1969 ex. sess. and RCW 27.16.040; amending section 5, chapter 97, page 320, Laws of 1909 as last amended by section 29, chapter 176, Laws of 1969 ex. sess. and RCW 27.16.050; amending section 6, chapter 97, page 320, Laws of 1909 as last amended by section 30, chapter 176, Laws of 1969 ex. sess. and RCW 27.16.060; amending section 12, chapter 15, Laws of 1970 ex. sess. and RCW 28A.02.070;

amending section 29, chapter 282, Laws of 1971 ex. sess. and RCW 28A.03.028; amending section 28A.03.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 100, Laws of 1971 ex. sess. and RCW 28A.03.030; amending section 28A.03.050, chapter 223, Laws of 1969 ex. sess. as amended by section 103, chapter 176, Laws of 1969 ex. sess. and RCW 28A.03.050; amending section 28A.04.040, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 48, Laws of 1971 and RCW 28A.04.040; amending section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 92, Laws of 1974 ex. sess. and RCW 28A.04.120; amending section 30, chapter 282, Laws of 1971 ex. sess. and RCW 28A.04.145; amending section 1, chapter 10, Laws of 1972 ex. sess. and RCW 28A.13.020; amending section 28A.14.050, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 48, Laws of 1971 and RCW 28A.14.050; amending section 28A.24.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 32, chapter 282, Laws of 1971 ex. sess. and RCW 28A.24.080; amending section 28A.24.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter 48, Laws of 1971 and RCW 28A.24.150; amending section 28A.27.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 9, chapter 48, Laws of 1971 and RCW 28A.27.040; amending section 28A.27.080, chapter 223, Laws of 1969 ex. sess. as amended by section 106, chapter 176, Laws of 1969 ex. sess. and RCW 28A.27.080; amending section 14, chapter 15, Laws of 1970 ex. sess. and RCW 28A.27.102; amending section 28A.35.030, chapter 223, Laws of 1969 ex. sess. as amended by section 13, chapter 48, Laws of 1971 and RCW 28A.35.030; amending section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 85, Laws of 1972 ex. sess. and RCW 28A.41.160; amending section 28A.44.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 34, chapter 282, Laws of 1971 ex. sess. and RCW 28A.44.060; amending section 28A.44.070, chapter 223, Laws of 1969 ex. sess. as last amended by section 35, chapter 282, Laws of 1971 ex. sess. and RCW 28A.44.070; amending section 28A.44.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.080; amending section 2, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.085; amending section 28A.44.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.090; amending section 28A.44.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.100; amending section 15, chapter 15, Laws of 1970 ex. sess. as last amended by section 1, chapter 89, Laws of 1974 ex. sess. and RCW 28A.48.010; amending section 28A.48.030, chapter 223, Laws of 1969 ex. sess. as amended by section 109, chapter 176, Laws of 1969 ex. sess. and RCW 28A.48.030; amending section 28A.48.050, chapter 223, Laws of 1969 ex. sess. as amended by section 110, chapter 176, Laws of 1969 ex. sess. and RCW 28A.48.050; amending section 28A.48.055, chapter 223, Laws of 1969 ex. sess. as amended by section 111, chapter 176, Laws of 1969 ex. sess. and RCW 28A.48.055; amending section 2, chapter 92, Laws of 1974 ex. sess. and RCW 28A.02.201; amending section 28A.48.090, chapter 223, Laws of 1969 ex. sess. as amended by section 113, chapter 176, Laws of 1969 ex. sess. and RCW 28A.48.090; amending section 28A.48.100, chapter 223, Laws of 1969 ex. sess. as amended by section 114, chapter 176, Laws of 1969 ex. sess. and RCW 28A.48.100; amending section 28A.56.030, chapter 223, Laws of 1969 ex. sess. as amended by section 21, chapter 48, Laws of 1971 and RCW 28A.56.030; amending section 28A.56.040, chapter 223, Laws of 1969 ex. sess. as amended by section 22, chapter 48, Laws of 1971 and RCW 28A.56.040; amending section 28A.56.050, chapter 223, Laws of 1969 ex. sess. as amended by section 23, chapter 48, Laws of 1971 and RCW 28A.56.050; amending section 28A.56.060, chapter 223, Laws of 1969 ex. sess. as amended by section 24, chapter 48, Laws of 1971 and RCW 28A.56.060; amending section 28A.57.020, chapter 223, Laws of 1969 ex. sess. as amended by section 25, chapter 48, Laws of 1971 and RCW 28A.57.020; amending section 28A.57.031, chapter 223, Laws of 1969 ex. sess. as amended by section 115, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.031; amending section 28A.57.032, chapter 223, Laws of 1969 ex. sess. as amended by section 116, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.032; amending section 28A.57.033, chapter 223, Laws of 1969 ex. sess. as amended by section 117, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.033; amending section 28A.57.040, chapter 223, Laws of 1969 ex. sess. as amended by section 119, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.040; amending section 28A.57.050, chapter 223, Laws of 1969 ex. sess. as amended by section 120, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.050; amending section 28A.57.070, chapter 223, Laws of 1969 ex. sess. as amended by section 121, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.070; amending section 28A.57.075, chapter 223, Laws of 1969 ex. sess. as amended by section 122, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.075; amending section 28A.57.080, chapter 223, Laws of 1969 ex. sess. as amended by section 26, chapter 48, Laws of 1971 and RCW 28A.57.080; amending section 28A.57.090, chapter 223, Laws of 1969 ex. sess. as amended by section 123, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.090; amending section 28A.57.130, chapter 223, Laws of 1969 ex. sess. as amended by section 124, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.130; amending section 28A.57.140, chapter 223, Laws of 1969 ex. sess. as amended by section 125, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.140; amending section 28A.57.150, chapter 223, Laws of 1969 ex. sess. as amended

by section 126, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.150; amending section 28A.57.170, chapter 223, Laws of 1969 ex. sess. as amended by section 127, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.170; amending section 28A.57.180, chapter 223, Laws of 1969 ex. sess. as amended by section 128, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.180; amending section 28A.57.190, chapter 223, Laws of 1969 ex. sess. as amended by section 129, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.190; amending section 28A.57.200, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 86, Laws of 1970 ex. sess. and RCW 28A.57.200; amending section 28A.57.240, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 47, Laws of 1973 and RCW 28A.57.240; amending section 28A.57.245, chapter 223, Laws of 1969 ex. sess. as amended by section 132, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.245; amending section 28A.57.255, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 47, Laws of 1973 and RCW 28A.57.255; amending section 28A.57.290, chapter 223, Laws of 1969 ex. sess. as amended by section 135, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.290; amending section 28A.57.300, chapter 223, Laws of 1969 ex. sess. as amended by section 136, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.300; amending section 28A.57.326, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 53, Laws of 1971 and RCW 28A.57.326; amending section 28A.57.328, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 67, Laws of 1971 and RCW 28A.57.328; amending section 3, chapter 67, Laws of 1971 and RCW 28A.57.355; amending section 4, chapter 67, Laws of 1971 and RCW 28A.57.356; amending section 5, chapter 67, Laws of 1971 as last amended by section 10, chapter 21, Laws of 1973 2nd ex. sess. and RCW 28A.57.357; amending section 6, chapter 67, Laws of 1971 as amended by section 4, chapter 21, Laws of 1973 2nd ex. sess. and RCW 28A.57.358; amending section 28A.57.390, chapter 223, Laws of 1969 ex. sess. as amended by section 140, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.390; amending section 28A.57.415, chapter 223, Laws of 1969 ex. sess. as amended by section 27, chapter 48, Laws of 1971 and RCW 28A.57.415; amending section 3, chapter 10, Laws of 1972 ex. sess. and RCW 28A.58.100; amending section 28A.58.103, chapter 223, Laws of 1969 ex. sess. as amended by section 29, chapter 48, Laws of 1971 and RCW 28A.58.103; amending section 28A.58.150, chapter 223, Laws of 1969 ex. sess. as amended by section 30, chapter 48, Laws of 1971 and RCW 28A.58.150; amending section 28A.58.225, chapter 223, Laws of 1969 ex. sess. as amended by section 141, chapter 176, Laws of 1969 ex. sess. and RCW 28A.58.225; amending section 28A.58.530, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 93, Laws of 1971 ex. sess. and RCW 28A.58.530; amending section 28A.58.560, chapter 223, Laws of 1969 ex. sess. as last amended by section 31, chapter 48, Laws of 1971 and RCW 28A.58.560; amending section 28A.58.603, chapter 223, Laws of 1969 ex. sess. as amended by section 32, chapter 48, Laws of 1971 and RCW 28A.58.603; amending section 1, chapter 142, Laws of 1972 ex. sess. and RCW 28A.58.620; amending section 2, chapter 142, Laws of 1972 ex. sess. and RCW 28A.58.630; amending section 28A.59.080, chapter 223, Laws of 1969 ex. sess. as amended by section 33, chapter 48, Laws of 1971 and RCW 28A.59.080; amending section 28A.59.150, chapter 223, Laws of 1969 ex. sess. as amended by section 34, chapter 48, Laws of 1971 and RCW 28A.59.150; amending section 28A.60.070, chapter 223, Laws of 1969 ex. sess. as amended by section 35, chapter 48, Laws of 1971 and RCW 28A.60.070; amending section 28A.60.186, chapter 223, Laws of 1969 ex. sess. as last amended by section 39, chapter 282, Laws of 1971 ex. sess. and RCW 28A.60.186; amending section 28A.60.210, chapter 223, Laws of 1969 ex. sess. as last amended by section 46, chapter 154, Laws of 1973 1st ex. sess. and RCW 28A.60.210; amending section 28A.65.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 26, Laws of 1972 ex. sess. and RCW 28A.65.080; amending section 28A.65.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 39, chapter 48, Laws of 1971 and RCW 28A.65.100; amending section 28A.65.110, chapter 223, Laws of 1969 ex. sess. as last amended by section 40, chapter 48, Laws of 1971 and RCW 28A.65.110; amending section 28A.65.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 41, chapter 48, Laws of 1971 and RCW 28A.65.120; amending section 28A.65.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 42, chapter 48, Laws of 1971 and RCW 28A.65.150; amending section 34, chapter 119, Laws of 1969 ex. sess. as amended by section 43, chapter 48, Laws of 1971 and RCW 28A.65.153; amending section 30, chapter 119, Laws of 1969 ex. sess. as amended by section 44, chapter 48, Laws of 1971 and RCW 28A.65.180; amending section 28A.66.060, chapter 223, Laws of 1969 ex. sess. as amended by section 46, chapter 48, Laws of 1971 and RCW 28A.66.060; amending section 28A.66.100, chapter 223, Laws of 1969 ex. sess. as amended by section 47, chapter 48, Laws of 1971 and RCW 28A.66.100; amending section 28A.67.040, chapter 223, Laws of 1969 ex. sess. as amended by section 48, chapter 48, Laws of 1971 and RCW 28A.67.040; amending section 28A.67.060, chapter 223, Laws of 1969 ex. sess. as amended by section 49, chapter 48, Laws of 1971 and RCW 28A.67.060; amending section 16, chapter 15, Laws of 1970 ex. sess. as amended by section 2, chapter 49, Laws of 1973 and RCW 28A.67.070; amending section 28A.70.110, chapter 223, Laws of 1969 ex. sess. as amended by section 144, chapter 176, Laws of 1969 ex. sess. and RCW 28A.70.110; amending section 28A.70.130, chapter 223, Laws of 1969 ex. sess. as amended by section 50, chapter 48, Laws of 1971 and

RCW 28A.70.130; amending section 28A.70.140, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 55, Laws of 1974 ex. sess. and RCW 28A.70.140; amending section 28A.70.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 55, Laws of 1974 ex. sess. and RCW 28A.70.160; amending section 28A.70.170, chapter 223, Laws of 1969 ex. sess. as amended by section 52, chapter 48, Laws of 1971 and RCW 28A.70.170; amending section 28A.71.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 31, chapter 282, Laws of 1971 ex. sess. and RCW 28A.71.100; amending section 21, chapter 15, Laws of 1970 ex. sess. and RCW 28A.87.030; amending section 28A.87.050, chapter 223, Laws of 1969 ex. sess. as amended by section 148, chapter 176, Laws of 1969 ex. sess. and RCW 28A.87.050; amending section 22, chapter 15, Laws of 1970 ex. sess. and RCW 28A.87.080; amending section 28A.87.090, chapter 223, Laws of 1969 ex. sess. as amended by section 150, chapter 176, Laws of 1969 ex. sess. and RCW 28A.87.090; amending section 28A.87.100, chapter 223, Laws of 1969 ex. sess. as amended by section 151, chapter 176, Laws of 1969 ex. sess. and RCW 28A.87.100; amending section 28A.87.110, chapter 223, Laws of 1969 ex. sess. as amended by section 152, chapter 176, Laws of 1969 ex. sess. and RCW 28A.87.110; amending section 28A.87.170, chapter 223, Laws of 1969 ex. sess. as amended by section 153, chapter 176, Laws of 1969 ex. sess. and RCW 28A.87.170; amending section 28B.40.380, chapter 223, Laws of 1969 ex. sess. as amended by section 155, chapter 176, Laws of 1969 ex. sess. and RCW 28B.40.380; amending section 7, chapter 283, Laws of 1969 ex. sess. as amended by section 22, chapter 62, Laws of 1973 and RCW 28B.50.551; amending section 1, chapter 80, Laws of 1947 as last amended by section 1, chapter 199, Laws of 1974 ex. sess. and RCW 41.32.010; amending section 42, chapter 80, Laws of 1947 as last amended by section 96, chapter 176, Laws of 1969 ex. sess. and RCW 41.32.420; amending section 72.40.060, chapter 28, Laws of 1959 as amended by section 97, chapter 176, Laws of 1969 ex. sess. and RCW 72.40.060; amending section 72.40.070, chapter 28, Laws of 1959 as amended by section 98, chapter 176, Laws of 1969 ex. sess. and RCW 72.40.070; amending section 72.40.080, chapter 28, Laws of 1959 as amended by section 99, chapter 176, Laws of 1969 ex. sess. and RCW 72.40.080; amending section 72.40.100, chapter 28, Laws of 1959 as amended by section 100, chapter 176, Laws of 1969 ex. sess. and RCW 72.40.100; creating new sections; providing penalties; and declaring an emergency.

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

Section 1. Section 1, chapter 176, Laws of 1969 ex. sess. as amended by section 1, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.010 are each amended to read as follows:

It shall be the intent and purpose of this chapter to reorganize existing intermediate school district offices in order to:

(1) Establish intermediate school district offices as ~~((regional))~~ educational service agencies which will provide cooperative and informational services to local school districts;

(2) Assist the superintendent of public instruction and the state board of education in the performance of their respective statutory or constitutional duties;

(3) Make the territorial organization of intermediate school district offices, hereafter to be known as educational service district offices, as such educational service agencies and the school districts more readily and efficiently adaptable to the changing economic pattern and educational programs within the state; and

(4) Provide the pupils within the state with equal educational opportunities.

After the effective date of this amendatory act all intermediate school districts shall be known as and referred to as educational service districts.

**Sec. 2. Section 2, chapter 176, Laws of 1969 ex. sess. as amended by section 2, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.020 are each amended to read as follows:*

The state board of education, at any time it deems advisable or upon petition of any ~~((intermediate school))~~ educational service district board, may make changes in the ~~((number and))~~ boundaries of the ~~((intermediate school))~~ educational service districts, including an equitable adjustment and transfer of any and

all property, assets, and liabilities among the ((intermediate school)) educational service districts whose boundaries and duties and responsibilities are increased and/or decreased by such changes, consistent with the purposes of RCW 28A.21.010. Prior to making any such changes, the state board shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

Consistent with the purposes of RCW 28A.21.010 the state board may recommend at any time it deems advisable or upon petition of any educational service district board changes in the number of educational service districts including a proposed equitable adjustment and transfer of the property, assets and liabilities among the educational service districts involved. Prior to recommending changes in the number of educational service districts, the duties and responsibilities of which may be increased or decreased by such proposed changes, the state board shall hold at least one public hearing on such proposed change and shall consider any recommendations thereon: PROVIDED HOWEVER, That changes in the number of educational service districts shall not be made except with the express approval of the legislature.

The state board in making any change in boundaries shall give consideration to, but not be limited by, the following factors: Size, population, topography, and climate of the proposed district.

The superintendent of public instruction shall furnish personnel, material, supplies, and information necessary to enable ((intermediate school)) educational service district boards and superintendents to consider the proposed changes.

Sec. 2. was vetoed, see message at end of chapter.

Sec. 3. Section 3, chapter 176, Laws of 1969 ex. sess. as last amended by section 1, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.030 are each amended to read as follows:

Except as otherwise provided in this section, in each ((intermediate school)) educational service district there shall be an ((intermediate school)) educational service district board consisting of seven members elected by the voters of the ((intermediate school)) educational service district, one from each of seven ((intermediate school)) educational service district board-member districts. Board-member districts in districts reorganized under RCW 28A.21.020, or as provided for in RCW 28A.21.035, as now or hereafter amended, and under this section, shall be initially determined by the state board of education. If a reorganization pursuant to RCW 28A.21.020 places the residence of a board member into another or newly created ((intermediate school)) educational service district, such member shall serve on the board of the ((intermediate school)) educational service district of residence until the next general school election at which time a new seven member board shall be elected. If the redrawing of board-member district boundaries pursuant to this chapter shall cause the resident board-member district of two or more board members to coincide, such board members shall continue to serve on the board until the next general school election at which time a new board shall be elected. The board-member districts shall be arranged so far as practicable on a basis of equal population, with consideration being given existing board members of existing ((intermediate school)) educational service district boards. Each ((intermediate school)) educational service district board

member shall be elected by the registered voters of the respective board-member district. Beginning in 1971 and every ten years thereafter, ~~((intermediate school))~~ educational service district boards shall review and, if necessary, shall change the boundaries of board-member districts so as to provide so far as practicable equal representation according to population of such board-member districts and to conform to school district boundary changes: PROVIDED, That all board-member district boundaries, to the extent necessary to conform with this chapter, shall be redrawn for the purposes of the next general school election immediately following any reorganization pursuant to this chapter. Such district board, if failing to make the necessary changes prior to June 1 of the appropriate year, shall refer for settlement questions on board-member district boundaries to the state board of education, which, after a public hearing, shall decide such questions.

Sec. 4. Section 3, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.0302 are each amended to read as follows:

Filing for candidacy for the ~~((intermediate school))~~ educational service district board shall be with the county auditor of the headquarters county of the ~~((intermediate school))~~ educational service district not more than sixty days nor less than forty-six days prior to the general school election, and the auditor shall certify the names of candidates to the officials conducting the elections in the board-member districts.

Sec. 5. Section 4, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.0303 are each amended to read as follows:

The term of office for each board member shall be four years and until a successor is duly elected and qualified. For the first election or an election following reorganization, board-member district positions numbered one, three, five, and seven in each ~~((intermediate school))~~ educational service district shall be for a term of four years and positions numbered two, four, and six shall be for a term of two years.

Sec. 6. Section 5, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.0304 are each amended to read as follows:

Any ~~((intermediate school))~~ educational service district board may elect by resolution of the board to increase the board member size to nine board members. In such case positions number eight and nine shall be filled at the next general school election, position numbered eight to be for a term of two years, position numbered nine to be for a term of four years. Thereafter the terms for such positions shall be for four years.

Sec. 7. Section 6, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.0305 are each amended to read as follows:

The term of every ~~((intermediate school))~~ educational service district board member shall begin after the election returns have been certified, a certificate of election issued, and the oath of office taken. In the event of a vacancy in the board from any cause, such vacancy shall be filled by appointment of a person from the same board-member district by the ~~((intermediate school))~~ educational service district board. In the event that there are more than three vacancies in a seven-member board or four vacancies in a nine-member board, the state board of education shall fill by appointment sufficient vacancies so that there shall be a

quorum of the board serving. Each appointed board member shall serve until the next general school election, at which time there shall be elected a member to fill the unexpired term.

Sec. 8. Section 7, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.0306 are each amended to read as follows:

No person shall serve as an employee of a school district or as a member of a board of directors of a common school district or as a member of the state board of education and as a member of an (~~intermediate school~~) educational service district board at the same time.

Sec. 9. Section 4, chapter 282, Laws of 1971 ex. sess. as amended by section 8, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.035 are each amended to read as follows:

Any (~~intermediate school~~) educational service district board which elects under RCW 28A.21.0304 to increase the size of the (~~intermediate school~~) educational service district board from seven to nine members, after at least four years, may elect by resolution of the board to return to a membership of seven (~~intermediate school~~) educational service board members. In such case the term of office of all existing (~~intermediate school~~) educational service board members shall expire at the next general school election and seven (~~intermediate school~~) educational service board members shall be elected in accordance with the provisions of RCW 28A.21.030, 28A.21.0301 through 28A.21.0303, 28A.21.0305 and 28A.21.0306.

Sec. 10. Section 5, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.037 are each amended to read as follows:

Absence of any (~~intermediate school~~) educational service district board member from four consecutive regular meetings of the board, unless excused on account of sickness or otherwise authorized by resolution of the board, shall be sufficient cause for the members of the (~~intermediate school~~) educational service district board to declare by resolution that such board member position is vacated.

Sec. 11. Section 4, chapter 176, Laws of 1969 ex. sess. as amended by section 6, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.040 are each amended to read as follows:

Every school district must be included entirely within a single (~~intermediate school~~) educational service district. If the boundaries of any school district within an (~~intermediate school~~) educational service district are changed in any manner so as to extend the school district beyond the boundaries of that (~~intermediate school~~) educational service district, the state board shall change the boundaries of the (~~intermediate school~~) educational service districts so affected in a manner consistent with the purposes of RCW 28A.21.010 and this section.

Sec. 12. Section 5, chapter 176, Laws of 1969 ex. sess. as amended by section 7, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.050 are each amended to read as follows:

Every candidate for member of the (~~intermediate school~~) educational service district board shall be a registered voter and a resident of the board-member district for which such candidate files. On or before the date for taking office, every

member shall make an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of the office according to the best of such member's ability. The members of the board shall not be required to give bond unless so directed by the state board of education. At the first meeting after each general school election and after the qualification for office of the newly elected members, each ~~((intermediate school))~~ educational service district board shall reorganize by electing a chairman and a vice chairman. A majority of all of the members of the board shall constitute a quorum.

Sec. 13. Section 6, chapter 176, Laws of 1969 ex. sess. as amended by section 8, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.060 are each amended to read as follows:

The actual expenses of ~~((intermediate school))~~ educational service board members in going to, returning from and attending meetings called or held pursuant to district business or while otherwise engaged in the performance of their duties under this chapter shall be paid up to the amounts provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended; all such claims shall be approved by the ~~((intermediate school))~~ educational service district board and paid from the budget of the ~~((intermediate school))~~ educational service district.

Sec. 14. Section 7, chapter 176, Laws of 1969 ex. sess. as last amended by section 9, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.070 are each amended to read as follows:

Every ~~((intermediate school))~~ educational service district board shall appoint and set the salary of an ~~((intermediate school))~~ educational service district superintendent who shall be employed by a written contract for a term to be fixed by the board but not to exceed four years, and who may be discharged for sufficient cause.

Sec. 15. Section 8, chapter 176, Laws of 1969 ex. sess. as amended by section 10, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.080 are each amended to read as follows:

To be eligible for appointment to the office of ~~((intermediate school))~~ educational service district superintendent, in addition to any other requirements under other provisions of the law, a candidate must have a valid principal's or superintendent's credential of the state of Washington or meet other criteria specifically established by the state board of education as representing appropriate training and qualification for the office of ~~((intermediate school))~~ educational service district superintendent; but anyone serving as a legally qualified county or intermediate district superintendent or deputy county or intermediate district superintendent in the state of Washington on April 25, 1969 may be deemed qualified to hold the office of ~~((intermediate school))~~ educational service district superintendent.

Sec. 16. Section 11, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.086 are each amended to read as follows:

In addition to other powers and duties as provided by law, every ~~((intermediate school))~~ educational service district board shall:

(1) Comply with rules or regulations of the state board of education and the superintendent of public instruction.

(2) If the district board deems necessary, establish and operate for the schools within the boundaries of the (~~intermediate school~~) educational service district a depository and distribution center for films, tapes, charts, maps, and other instructional material as recommended by the school district superintendents within the service area of the (~~intermediate school~~) educational service district.

(3) Establish cooperative service programs for school districts within the (~~intermediate school~~) educational service district: PROVIDED, That on matters relating to cooperative service programs the board and superintendent of the (~~intermediate school~~) educational service district shall seek the prior advice of the superintendents of local school districts within the (~~intermediate school~~) educational service district.

Sec. 17. Section 12, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.088 are each amended to read as follows:

In addition to other powers and duties as provided by law, every (~~intermediate school~~) educational service district board shall:

(1) If the district board deems necessary, hold each year one or more teachers' institutes as provided for in RCW 28A.71.100, as now or hereafter amended, and one or more school directors' meetings.

(2) Cooperate with the state supervisor of special aid for handicapped children as provided in chapter 28A.13 RCW and the state supervisor of recreation as provided in chapter 28A.14 RCW.

(3) Apportion such school funds other than state funds as otherwise authorized by law in a manner not in conflict with state or federal law or rules and regulations relating to the distribution and apportionment of such school funds.

(4) Certify statistical data as basis for apportionment purposes to county and state officials as provided in chapter 28A.44 RCW.

(5) Perform such other duties as may be prescribed by law or rule or regulation of the state board of education and/or the superintendent of public instruction as provided in RCW 28A.03.028 and 28A.04.145.

Sec. 18. Section 9, chapter 176, Laws of 1969 ex. sess. as last amended by section 13, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.090 are each amended to read as follows:

In addition to other powers and duties as provided by law, every (~~intermediate school~~) educational service district board shall:

(1) Advise with and pass upon the recommendations of the (~~intermediate school~~) educational service district superintendent in the preparation of rules and regulations for the circulating libraries established pursuant to RCW 27.16.010.

(2) Approve the budgets of the (~~intermediate school~~) educational service district in accordance with the procedures provided for in this chapter.

(3) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the chairman or a majority of the board.

(4) Approve the selection of (~~intermediate school~~) educational service district personnel and clerical staff as provided in RCW 28A.21.100, as now or hereafter amended.

(5) Fix the amount of and approve the bonds for those (~~intermediate school~~) educational service district employees designated by the board as being in need of bonding.

(6) Keep in the (~~intermediate school~~) educational service district office a full and correct transcript of the boundaries of each school district within the (~~intermediate school~~) educational service district.

(7) Acquire by purchase, lease, devise, bequest, and gift and otherwise contract for real and personal property necessary for the operation of the (~~intermediate school~~) educational service district and to the execution of the duties of the board and superintendent thereof and sell, lease, or otherwise dispose of that property not necessary for district purposes: PROVIDED, That no real property shall be acquired or alienated without the prior approval of the state board of education.

(8) Adopt such bylaws and rules and regulations for its own operation as it deems necessary or appropriate.

(9) Enter into contracts, including contracts with common and (~~intermediate school~~) educational service districts for the joint financing of cooperative service programs conducted pursuant to RCW 28A.21.086(3), and employ consultants and legal counsel relating to any of the duties, functions, and powers of the (~~intermediate school~~) educational service districts.

Sec. 19. Section 14, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.092 are each amended to read as follows:

In addition to other powers and duties prescribed by law every (~~intermediate school~~) educational service district board shall be authorized to:

(1) Pay the expenses of its members in accordance with law for attendance at state-wide meetings of (~~intermediate school~~) educational service district board members.

(2) Pay dues from (~~intermediate school~~) educational service district funds in an amount not to exceed one hundred dollars per board member per year for membership in a state-wide association of (~~intermediate school~~) educational service district board members: PROVIDED, That dues to such an association shall not be paid unless the formation of such an association, including its constitution and bylaws, is approved by a resolution passed by at least two-thirds of the (~~intermediate school~~) educational service district boards within the state: PROVIDED FURTHER, That such association if formed shall not employ any staff but shall contract either with the Washington state school directors' association or with the superintendent of public instruction for staff and informational services.

Sec. 20. Section 15, chapter 282, Laws of 1971 ex. sess. as amended by section 9, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.095 are each amended to read as follows:

Each (~~intermediate school~~) educational service district board, by written order filed in the headquarters office, may delegate to the (~~intermediate school~~) educational service district superintendent any of the powers and duties vested in or imposed upon the board by law or rule or regulation of the state board of education and/or the superintendent of public instruction. Such delegated powers and duties shall not be in conflict with rules or regulations of the superintendent of public instruction or the state board of education and may be exercised by the

~~((intermediate school))~~ educational service district superintendent in the name of the board.

Sec. 21. Section 10, chapter 176, Laws of 1969 ex. sess. as last amended by section 10, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.100 are each amended to read as follows:

The ~~((intermediate school))~~ educational service district superintendent may appoint with the consent of the ~~((intermediate school))~~ educational service district board assistant superintendents and such other professional personnel and clerical help as may be necessary to perform the work of the office at such salaries as may be determined by the ~~((intermediate school))~~ educational service district board and shall pay such salaries out of the budget of the district. In the absence of the ~~((intermediate school))~~ educational service district superintendent a designated assistant superintendent shall perform the duties of the office. The ~~((intermediate school))~~ educational service district superintendent shall have the authority to appoint on an acting basis an assistant superintendent to perform any of the duties of the office.

Sec. 22. Section 19, chapter 34, Laws of 1969 ex. sess. as last amended by section 11, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.105 are each amended to read as follows:

No certificated employee of an ~~((intermediate school))~~ educational service district superintendent or board shall be employed except by written contract, which shall be in conformity with the laws of this state. Every such contract shall be made in duplicate, one copy of which shall be retained by the ~~((intermediate school))~~ educational service district superintendent and the other shall be delivered to the employee.

Every ~~((intermediate school))~~ educational service district superintendent or board determining that there is probable cause or causes that the employment contract of a certificated employee thereof is not to be renewed for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of that determination, which notification shall specify the cause or causes for nonrenewal of contract. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. The procedure and standards for the review of the decision of the superintendent or board and appeal therefrom shall be as prescribed for nonrenewal cases of teachers in RCW 28A.58.450 through 28A.58.515, 28A.67.070 and 28A.88.010 and in any amendments hereafter made thereto. Appeals may be filed in the superior court of any county in the intermediate school district.

Sec. 23. Section 20, chapter 34, Laws of 1969 ex. sess. as last amended by section 12, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.106 are each amended to read as follows:

Every ~~((intermediate school))~~ educational service district superintendent or board determining that there is probable cause or causes for a certificated employee of that superintendent or board to be discharged or otherwise adversely affected in his contract status shall notify such employee in writing of its decision,

which notice shall specify the cause or causes for such action. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. The procedure and standards for review of the decision of the superintendent or board and appeal therefrom shall be as prescribed in discharge cases of teachers in RCW 28A.58-.450 through 28A.58.515, 28A.67.070 and 28A.88.010 and in any amendments hereafter made thereto. The board and the ~~((intermediate school))~~ educational service district superintendent, respectively, shall have the duties of the boards of directors and clerks of school districts in RCW 28A.58.450 through 28A.58.515, 28A.67.070 and 28A.88.010 and in any amendments hereafter made thereto. Appeals may be filed in the superior court of any county in the ~~((intermediate school))~~ educational service district.

Sec. 24. Section 11, chapter 176, Laws of 1969 ex. sess. as last amended by section 13, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.110 are each amended to read as follows:

In addition to other powers and duties as provided by law, each ~~((intermediate school))~~ educational service district superintendent shall:

(1) Serve as chief executive officer of the ~~((intermediate school))~~ educational service district and secretary of the ~~((intermediate school))~~ educational service district board.

(2) Visit the schools in the ~~((intermediate school))~~ educational service district, counsel with directors and staff, and assist in every possible way to advance the educational interest in the ~~((intermediate school))~~ educational service district.

Sec. 25. Section 14, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.111 are each amended to read as follows:

In addition to other powers and duties as provided by law, each ~~((intermediate school))~~ educational service district superintendent shall:

(1) Perform such record keeping, including such annual reports as may be required, and liaison and informational services to local school districts and the superintendent of public instruction as required by rule or regulation of the superintendent of public instruction or state board of education: PROVIDED, That the superintendent of public instruction and the state board of education may require some or all of the school districts to report information directly when such reporting procedures are deemed desirable or feasible.

(2) Keep records of official acts of the ~~((intermediate school))~~ educational service district board and superintendents in accordance with RCW 28A.21.120, as now or hereafter amended.

(3) Preserve carefully all reports of school officers and teachers and deliver to the successor of the office all records, books, documents, and papers belonging to the office either personally or through a personal representative, taking a receipt for the same, which shall be filed in the office of the county auditor in the county where the office is located.

Sec. 26. Section 15, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.112 are each amended to read as follows:

In addition to other powers and duties as provided by law, each (~~intermediate school~~) educational service district superintendent shall:

(1) Administer oaths and affirmations to school directors, teachers, and other persons on official matters connected with or relating to schools, when appropriate, but not make or collect any charge or fee for so doing.

(2) Require the oath of office of all school district officers be filed as provided in RCW 28A.57.322 and furnish a directory of all such officers to the county auditor and to the county treasurer of the county in which the school district is located as soon as such information can be obtained after the election or appointment of such officers is determined and their oaths placed on file.

Sec. 27. Section 16, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.113 are each amended to read as follows:

In addition to other powers and duties as provided by law, each (~~intermediate school~~) educational service district superintendent shall:

(1) Assist the school districts in preparation of their budgets as provided in chapter 28A.65 RCW.

(2) Enforce the provisions of the compulsory attendance law as provided in chapter(~~s~~) 28A.27 (~~and 28A.28~~) RCW.

(3) Perform duties relating to capital fund aid by nonhigh districts as provided in chapter 28A.56 RCW.

(4) Carry out the duties and issue orders creating new school districts and transfers of territory as provided in chapter 28A.57 RCW.

(5) Perform all other duties prescribed by law and the (~~intermediate school~~) educational service district board.

Sec. 28. Section 12, chapter 176, Laws of 1969 ex. sess. as last amended by section 17, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.120 are each amended to read as follows:

The (~~intermediate school~~) educational service district board shall designate the headquarters office of the (~~intermediate school~~) educational service district. The board of county commissioners in each county, when so requested by the (~~intermediate school~~) educational service district board, in each year prior to July 1, 1979, shall provide the (~~intermediate school~~) educational service district superintendent and employees with suitable quarters and office, which shall include heating, contents insurance, electricity, and custodial services, for the operations of the (~~intermediate school~~) educational service district. Commencing July 1, 1979, (~~intermediate school~~) educational service districts shall provide for their own office space, heating, contents insurance, electricity, and custodial services, which may be obtained through contracting with any board of county commissioners. Official records of the (~~intermediate school~~) educational service district board and superintendent, including each of the county superintendents abolished by chapter 176, Laws of 1969 ex. sess., shall be kept by the (~~intermediate school~~) educational service district superintendent. Whenever the boundaries of any of the (~~intermediate school~~) educational service districts are reorganized pursuant to RCW 28A.21.020, the state board of education shall supervise the transferral of such records so that each (~~intermediate school~~) educational service district superintendent shall receive those records relating to school districts within the appropriate (~~intermediate school~~) educational service district.

Sec. 29. Section 13, chapter 176, Laws of 1969 ex. sess. as amended by section 19, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.130 are each amended to read as follows:

For all actual and necessary travel in the performance of official duties and while in attendance upon meetings and conferences, each ~~((intermediate school))~~ educational service district superintendent and employee shall be reimbursed for their actual traveling expenses and subsistence up to the amounts provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended. All claims shall be approved by the ~~((intermediate school))~~ educational service district board and paid from the funds budgeted by the district. Each ~~((intermediate school))~~ educational service district superintendent and employee may be advanced sufficient sums to cover their anticipated expenses in accordance with rules and regulations promulgated by the state auditor and which shall substantially conform to the procedures provided in RCW 43.03.150 through 43.03.210.

Sec. 30. Section 20, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.135 are each amended to read as follows:

The superintendent of public instruction by rule and regulation shall adopt budgeting procedures for ~~((intermediate school))~~ educational service districts modeled after the statutory procedures for school districts as provided in chapter 28A.65 RCW.

Sec. 31. Section 14, chapter 176, Laws of 1969 ex. sess. as amended by section 22, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.140 are each amended to read as follows:

The superintendent of public instruction shall examine and revise the biennial budget request of each ~~((intermediate school))~~ educational service district and shall fix the amount to be requested in state funds for the ~~((intermediate school))~~ educational service district system from the legislature. Once funds have been appropriated by the legislature, the superintendent of public instruction shall fix the annual budget of each ~~((intermediate school))~~ educational service district and shall allocate quarterly the state's portion from funds appropriated for that purpose to the county treasurer of the headquarters county of the ~~((intermediate school))~~ educational service district for deposit to the credit of the ~~((intermediate school))~~ educational service district general expense fund.

In each ~~((intermediate school))~~ educational service district, there shall be an ~~((intermediate school))~~ educational service district general expense fund into which there shall be deposited such moneys as are allocated by the superintendent of public instruction under provisions of this chapter, and such moneys as are allocated from the county current expense funds, the county institute funds, the county circulating library funds and other funds of the ~~((intermediate school))~~ educational service district, and such moneys shall be expended according to the method used by first or second class school districts, whichever is deemed most feasible by the ~~((intermediate school))~~ educational service district board. No vouchers for warrants other than moneys being distributed to the school districts shall be approved for expenditures not budgeted by the ~~((intermediate school))~~ educational service district board.

Sec. 32. Section 16, chapter 176, Laws of 1969 ex. sess. as amended by section 23, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.160 are each amended to read as follows:

All funds under the control of the office of each ~~((intermediate school))~~ educational service district shall be combined into the ~~((intermediate school))~~ educational service district general expense fund and deposited in the office of the county treasurer of the county in which the ~~((intermediate school))~~ educational service district headquarters office is located. The superintendent of public instruction, by rule or regulation, shall provide by an established formula for the proper distribution of moneys received from the county current expense fund, the county institute fund, and the county circulating library fund in those counties which are a part of two or more ~~((intermediate school))~~ educational service districts. In case the boundaries of any of the ~~((intermediate school))~~ educational service districts are changed, the superintendent of public instruction shall order an equitable transfer of such funds from one ~~((intermediate school))~~ educational service district to another which the superintendent of public instruction deems necessary to adjust for the increase and decrease in the operating costs of the respective districts for the balance of the fiscal year and shall certify to the county commissioners of the affected counties a new ratio for the appropriation of funds to the general expense funds of two or more ~~((intermediate school))~~ educational service districts under RCW 28A.21.180, as now or hereafter amended.

Sec. 33. Section 17, chapter 176, Laws of 1969 ex. sess. as amended by section 21, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.170 are each amended to read as follows:

The biennial budget request of each ~~((intermediate school))~~ educational service district shall be approved by the respective ~~((intermediate school))~~ educational service district board and then forwarded to the superintendent of public instruction for revision and approval as provided in RCW 28A.21.140.

Sec. 34. Section 18, chapter 176, Laws of 1969 ex. sess. as last amended by section 20, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.180 are each amended to read as follows:

The county commissioners of each county shall pay the election costs of ~~((intermediate school))~~ educational service board elections held in any year prior to July 1, 1979, and shall pay each year from their county current expense fund to the ~~((intermediate school))~~ educational service district general expense fund of the ~~((intermediate school))~~ educational service district or districts in which the county is located not less than the amount which the county appropriated to the budget of the county superintendent and/or intermediate district or districts and/or intermediate school district or districts for the year 1969: PROVIDED, That after December 31, 1976, the county commissioners of each county shall in each succeeding calendar year reduce their respective appropriations to the ~~((intermediate school))~~ educational service districts in level increments of one-fourth the 1969 appropriated amounts. In addition the county commissioners of each county shall pay for services other than those of the county treasurer and auditor provided to any county and/or intermediate district or districts and/or intermediate school district or districts for the year 1969 but not included in the 1969 budget of any county and/or intermediate district or districts and/or intermediate school district

or districts: PROVIDED, That after June 30, 1979, the county commissioners of each county may terminate such services or charge the ((~~intermediate school~~)) educational service districts for such services. The county treasurers and auditors shall provide their services without charge to the ((~~intermediate school~~)) educational service districts.

Sec. 35. Section 23, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.195 are each amended to read as follows:

The superintendent of public instruction shall be responsible for the provision of legal services to all ((~~intermediate school~~)) educational service districts: PROVIDED, That any ((~~intermediate school~~)) educational service district board may contract with any county for the legal services of its prosecuting attorney.

Sec. 36. Section 21, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.200 are each amended to read as follows:

The county treasurer of the county in which the headquarters office of the ((~~intermediate school~~)) educational service district is located shall serve as the ex officio treasurer of the district. He shall keep all funds and moneys of the district separate and apart from all other funds and moneys in his custody and shall disburse such moneys only upon proper order of the ((~~intermediate school~~)) educational service district board or superintendent.

Sec. 37. Section 23, chapter 176, Laws of 1969 ex. sess. as amended by section 28, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.220 are each amended to read as follows:

The superintendents of all local school districts within an ((~~intermediate school~~)) educational service district shall serve in an advisory capacity to the ((~~intermediate school~~)) educational service district board and superintendent in matters pertaining to budgets, programs, policy, and staff.

Sec. 38. Section 5, chapter 91, Laws of 1974 ex. sess. and RCW 28A.21.300 are each amended to read as follows:

All powers, duties and functions of any school district relating to the operation of a state supported environmental study center shall be transferred to that ((~~intermediate school~~)) educational service district which the superintendent of public instruction deems will be in the best interest of the public for the utilization of such a center; any moneys heretofore appropriated for any such center purposes shall be expended for this purpose only upon the prior approval of the superintendent of public instruction: PROVIDED, That subsequent requests for state supported environmental education centers' activities shall be incorporated into the appropriate ((~~intermediate school~~)) educational service districts' future budget requests, subject to usual provisions of law, and rules and regulations promulgated for the implementation thereof. All employees of any state supported environmental study center on July 1, 1974 who are classified employees under chapter 41.06 RCW, the state civil service law, shall be assigned and transferred to the respective intermediate school district, after the effective date of this amendatory act to be known as educational service district, operating such a state supported environmental center to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state civil service law.

Sec. 39. Section 27, chapter 104, Laws of 1903 as last amended by section 25, chapter 176, Laws of 1969 ex. sess. and RCW 27.16.010 are each amended to read as follows:

The ~~((intermediate school))~~ educational service district board ~~((of education))~~ of each ~~((intermediate school))~~ educational service district may establish a circulating library and depository of instructional materials for the use and benefit of the pupils of the common schools of such ~~((intermediate school))~~ educational service district.

Sec. 40. Section 28, chapter 104, Laws of 1903 as last amended by section 8, chapter 195, Laws of 1973 1st ex. sess. and RCW 27.16.020 are each amended to read as follows:

Each board of county commissioners may levy a tax not exceeding two and one-half cents per thousand dollars of assessed value for the support of the circulating library in its ~~((intermediate school))~~ educational service district. The proceeds of the tax collected shall constitute the circulating school library fund for the payment of all bills created by the ~~((intermediate school))~~ educational service district for the purchase of books and instructional materials and fixtures. The fund shall be deposited in the office of the county treasurer in which other ~~((intermediate school))~~ educational service district funds are deposited, and shall be payable on order of the ~~((intermediate school))~~ educational service district board ~~((of education))~~.

Sec. 41. Section 3, chapter 97, page 320, Laws of 1909 as amended by section 27, chapter 176, Laws of 1969 ex. sess. and RCW 27.16.030 are each amended to read as follows:

The ~~((intermediate school))~~ educational service district board ~~((of education))~~ shall allow no bill or bills against said fund until it shall have been certified to be correct by the ~~((intermediate school))~~ educational service district superintendent.

Sec. 42. Section 4, chapter 97, page 320, Laws of 1909 as last amended by section 28, chapter 176, Laws of 1969 ex. sess. and RCW 27.16.040 are each amended to read as follows:

The ~~((intermediate school))~~ educational service district shall purchase no books or instructional materials, or fixtures for the circulating library until there shall be to the credit of the circulating school library fund sufficient money to pay the purchase price thereof.

Sec. 43. Section 5, chapter 97, page 320, Laws of 1909 as last amended by section 29, chapter 176, Laws of 1969 ex. sess. and RCW 27.16.050 are each amended to read as follows:

No book or instructional material shall be placed in an ~~((intermediate school))~~ educational service district circulating library that has been disapproved by the state board of education or the superintendent of public instruction.

Sec. 44. Section 6, chapter 97, page 320, Laws of 1909 as last amended by section 30, chapter 176, Laws of 1969 ex. sess. and RCW 27.16.060 are each amended to read as follows:

The ~~((intermediate school))~~ educational service district superintendent shall purchase the books and instructional materials and enforce such rules and regulations for their distribution, use, care, and preservation as he deems necessary.

Sec. 45. Section 12, chapter 15, Laws of 1970 ex. sess. and RCW 28A.02.070 are each amended to read as follows:

On the Friday preceding the fourth Monday in October of each year, there shall be presented in each common school as defined in RCW 28A.01.060 a program suitable to the observance of Veterans' Day.

The responsibility for the preparation and presentation of such program approximating sixty minutes in length shall be with the principal or head teacher of each school building and such program shall embrace topics tending to instill a loyalty and devotion to the institutions and laws of this state and nation.

The superintendent of public instruction and each (~~((intermediate school))~~) educational service district superintendent, by advice and suggestion, shall aid in the preparation of such programs if such aid be solicited.

Sec. 46. Section 29, chapter 282, Laws of 1971 ex. sess. and RCW 28A.03.028 are each amended to read as follows:

The superintendent of public instruction, by rule or regulation, may require the assistance of (~~((intermediate school))~~) educational service district boards and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the superintendent of public instruction by law or by the Constitution of the state of Washington, upon such terms and conditions as the superintendent of public instruction shall establish. Such authority to assist the superintendent of public instruction shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness of submitted information.

Sec. 47. Section 28A.03.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 100, Laws of 1971 ex. sess. and RCW 28A.03.030 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state.

(2) To report biennially to the governor on or before the first day of November preceding the regular session of the legislature, of which report a sufficient number of copies as the superintendent shall deem necessary shall be printed and delivered to the superintendent of public instruction, who shall furnish copies to be deposited with the state library, to each (~~((intermediate school))~~) educational service district superintendent and to each school district library in such amount as he shall deem sufficient therefor. Said report shall contain a statement of the general condition of the public schools of the state, with full statistical tables by counties showing the number of schools and the attendance, the state and (~~((intermediate school))~~) educational service district funds apportioned, amounts received from special taxes and from other sources, amounts expended for salaries of teachers, the salaries paid to the (~~((intermediate school))~~) educational service district superintendents and the amount paid for incidentals and expenses; the amount paid for building and providing schoolhouses with furniture and apparatus, the amount of bonded and other school indebtedness, with the rate of interest paid thereon, such reports of state educational institutions, or such portions of them as he may think advisable, together with such other facts as he may deem of general interest. The

superintendent may include as a part of such report any information or estimates obtained for the purposes of RCW 43.88.090. He shall also include in his report a statement of plans for the management and improvement of the schools.

(3) To prepare and have printed such forms, registers, courses of study, rules and regulations for the government of the common schools, questions prepared for the examination of persons as provided for in RCW 28A.04.120(7), and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to ~~((intermediate school))~~ educational service district superintendents.

(4) To travel, without neglecting his other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, of consulting ~~((intermediate school))~~ educational service district superintendents or other school officials.

(5) To prepare and from time to time to revise a manual of the Washington state common school code, which shall be sold at actual cost of publication and distribution, said manual to contain Title 28A RCW and such other matter as the state superintendent or the state board of education shall determine.

(6) To act as ex officio president and the chief executive officer of the state board of education.

(7) To hold, annually, a convention of the ~~((intermediate school))~~ educational service district superintendents of the state at such time and place as he may deem convenient, for the discussion of questions pertaining to supervision and the administration of the school laws and such other subjects affecting the welfare and interests of the common schools as may be brought before it. Said convention shall continue in session at the option of the superintendent of public instruction. It shall be the duty of every ~~((intermediate school))~~ educational service district superintendent in this state to attend said convention during its entire session, and any ~~((intermediate school))~~ educational service district superintendent who attends the convention shall be reimbursed for traveling and subsistence expenses as provided in RCW 28A.21.130 in attending said convention.

(8) To file all papers, reports and public documents transmitted to him by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in his office, and his official acts, may, or upon request, shall be certified by him and attested by his official seal, and when so certified shall be evidence of the papers or acts so certified to.

(9) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report of such facts arranged in such manner as he may prescribe, and he shall furnish forms for such reports; and it is hereby made the duty of every president, manager or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct.

(10) To keep in his office a record of all teachers receiving certificates to teach in the common schools of this state.

(11) To issue certificates as provided by law.

(12) To keep in his office at the capital of the state, all books and papers pertaining to the business of his office, and to keep and preserve in his office a complete record of statistics, as well as a record of the meetings of the state board of education.

(13) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to him in writing by any (~~intermediate school~~) educational service district superintendent, or that may be submitted to him by any other person, upon appeal from the decision of any (~~intermediate school~~) educational service district superintendent; and he shall publish his rulings and decisions from time to time for the information of school officials and teachers; and his decision shall be final unless set aside by a court of competent jurisdiction.

(14) To administer oaths and affirmations in the discharge of his official duties.

(15) To deliver to his successor, at the expiration of his term of office, all records, books, maps, documents and papers of whatever kind belonging to his office or which may have been received by him for the use of his office.

(16) To perform such other duties as may be required by law.

Sec. 48. Section 28A.03.050, chapter 223, Laws of 1969 ex. sess. as amended by section 103, chapter 176, Laws of 1969 ex. sess. and RCW 28A.03.050 are each amended to read as follows:

There shall be established in the office of the superintendent of public instruction an accumulated sick leave fund. Each school district, each office of (~~intermediate school~~) educational service district superintendent and board of education, and the office of superintendent of public instruction shall contribute to the fund according to a plan established by the superintendent of public instruction based upon the sick leave experience of the previous school year. All school districts shall be reimbursed from this fund for payments made for sick leave in accordance with RCW 28A.58.100.

Sec. 49. Section 28A.04.040, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 48, Laws of 1971 and RCW 28A.04.040 are each amended to read as follows:

Candidates for membership on the state board of education shall file declarations of candidacy with the superintendent of public instruction on forms prepared by the superintendent. Declarations of candidacy may be filed by person or by mail not earlier than the first day of September, or later than the sixteenth day of September. The superintendent of public instruction may not accept any declaration of candidacy that is not on file in his office or is not postmarked before the seventeenth day of September. No person employed in any school, college, university, or other educational institution or any (~~intermediate school~~) educational service district superintendent's office or in the office of superintendent of public instruction shall be eligible for membership on the state board of education and each member elected must be a resident of the congressional district from which he was elected. No member of a board of directors of a local school district shall continue to serve in that capacity after having been elected to the state board.

Sec. 50. Section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 92, Laws of 1974 ex. sess. and RCW 28A.04.120 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve the program of courses leading to teacher certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive teachers' certification.

(2) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to teachers' certification, and prepare an accredited list of those higher institutions of education of this and other states whose graduates may be awarded teachers' certificates.

(3) Supervise the issuance of teachers' certificates and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.70.005.

(4) Examine and accredit secondary schools and approve, subject to the provisions of RCW 28A.02.201, private schools carrying out a program for any or all of the grades one through twelve: PROVIDED, That no public or private high schools shall be placed upon the accredited list so long as secret societies are knowingly allowed to exist among its students by school officials.

(5) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(6) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(7) Prepare with the assistance of the superintendent of public instruction a uniform series of questions, with the proper answers thereto for use in the correcting thereof, to be used in the examination of persons, as this code may direct, and prescribe rules and regulations for conducting any such examinations.

(8) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

(9) Prepare courses of instruction in physical education, and direct and enforce such instruction throughout the state, with the assistance of the school officials, (~~(intermediate school))~~ educational service district superintendents and the boards of directors of the common schools.

(10) Carry out board powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW.

(11) By rule or regulation promulgated upon the advice of the state fire marshal, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest

possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

(12) Hear and decide appeals as otherwise provided by law.

Sec. 51. Section 30, chapter 282, Laws of 1971 ex. sess. and RCW 28A.04.145 are each amended to read as follows:

The state board of education, by rule or regulation, may require the assistance of ~~((intermediate school))~~ educational service district boards and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the state board of education by law, upon such terms and conditions as the state board of education shall establish. Such authority to assist the state board of education shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness of submitted information.

Sec. 52. Section 1, chapter 10, Laws of 1972 ex. sess. and RCW 28A.13.020 are each amended to read as follows:

The superintendent of public instruction shall appoint an administrative officer of the division. The administrative officer, under the direction of the superintendent of public instruction, shall coordinate and supervise the program of special education for all handicapped children in the school districts of the state. He shall cooperate with the ~~((intermediate school))~~ educational service district superintendents and local school district superintendents and with all other interested school officials in ensuring that all school districts provide an appropriate educational opportunity for all handicapped children and shall cooperate with the state secretary of social and health services and with county and regional officers on cases where medical examination or other attention is needed.

Sec. 53. Section 28A.14.050, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 48, Laws of 1971 and RCW 28A.14.050 are each amended to read as follows:

School district officials and the ~~((intermediate school))~~ educational service district superintendents may appoint local and/or district advisory recreation committees or designate existing community committees, with the advice of the administrative officer. Such advisory recreation committees shall be appointed from representatives of public and private youth serving agencies and citizens interested in the educational and social welfare of children and adults. The duties of advisory recreation committees shall be to meet with school district officials and the administrative officer for the purpose of discussing and planning the establishment and operation of recreation programs.

Sec. 54. Section 28A.24.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 32, chapter 282, Laws of 1971 ex. sess. and RCW 28A.24.080 are each amended to read as follows:

School district transportation routes for purposes of state reimbursement of transportation costs shall be recommended by the school district transportation commission in each school district and approved by the superintendent of public

instruction pursuant to rules and regulations promulgated by the superintendent for that purpose. The commission shall be appointed by the superintendent of public instruction and shall consist of (1) a representative of the local board of directors, (2) a representative of the superintendent of public instruction, and (3) a representative of the ~~((intermediate school))~~ educational service district board.

Sec. 55. Section 28A.24.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter 48, Laws of 1971 and RCW 28A.24.150 are each amended to read as follows:

Whenever a safe walk-way would result in eliminating a bus route or bus run through the shortening of the walking distance of pupils, or would provide a safe route for pupils walking to school and thus eliminate the need for bus transportation, the local board of directors of any school district, upon approval of the ~~((intermediate))~~ school district transportation commission, is authorized to acquire through purchase, lease, condemnation or otherwise any interest in real property necessary for such purpose and to provide for construction upon and improvement of such property or other property to provide a safe walk-way for pupils walking to and from school.

If the state superintendent of public instruction finds that the acquisition and/or construction of such a safe walk-way would result over a fifteen year period in a financial saving to the state and school district involved, through a reduction in said transportation costs for said fifteen year period, then he shall reimburse any school district for its costs incurred in providing or participating in providing such approved safe walk-ways for pupils on the same basis that school districts are reimbursed for transportation costs pursuant to RCW 28A.41.160.

Sec. 56. Section 28A.27.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 9, chapter 48, Laws of 1971 and RCW 28A.27.040 are each amended to read as follows:

To aid in the enforcement of RCW 28A.27.010 through 28A.27.130, attendance officers shall be appointed and employed as follows: In incorporated city districts the board of directors shall annually appoint one or more attendance officers. In all other districts the ~~((intermediate school))~~ educational service district superintendent shall appoint one or more attendance officers or may act as such himself.

The compensation of attendance officer in city districts shall be fixed and paid by the board appointing him. The compensation of attendance officers when appointed by the ~~((intermediate school))~~ educational service district superintendents shall be paid by the respective districts. An ~~((intermediate school))~~ educational service district superintendent shall receive no extra compensation if acting as attendance officer.

Any sheriff, constable, city marshal or regularly appointed policeman may be appointed attendance officer.

The attendance officer shall be vested with police powers, the authority to make arrests and serve all legal processes contemplated by RCW 28A.27.010 through 28A.27.130, and shall have authority to enter all places in which children may be employed, for the purpose of making such investigations as may be necessary for the enforcement of RCW 28A.27.010 through 28A.27.130. The attendance officer is authorized to take into custody the person of any child eight years

of age and not over fourteen years of age, who may be a truant from school, and to conduct such child to his parents, for investigation and explanation, or to the school which he should properly attend. The attendance officer shall institute proceedings against any officer, parent, guardian, person, company or corporation violating any provisions of RCW 28A.27.010 through 28A.27.130, and shall otherwise discharge the duties prescribed in RCW 28A.27.010 through 28A.27.130, and shall perform such other services as the ~~((intermediate school))~~ educational service district superintendent or the superintendent of any school or its board of directors may deem necessary.

The attendance officer shall keep a record of his transactions for the inspection and information of any school district board of directors, the ~~((intermediate school))~~ educational service district superintendent or the city superintendent, and shall make a detailed report to the city superintendent or the ~~((intermediate school))~~ educational service district superintendent as often as the same may be required.

Sec. 57. Section 28A.27.080, chapter 223, Laws of 1969 ex. sess. as amended by section 106, chapter 176, Laws of 1969 ex. sess. and RCW 28A.27.080 are each amended to read as follows:

The ~~((intermediate school))~~ educational service district superintendent, on or before the fifteenth day of August of each year, by printed circular or otherwise, shall call the attention of all school district officials to the provisions of RCW 28A.27.010 through 28A.27.130, and to the penalties prescribed for the violation of its provisions, and he shall require those officials of the school district which he shall designate to make a report annually hereafter, verified by affidavit, stating whether or not the provisions of RCW 28A.27.010 through 28A.27.130 have been faithfully complied with in his district. Such reports shall be made upon forms to be furnished by the superintendent of public instruction and shall be transmitted to the ~~((intermediate school))~~ educational service district superintendent at such time as the ~~((intermediate school))~~ educational service district superintendent shall determine, after notice thereof. Any school district official who shall knowingly or wilfully make a false report relating to the enforcement of the provisions of RCW 28A.27.010 through 28A.27.130 or fail to report as herein provided shall be deemed guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction shall be fined not less than twenty-five dollars nor more than one hundred dollars; and any school district official who shall refuse or neglect to make the report required in this section, shall be personally liable to his district for any loss which it may sustain because of such neglect or refusal to report.

Sec. 58. Section 14, chapter 15, Laws of 1970 ex. sess. and RCW 28A.27.102 are each amended to read as follows:

Any school district superintendent, teacher or attendance officer who shall fail or refuse to perform the duties prescribed by RCW 28A.27.010 through 28A.27.130 shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not less than twenty nor more than one hundred dollars: PROVIDED, That in case of a school district employee, such fine shall be paid to the appropriate county treasurer and by him placed to the credit of the school district in which said employee is employed, and in case of all other officers such fine shall be paid

to the county treasurer of the county in which the ~~((intermediate school))~~ educational service district headquarters is located and by him placed to the credit of the general school fund of the ~~((intermediate school))~~ educational service district: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 59. Section 28A.35.030, chapter 223, Laws of 1969 ex. sess. as amended by section 13, chapter 48, Laws of 1971 and RCW 28A.35.030 are each amended to read as follows:

The cost of establishing and maintaining such kindergartens shall be paid from the general school fund of the district. It shall be the duty of teachers, school district superintendents and ~~((intermediate school))~~ educational service district superintendents to respectively report as other school attendance is reported, the attendance of all children five years of age or over at such kindergartens, and it shall thereupon be the duty of the superintendent of public instruction to make apportionment to the proper counties of the current state school fund and of the respective ~~((intermediate school))~~ educational service district superintendents to apportion to the districts entitled thereto such funds as are apportioned by the legislature in accordance with the provisions of chapter 28A.41 RCW. It shall be the duty of all school district superintendents to include children four years of age and over in the enumeration of the annual school census.

Sec. 60. Section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 85, Laws of 1972 ex. sess. and RCW 28A.41.160 are each amended to read as follows:

Reimbursement for transportation costs shall be in addition to state assistance based upon weighted enrollment. Transportation costs shall be reimbursed as follows:

(1) Operational reimbursement shall be limited to ninety percent of the service costs on routes recommended by the ~~((intermediate school))~~ educational service district transportation commission, and as approved by the state superintendent, or shall be limited to ninety percent of the average state cost per vehicle mile for the class of vehicle approved for operation as determined by the state superintendent, whichever is the smaller; and

(2) Costs of acquisition of approved transportation equipment shall be limited to ninety percent to be reimbursed over the anticipated life of the vehicle, as determined by the state superintendent: PROVIDED, That reimbursements for the acquisition of approved transportation equipment received by school districts shall be held within the general fund exclusively for the future purpose of approved transportation equipment and major transportation equipment repairs consistent with rules and regulations authorized and promulgated under RCW 28A.41.170, 28A.65.050, and 28A.65.180.

Sec. 61. Section 28A.44.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 34, chapter 282, Laws of 1971 ex. sess. and RCW 28A.44.060 are each amended to read as follows:

The state board of education shall provide each ~~((intermediate school))~~ educational service district board in the state with a copy of the rules and requirements

for the classification of districts and, on or before the first day of July of each year, shall certify to every ~~((intermediate school))~~ educational service district board in the state a complete list of all high school districts in the district.

Sec. 62. Section 28A.44.070, chapter 223, Laws of 1969 ex. sess. as last amended by section 35, chapter 282, Laws of 1971 ex. sess. and RCW 28A.44.070 are each amended to read as follows:

Each ~~((intermediate school))~~ educational service district superintendent, on or before the first day of September, shall certify to the appropriate county assessors, the county treasurers, the county auditors, and the boards of county commissioners, a complete list of all high school districts and all nonhigh school districts in the counties within the ~~((intermediate school))~~ educational service district.

Sec. 63. Section 28A.44.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.080 are each amended to read as follows:

The superintendent of every high school district shall certify under oath, as a part of an annual report to the ~~((intermediate school))~~ educational service district board to be made on or before the fifteenth day of July as required by law, the following facts as nearly as the same can be ascertained:

(1) Name, post office address, county, and resident school district of each nonresident high school pupil who is not a resident of another high school district and is enrolled in the high school, or high schools, of the district during the school year, with the enrollment date and departure date of each such nonresident pupil.

(2) The cost per weighted pupil of educating high school pupils for the school year in his district. For ascertaining such cost the following items of high school expenditure shall be used: Salaries of all high school teachers, supervisors, principals, special instructors, superintendent and assistants, janitors, clerks, and secretaries, stenographers, and all other employees; fuel, light, water, power, telephones, textbooks, office expenses, janitors' supplies, freight, express, drayage, rents for high school purposes, upkeep of grounds, upkeep of shops and laboratories, all materials used in instruction, insurance, current ordinary repairs of every nature, inspection, promotion of health, and such other current expenditures as may be necessary to efficient operation of the high school, or high schools. Expenditures for real estate, construction of buildings, and for other permanent improvements and fixtures shall not be included in estimating high school expenditures for the purposes of this section. When any item, as a necessary result of organization, covers both grade and high school work, it shall be prorated, as nearly as practicable, by the high school district superintendent.

Sec. 64. Section 2, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.085 are each amended to read as follows:

The ~~((intermediate school))~~ educational service district board, after verifying such reports as provided in RCW 28A.44.080 as now or hereafter amended, shall certify, on or before the fifteenth day of August each year to the appropriate county commissioners, the amount of claims which any high school district in its ~~((intermediate school))~~ educational service district may have under the provisions of RCW 28A.44.045 through 28A.44.100 as now or hereafter amended against any nonhigh district for the cost of educating nonresident high school pupils of such

district. In fixing the amount of any such claim by a high school district for educating nonresident high school pupils from such nonhigh districts the ~~((intermediate school))~~ educational service district board shall determine the net difference between the cost of educating high school pupils in the given high school district per weighted pupil enrolled for the preceding year and the total state guarantee, including the equal guarantee provided for in *section 1 of this 1972 amendatory act, per weighted secondary pupil enrolled in such high school district for the preceding year, less any funds received by the high school district pursuant to Title 20, sections 236 through 244, United States Code, for any nonresident high school pupils educated in the high school district for such preceding year. Such amount, when certified as provided in this section, shall constitute a valid claim against the appropriate nonhigh district.

Sec. 65. Section 28A.44.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.090 are each amended to read as follows:

The ~~((intermediate school))~~ educational service district board, on or before the first day of September, shall certify to the appropriate county treasurer the amounts due to each high school district in the ~~((intermediate school))~~ educational service district from nonhigh school districts for educating pupils from such nonhigh school districts, as certified by the ~~((intermediate school))~~ educational service district board to the appropriate county commissioners under RCW 28A.44.085.

Sec. 66. Section 28A.44.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.100 are each amended to read as follows:

At the time of apportioning funds to school districts the county treasurer shall transfer to the credit of each high school district the amount due such district from the nonhigh school districts as certified by the ~~((intermediate school))~~ educational service district board. The county treasurer, at the same time, shall transfer to the credit of the high school districts of other counties such amounts as may be due the high school districts of such other county as certified to by the appropriate ~~((intermediate school))~~ educational service district boards acting under RCW 28A.44.090.

Sec. 67. Section 15, chapter 15, Laws of 1970 ex. sess. as last amended by section 1, chapter 89, Laws of 1974 ex. sess. and RCW 28A.48.010 are each amended to read as follows:

On or before the last business day of September 1969 and each month thereafter, the superintendent of public instruction shall apportion from the current state school fund and/or the state general fund to the several ~~((intermediate school))~~ educational service districts of the state the proportional share of the total annual amount due and apportionable to such intermediate school districts for the school districts thereof as follows, except that such apportionment shall not include state collected property tax dedicated to the common school system, as so provided by chapter 195, Laws of 1973 1st ex. sess.:

September	10%
October	8%
November	6.5%

December	8.5%
January	13%
February	13%
March	11%
April	5%
May	5%
June	3%
July	8.5%
August	8.5%

At such time as the state property tax provided for by chapter 195, Laws of 1973 1st ex. sess. is collected, the superintendent of public instruction, based on information provided by the state treasurer, shall apportion from the state general fund to the several ~~((intermediate school))~~ educational service districts the appropriate share of the state collected property tax due and apportionable to the ~~((intermediate school))~~ educational service districts for the school districts thereof. The annual amount due and apportionable shall be the amount apportionable for all apportionment credits estimated to accrue to the schools during the apportionment year beginning September first and continuing through August thirty-first. Appropriations made for school districts for each year of a biennium shall be apportioned according to the schedule set forth in this section for the fiscal year starting July 1 of the then calendar year and ending June 30 of the next calendar year. The apportionment from the state general fund for each month shall be an amount which together with the revenues of the current state school fund will equal the amount due and apportionable to the several ~~((intermediate school))~~ educational service districts during such month: PROVIDED, That any school district may petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed ten percent of the total amount to become due and apportionable during the school districts apportionment year. The superintendent of public instruction shall determine if the emergency warrants such advance and if the funds are available therefor. If he determines in the affirmative, he may approve such advance and, at the same time, add such an amount to the apportionment for the ~~((intermediate school))~~ educational service district in which the school district is located: PROVIDED, That the emergency advance of funds and the interest earned by school districts on the investment of temporary cash surpluses resulting from obtaining such advance of state funds shall be deducted by the superintendent of public instruction from the remaining amount apportionable to said districts during that apportionment year in which the funds are advanced.

Sec. 68. Section 28A.48.030, chapter 223, Laws of 1969 ex. sess. as amended by section 109, chapter 176, Laws of 1969 ex. sess. and RCW 28A.48.030 are each amended to read as follows:

Upon receiving the certificate of apportionment from the superintendent of public instruction the ~~((intermediate school))~~ educational service district superintendent shall promptly apportion to the school districts of his ~~((intermediate school))~~ educational service district the amounts then due and apportionable to

such districts as certified by the superintendent of public instruction. The ~~((intermediate school))~~ educational service district superintendent shall apportion to the school districts of his ~~((intermediate school))~~ educational service district during each of the twelve months of the year the amount then available for apportionment to such districts from the ~~((intermediate school))~~ educational service district current school fund.

Sec. 69. Section 28A.48.050, chapter 223, Laws of 1969 ex. sess. as amended by section 110, chapter 176, Laws of 1969 ex. sess. and RCW 28A.48.050 are each amended to read as follows:

The superintendent of any school district whose resident pupils are attending school in another district may notify the superintendent of the district where such pupils attend, when the school of said pupils' resident district will be in session, and of the grades that will be maintained, and he must file a duplicate copy of said notice with the ~~((intermediate school))~~ educational service district superintendent. He must name the pupils in his notice, and it shall be the duty of the superintendent of the district so notified, on such dates as the ~~((intermediate school))~~ educational service district superintendent shall determine, to certify to the superintendent of the resident district the actual number of days' attendance at school of such pupils during the time that a school of the grade to which the pupil or pupils properly belong was in session in their resident district. And in case said superintendent shall fail or refuse to furnish such information to the superintendent of the resident district, then it shall be the duty of the ~~((intermediate school))~~ educational service district superintendent to grant to the resident district for apportionment purposes attendance credit for the actual number of days' attendance of those resident pupils attending school in such other district. Without the notice herein required by the superintendent of the resident district, all claims to attendance will be forfeited.

Sec. 70. Section 28A.48.055, chapter 223, Laws of 1969 ex. sess. as amended by section 111, chapter 176, Laws of 1969 ex. sess. and RCW 28A.48.055 are each amended to read as follows:

It shall be the duty of the administrative or executive authority of every private school in this state to report to the ~~((intermediate school))~~ educational service district superintendent on or before the thirtieth day of June in each year, on a form to be furnished, such information as may be required by the superintendent of public instruction, to make complete the records of education work pertaining to all children residing within the state.

Sec. 71. Section 2, chapter 92, Laws of 1974 ex. sess. and RCW 28A.02.201 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. Minimum requirements shall be as follows:

(1) The minimum school year shall be the same as that required of public schools in RCW 28A.01.025 as now or hereafter amended.

(2) The length of the school day shall be the same as that required of public schools in RCW 28A.01.010 as now or hereafter amended.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(5) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements.

(6) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(7) In compliance with provisions of RCW 28A.31.010 as now or hereafter amended and rules or regulations of the state board of education, each private school teacher shall file with the ~~((intermediate school))~~ educational service district in which the school is located a valid health certificate issued by the state department of social and health services.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (6) above provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 72. Section 28A.48.090, chapter 223, Laws of 1969 ex. sess. as amended by section 113, chapter 176, Laws of 1969 ex. sess. and RCW 28A.48.090 are each amended to read as follows:

Whenever any school board of any third class district shall neglect or refuse to comply with the provisions of RCW 28A.60.186, it shall be the duty of the (~~intermediate school~~) educational service district superintendent to withhold the entire apportionment accruing to said district until such time as full compliance with requirements thereof has been made.

Sec. 73. Section 28A.48.100, chapter 223, Laws of 1969 ex. sess. as amended by section 114, chapter 176, Laws of 1969 ex. sess. and RCW 28A.48.100 are each amended to read as follows:

The county treasurer of each county of this state shall be ex officio treasurer of the several school districts of their respective counties, and, except as otherwise provided by law, it shall be the duty of each county treasurer:

(1) To receive and hold all moneys belonging to such school districts, and to pay them out only on warrants legally issued.

(2) To certify to the (~~intermediate school~~) educational service district superintendent and the auditor of his county, at least quarterly each year, the amount of all school funds in his possession subject to apportionment on the last day of the preceding month, which certificate shall specify the source or sources from which said moneys were derived.

(3) To make annually, on or before the twenty-fifth day of July, a report to the (~~intermediate school~~) educational service district superintendent and auditor of his county, which report shall show the amount of school funds on hand at the beginning of the school year last past belonging to each school district; the amount of funds placed to the credit of each school district during the school year ending June 30th, last past, and the sources from which said funds were derived; the amount of warrants registered during the year, the amount of funds disbursed upon warrants of each school district during the year; the amount of funds remaining in his possession at the close of the school year subject to be paid out upon warrants, and the fund to which said moneys belong; also the amount of all unpaid warrants or bonds appearing upon his register at the close of the school year.

(4) He shall register all school warrants presented to him by the county auditor in a book to be known as the "Treasurer's School District Warrant Register," which register shall show the date issued, number of warrant, to whom issued, amount and purpose, date registered, date advertised, interest if any accruing on said warrant, total as redeemed, date redeemed and to whom paid. If the district has money in the fund on which the warrant is drawn no endorsement on the warrant is necessary, but if there be no money to the credit of the fund on which the warrant is registered he shall endorse on said warrant the following: "This warrant bears interest at percent per annum from until called for payment. County Treasurer, By Deputy." All warrants shall be paid in the order of their presentation to the county treasurer; and it is hereby made the duty of the county treasurer to advertise, at least quarterly,

all warrants which he is prepared to pay, in the same manner in which he is required to advertise county warrants, and after the date fixed in said notice, warrants shall cease to draw interest.

(5) He shall prepare and submit to each school district superintendent in his county a written report of the state of the finances of such district on the first day of each month, which report shall be submitted not later than the seventh day of said month, certified to by the county auditor, which report shall contain the balance on hand the first of the preceding month, the funds paid in, warrants paid with interest thereon, if any, the number of warrants issued and not paid, and the balance on hand.

(6) After each monthly settlement with the county commissioners the treasurer of each county shall submit a statement of all canceled warrants of districts to the respective school district superintendents, which statement shall be verified to by the county auditor. The canceled warrants of each district shall be preserved separately and shall at all times be open to inspection by the school district superintendent or by any authorized accountant of such district.

Sec. 74. Section 28A.56.030, chapter 223, Laws of 1969 ex. sess. as amended by section 21, chapter 48, Laws of 1971 and RCW 28A.56.030 are each amended to read as follows:

The said county committee shall also hold a public hearing or hearings on any proposed plan: PROVIDED, That three members of the committee or two members of the committee and the ~~((intermediate school))~~ educational service district superintendent may be designated by the committee to hold such public hearing or hearings and to submit a report thereof to the county committee. The county committee shall cause to be posted, at least ten days prior to the date appointed for any such hearing, a written or printed notice thereof in at least three prominent and public places in the school districts involved and at the place of hearing.

Sec. 75. Section 28A.56.040, chapter 223, Laws of 1969 ex. sess. as amended by section 22, chapter 48, Laws of 1971 and RCW 28A.56.040 are each amended to read as follows:

Subsequent to the holding of a hearing or hearings as aforesaid, the county committee shall determine the nonhigh school districts to be included in the plan and the amount of capital funds to be provided by every district included therein, and shall submit the proposed plan to the state board of education together with such maps and other materials pertaining thereto as the state board may require. The state board shall review such plan, shall approve any plan which in its judgment makes adequate and satisfactory provision for participation by the nonhigh school districts in providing capital funds to be used for the purpose above stated, and shall notify the county committee of such action. Upon receipt by the county committee of such notification, the ~~((intermediate school))~~ educational service district superintendent shall notify the board of directors of each school district included in the plan, supplying each board with complete details of the plan and shall state the total amount of funds to be provided and the amount to be provided by each district.

If any such plan submitted by a county committee is not approved by the state board, the county committee shall be so notified, which notification shall contain a statement of reasons therefor and suggestions for revision. Within sixty days

thereafter the county committee shall submit to the state board a revised plan which revision shall be subject to the procedural requirements and provisions of law applicable to an original plan submitted to said board.

Sec. 76. Section 28A.56.050, chapter 223, Laws of 1969 ex. sess. as amended by section 23, chapter 48, Laws of 1971 and RCW 28A.56.050 are each amended to read as follows:

Within sixty days after receipt of the notice of approval from the ((~~intermediate school~~)) educational service district superintendent, the board of directors of each school district included in the plan shall submit to the voters thereof a proposal or proposals for providing, through the issuance of bonds and/or the authorization of an excess tax levy, the amount of capital funds that the district is required to provide under the plan. The proceeds of any such bond issue and/or excess tax levy shall be credited to the building fund of the school district in which the proposed high school facilities are to be located and shall be expended to pay the cost of high school facilities for the education of such students residing in the school districts as are included in the plan and not otherwise.

Sec. 77. Section 28A.56.060, chapter 223, Laws of 1969 ex. sess. as amended by section 24, chapter 48, Laws of 1971 and RCW 28A.56.060 are each amended to read as follows:

In the event that a proposal or proposals for providing capital funds as provided in RCW 28A.56.050 is not approved by the voters of a nonhigh school district a second election thereon shall be held within sixty days thereafter. If the vote of the electors of the nonhigh school district is again in the negative, the high school students residing therein shall not be entitled to admission to the high school under the provisions of RCW 28A.58.230, following the close of the school year during which the second election is held: PROVIDED, That in any such case the county committee shall determine within thirty days after the date of the aforesaid election the advisability of initiating a proposal for annexation of such nonhigh school district to the school district in which the proposed facilities are to be located or to some other district where its students can attend high school without undue inconvenience: PROVIDED FURTHER, That pending such determination by the county committee and action thereon as required by law the board of directors of the high school district shall continue to admit high school students residing in the nonhigh school district. Any proposal for annexation of a nonhigh school district initiated by a county committee shall be subject to the procedural requirements of this chapter respecting a public hearing and submission to and approval by the state board of education. Upon approval by the state board of any such proposal, the ((~~intermediate school~~)) educational service district superintendent shall make an order, establishing the annexation.

Sec. 78. Section 28A.57.020, chapter 223, Laws of 1969 ex. sess. as amended by section 25, chapter 48, Laws of 1971 and RCW 28A.57.020 are each amended to read as follows:

As used in this chapter:

(1) "Change in the organization and extent of school districts" means the formation and establishment of new school districts, the dissolution of existing

school districts, the alteration of the boundaries of existing school districts, or all of them.

(2) "County committee" means the county committee on school district organization created by this chapter.

(3) "State board" means the state board of education.

(4) "School district" means the territory under the jurisdiction of a single governing board designated and referred to as the board of directors.

(5) "~~((intermediate school))~~ Educational service district superintendent" means the ~~((intermediate school))~~ educational service district superintendent as provided for in RCW 28A.21.070. When a county has property both within and without an ~~((intermediate school))~~ educational service district or districts, the state board of education shall determine which ~~((intermediate school))~~ educational service district superintendent shall carry out the functions assigned to the ~~((intermediate school))~~ educational service district superintendent under this chapter and be secretary to the county committee as provided for in RCW 28A.57.040, said appointee to serve at the pleasure of the state board.

Sec. 79. Section 28A.57.031, chapter 223, Laws of 1969 ex. sess. as amended by section 115, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.031 are each amended to read as follows:

Neither the ~~((intermediate school))~~ educational service district superintendent nor an employee of a school district shall be a member of the county committee.

Sec. 80. Section 28A.57.032, chapter 223, Laws of 1969 ex. sess. as amended by section 116, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.032 are each amended to read as follows:

The members of the county committee shall be elected by the ~~((intermediate school))~~ educational service district superintendent and the members of the board of directors of the school districts of the county at a meeting which the ~~((intermediate school))~~ educational service district superintendent shall call for that and any additional purpose. At least one member of the county committee shall be elected from among the registered voters of each county commissioner's district in the county; and, as nearly as possible, an equal number of members shall be elected from among the registered voters of each class of school district (first, second, or third class) in the county. No member of a county committee shall continue to serve thereon if he ceases to be a registered voter of the county or if he is absent from three consecutive meetings of the committee without an excuse acceptable to the committee.

If more than one ~~((intermediate school))~~ educational service district superintendent has jurisdiction within a county all such superintendents shall participate in electing the committee, and the ~~((intermediate school))~~ educational service district superintendent having jurisdiction over the most populous part of the county shall serve as secretary of the committee and call meetings where so provided.

Sec. 81. Section 28A.57.033, chapter 223, Laws of 1969 ex. sess. as amended by section 117, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.033 are each amended to read as follows:

Vacancies in the membership of the county committee shall be filled by the persons charged with the duty of electing the members of the committee under

RCW 28A.57.032: PROVIDED, That the committee may fill vacancies in its membership pending the calling of a meeting of said persons for this purpose by the ~~((intermediate school))~~ educational service district superintendent.

Sec. 82. Section 28A.57.040, chapter 223, Laws of 1969 ex. sess. as amended by section 119, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.040 are each amended to read as follows:

The county committee shall organize by electing from its membership a chairman and a vice chairman. The ~~((intermediate school))~~ educational service district superintendent shall be the secretary of the committee. Meetings of the committee shall be held upon call of the chairman or of a majority of the members thereof. A majority of the committee shall constitute a quorum.

Sec. 83. Section 28A.57.050, chapter 223, Laws of 1969 ex. sess. as amended by section 120, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.050 are each amended to read as follows:

The powers and duties of the county committee shall be:

(1) To initiate, on its own motion and whenever it deems such action advisable, proposals or alternate proposals for changes in the organization and extent of school districts in the county; to receive, consider, and revise, whenever in its judgment revision is advisable, proposals initiated by petition or presented to the committee by the ~~((intermediate school))~~ educational service district superintendent as provided for in this chapter; to prepare and submit to the state board any of the aforesaid proposals that are found by the county committee to provide for satisfactory improvement in the school district system of the county and state; to prepare and submit with the aforesaid proposals, a map showing the boundaries of existing districts affected by any proposed change and the boundaries, including a description thereof, of each proposed new district or of each existing district as enlarged or diminished by any proposed change, or both, and a summary of the reasons for the proposed change; and such other reports, records, and materials as the state board may request. The committee may utilize as a basis of its proposals and changes that comprehensive plan for changes in the organization and extent of the school districts of the county prepared and submitted to the state board prior to September 1, 1956, or, if the county committee found, after considering the factors listed in RCW 28A.57.055, that no changes in the school district organization of the county were needed, the report to this effect submitted to the state board.

(2) (a) To make an equitable adjustment of the property and other assets and of the liabilities, including bonded indebtedness, as to the old school districts and the new district or districts, if any, involved in or affected by a proposed change in the organization and extent of the school districts; and (b) to make an equitable adjustment of the bonded indebtedness outstanding against any of the aforesaid districts whenever in its judgment such adjustment is advisable, as to all of the school districts involved in or affected by any change heretofore or hereafter effected; and (c) to submit to the state board the proposed terms of adjustment and a statement of the reasons therefor in each case. In making the adjustments herein provided for, the county committee shall consider the number of children of school age resident in and the assessed valuation of the property located in each district and in each part of a district involved or affected; the purpose for

which the bonded indebtedness of any district was incurred; the value, location, and disposition of all improvements located in the districts involved or affected; and any other matters which in the judgment of the committee are of importance or essential to the making of an equitable adjustment.

(3) To hold and keep a record of a public hearing or public hearings (a) on every proposal for the formation of a new district or for the transfer from one existing district to another of any territory in which children of school age reside or for annexation of territory when the conditions set forth in RCW 28A.57.190 prevail; and (b) on every proposal for adjustment of the assets and of the liabilities of school districts provided for in this chapter. Three members of the county committee or two members of the committee and the ~~((intermediate school))~~ educational service district superintendent may be designated by the committee to hold any public hearing that the committee is required to hold. The county committee shall cause to be posted, at least ten days prior to the date appointed for any such hearing, a written or printed notice thereof (a) in at least three public places in the territory of each proposed new district or of each established district when such district is involved in a question of adjustment of bonded indebtedness, (b) in at least one public place in territory proposed to be transferred or annexed to an existing school district, (c) on a commonly-used schoolhouse door of each district involved in or affected by any proposed change or adjustment upon which a public hearing is required; and (d) at the place or places of holding the hearing. In addition notice may be given by newspaper, radio, and television, or either thereof, when in the committee's judgment the public interest will be served thereby.

(4) To divide into five school directors' districts all first and second class school districts now in existence and not heretofore so divided and all first and second class school districts hereafter established: PROVIDED, That no first or second class school district not heretofore so divided and no first or second class school district hereafter created containing a city with a population in excess of seven thousand according to the latest population certificate filed with the secretary of state by the planning and community affairs agency shall be divided into directors' districts unless a majority of the registered voters voting thereon at an election shall approve a proposition authorizing the division of the district into directors' districts: AND PROVIDED FURTHER, That nothing in this chapter shall authorize the division of any new or existing third class school district into school directors' districts. The boundaries of each directors' district shall be so established that each such district shall comprise as nearly as practicable an equal portion of the population of the school district.

(5) To rearrange at any time the committee deems such action advisable in order to correct inequalities caused by changes in population and changes in school district boundaries, the boundaries of any of the directors' districts of any school district heretofore or hereafter so divided: PROVIDED, That a petition therefor, shall be required for rearrangement in order to correct inequalities caused by changes in population. Said petition shall be signed by at least ten registered voters residing in the aforesaid school district, and shall be presented to the ~~((intermediate school))~~ educational service district superintendent. A public hearing thereon shall be held by the county committee, which hearing shall be called and conducted in the manner prescribed in subsection (3) of this section,

except that notice thereof shall be posted in some public place in each directors' district of the school district and on a commonly-used schoolhouse door of the district and at the place of holding the hearing. In addition notice may be given by newspaper, radio, and television, or either thereof, when in the committee's judgment the public interest will be served thereby.

(6) To prepare and submit to the superintendent of public instruction from time to time or, upon his request, reports and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities.

Sec. 84. Section 28A.57.070, chapter 223, Laws of 1969 ex. sess. as amended by section 121, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.070 are each amended to read as follows:

Upon receipt by the county committee of such notice from the state board as is required in RCW 28A.57.060(2), the ~~((intermediate school))~~ educational service district superintendent shall make an order establishing all approved changes involving the alteration of the boundaries of an established school district or districts and all approved terms of adjustment of assets and liabilities involving an established district or districts the boundaries of which have been or are hereafter altered in the manner provided by law, and shall certify his action to each county auditor for the board of county commissioners, each county treasurer, each county assessor and the superintendents of all school districts affected by such action. Upon receipt of such certification the superintendent of each school district which is annexed to another district by the action shall deliver to the superintendent of the school district to which annexed all books, papers, documents, records, and other materials pertaining to his office.

Sec. 85. Section 28A.57.075, chapter 223, Laws of 1969 ex. sess. as amended by section 122, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.075 are each amended to read as follows:

Whenever adjustments of bonded indebtedness are made between or among school districts in connection with the alteration of the boundaries thereof, pursuant to the provisions of this chapter, the order of the ~~((intermediate school))~~ educational service district superintendent establishing the terms of adjustment of bonded indebtedness shall provide and specify:

(1) In every case where bonded indebtedness is transferred from one school district to another school district (a) that such bonded indebtedness is assumed by the school district to which it is transferred; (b) that thereafter such bonded indebtedness shall be the obligation of the school district to which it is transferred; (c) that, if the terms of adjustment so provide, any bonded indebtedness thereafter incurred by such transferee school district through the sale of bonds authorized prior to the date its boundaries were altered shall be the obligation of such school district including the territory added thereto; and (d) that taxes shall be levied thereafter against the taxable property located within such school district as it is constituted after its boundaries were altered, said taxes to be levied at the times

and in the amounts required to pay the principal of and the interest on the bonded indebtedness assumed or incurred as aforesaid, as the same become due and payable.

In computing the debt limitation of any school district from which or to which bonded indebtedness has been transferred, the amount of such transferred bonded indebtedness at any time outstanding (a) shall be an offset against and deducted from the total bonded indebtedness, if any, of the school district from which such bonded indebtedness was transferred and (b) shall be deemed to be bonded indebtedness solely of the transferee school district that assumed such indebtedness.

(2) In every case where adjustments of bonded indebtedness do not provide for transfer of bonded indebtedness from one school district to another school district (a) that the existing bonded indebtedness of each school district the boundaries of which are altered and any bonded indebtedness incurred by each such school district through the sale of bonds authorized prior to the date its boundaries were altered shall be the obligation of the school district in its reduced or enlarged form, as the case may be; and (b) that taxes shall be levied thereafter against the taxable property located within each such school district in its reduced or enlarged form, as the case may be, at the times and in the amounts required to pay the principal of and interest on such bonded indebtedness as the same become due and payable.

In case the aforesaid approval by the state board concerns a proposal to form a new school district or a proposal for adjustment of bonded indebtedness involving an established school district and one or more former school districts now included therein pursuant to a vote of the people concerned, a special election of the voters residing within the territory of the proposed new district or of the established district involved in a proposal for adjustment of bonded indebtedness as the case may be shall be held for the purpose of affording said voters an opportunity to approve or reject such proposals as concern or affect them.

In a case involving both the question of the formation of a new district and the question of adjustment of bonded indebtedness, the questions may be submitted to the voters either in the form of a single proposition or as separate propositions, whichever to the ~~((intermediate school))~~ educational service district superintendent seems expedient. When the county committee has passed appropriate resolutions for the questions to be submitted and the ~~((intermediate school))~~ educational service district superintendent has given notice thereof to the county auditor such special election shall be called, conducted, and the returns canvassed as in regular school district elections.

Sec. 86. Section 28A.57.080, chapter 223, Laws of 1969 ex. sess. as amended by section 26, chapter 48, Laws of 1971 and RCW 28A.57.080 are each amended to read as follows:

Notice of such special elections as provided for in RCW 28A.57.075 shall be given by the county auditor as in RCW 29.27.080 provided, and in addition thereto the ~~((intermediate school))~~ educational service district superintendent shall cause to be posted (1) in at least three public places in the territory of a proposed new district or of an established district involved in a proposal for adjustment of bonded indebtedness, and (2) on a commonly-used schoolhouse door of each district included in the proposed new district, and (3) in some public place in the

territory of each part of a district included in the proposed new district, and (4) at the place or places of holding the election, a statement encompassing the contents of the notice. The notice of election shall state the purpose for which the election has been called and shall contain a description of the boundaries of the proposed new district and a statement of any terms of adjustment of bonded indebtedness to be voted on.

Sec. 87. Section 28A.57.090, chapter 223, Laws of 1969 ex. sess. as amended by section 123, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.090 are each amended to read as follows:

Whenever a special election is held to vote on a proposal or alternate proposals to form a new school district, the votes cast by the registered voters in each component district shall be tabulated separately and any such proposition shall be considered approved only if it receives a majority of the votes cast in each separate district voting thereon. Whenever a special election is held to vote on a proposal for adjustment of bonded indebtedness the entire vote cast by the registered voters of the proposed new district or of the established district as the case may be shall be tabulated and any such proposition shall be considered approved if a majority of sixty percent of all votes cast thereon is in the affirmative.

In the event of approval of a proposition or propositions voted on at a special election, the ~~((intermediate school))~~ educational service district superintendent shall: (1) Make an order establishing such new district or such terms of adjustment of bonded indebtedness or both, as were approved by the registered voters and shall also order effected such other terms of adjustment, if there be any, of property and other assets and of liabilities other than bonded indebtedness as have been approved by the state board; and (2) certify his action to the county and school district officials specified in RCW 28A.57.070. He may designate, with the approval of the new district, a name and number different from that of any component thereof but must designate the new district by name and number different from any other district in existence in the county.

The ~~((intermediate school))~~ educational service district superintendent, if he deems such action advisable, may fix, as the effective date of any order or orders he is required by this chapter to make, the first day of July next succeeding the date of final approval of any change in the organization and extent of school districts or of any terms of adjustment of the assets and liabilities of school districts.

Upon receipt of the aforesaid certification, the superintendent of each school district which is included in the new district shall deliver to the superintendent of the new school district all books, papers, documents, records and other materials pertaining to his office.

Sec. 88. Section 28A.57.130, chapter 223, Laws of 1969 ex. sess. as amended by section 124, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.130 are each amended to read as follows:

A school district shall be organized in form and manner as hereinafter in this chapter provided, and shall be known as (insert here the name of the district) School District No., county, state of Washington: PROVIDED, That all school districts now existing as shown by the records of the ~~((intermediate school))~~ educational service district superintendent are hereby recognized as legally organized districts: PROVIDED FURTHER, That all school

districts existing on April 25, 1969 as shown by the records of the county or intermediate district superintendents are hereby recognized as legally organized districts.

Sec. 89. Section 28A.57.140, chapter 223, Laws of 1969 ex. sess. as amended by section 125, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.140 are each amended to read as follows:

Any school district in the state having a population in excess of ten thousand, as shown by any regular or special census or by any other evidence acceptable to the ~~((intermediate school))~~ educational service district superintendent, shall be a school district of the first class. Any other school district maintaining a fully accredited high school or containing a city of the third class or of the fourth class or an area of one square mile having a population of at least three hundred shall be a school district of the second class. All other school districts shall be school districts of the third class.

Whenever the ~~((intermediate school))~~ educational service district superintendent finds that the classification of a school district should be changed, he shall make an order in conformity with his findings and alter the records of his office accordingly. Thereafter the board of directors of the district shall organize in the manner provided by law for the organization of the board of a district of the class to which said district then belongs.

Sec. 90. Section 28A.57.150, chapter 223, Laws of 1969 ex. sess. as amended by section 126, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.150 are each amended to read as follows:

Each incorporated city or town in the state shall be comprised in one school district: PROVIDED, That nothing in this section shall be construed: (1) To prevent the extension of the boundaries of a school district beyond the limits of the city or town contained therein, or (2) to prevent the inclusion of two or more incorporated cities or towns in a single school district, or (3) to change or disturb the boundaries of any school district organized prior to the incorporation of any city or town, except as hereafter in this section provided.

In case all or any part of a school district that operates a school or schools on one site only or operates elementary schools only on two or more sites is included in an incorporated city or town through the extension of the limits of such city or town in the manner provided by law, the ~~((intermediate school))~~ educational service district superintendent shall: (1) Declare the territory so included to be a part of the school district containing the city or town and (2) whenever a part of a district so included contains a school building of the district, present to the county committee a proposal for the disposition of any part or all of the remaining territory of the district.

In case of the extension of the limits of a town to include territory lying in a school district that operates on more than one site one or more elementary schools and one or more junior high schools or high schools, the county committee shall, in its discretion, prepare a proposal or proposals for annexation to the school district in which the town is located any part or all of the territory aforesaid which has been included in the town and for annexation to the school district in which the town is located or to some other school district or districts any part or all of the remaining territory of the school district affected by extension of the

limits of the town: PROVIDED, That where no school or school site is located within the territory annexed to the town and not less than seventy-five percent of the registered voters residing within the annexed territory present a petition in writing for annexation and transfer of said territory to the school district in which the town is located, the ~~((intermediate school))~~ educational service district superintendent shall declare the territory so included to be a part of the school district containing said town: PROVIDED FURTHER, That territory approved for annexation to a city or town by vote of the electors residing therein prior to January 12, 1953, shall not be subject to the provisions herein respecting annexation to a school district or school districts: AND PROVIDED FURTHER, That the provisions and procedural requirements of this chapter as now or hereafter amended not in conflict with or inconsistent with the provisions hereinabove in this section stated shall apply in the case of any proposal or proposals (1) for the alteration of the boundaries of school districts through and by means of annexation of territory as aforesaid, and (2) for the adjustment of the assets and liabilities of the school districts involved or affected thereby.

In case of the incorporation of a city or town containing territory lying in two or more school districts or of the uniting of two or more cities or towns not located in the same school district, the ~~((intermediate school))~~ educational service district superintendent, except where the incorporation or consolidation would affect a district or districts of the first class, shall: (1) Order and declare to be established in each such case a single school district comprising all of the school districts involved, and (2) designate each such district by name and by a number different from that of any other district in existence in the county.

The ~~((intermediate school))~~ educational service district superintendent, if he deems such action advisable, may fix as the effective date of any declaration or order required under this section the first day of July next succeeding the date of the issuance of such declaration or order.

Sec. 91. Section 28A.57.170, chapter 223, Laws of 1969 ex. sess. as amended by section 127, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.170 are each amended to read as follows:

For the purpose of forming a new school district, a petition in writing may be presented to the ~~((intermediate school))~~ educational service district superintendent, as secretary of the county committee, signed either by ten registered voters or by a majority of the registered voters residing (1) in each whole district and in each part of a district proposed to be included in any single new district, or (2) in the territory of a proposed new district which comprises a part only of one or more districts. The petition shall state the name and number of each district involved in or affected by the proposal to form the new district and shall describe the boundaries of the proposed new district.

Sec. 92. Section 28A.57.180, chapter 223, Laws of 1969 ex. sess. as amended by section 128, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.180 are each amended to read as follows:

For the purpose of transferring territory from one school district to another district, a petition in writing may be presented to the ~~((intermediate school))~~ educational service district superintendent, as secretary of the county committee, signed by a majority of the registered voters residing in the territory proposed to

be transferred, or by the board of directors of one of the districts affected by a proposed transfer of territory if there is no registered voter resident in the territory, which petition shall state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for desiring the change and the number of children of school age, if any, residing in the territory: PROVIDED, That the ~~((intermediate school))~~ educational service district superintendent, without being petitioned to do so, may present to the county committee a proposal for the transfer from one school district to another of any territory in which no children of school age reside: PROVIDED FURTHER, That the ~~((intermediate school))~~ educational service district superintendent shall not complete any transfer of territory pursuant to the provisions of this section which involves ten percent or more of the common school student population of the entire district from which such transfer is proposed, unless he has first called and held a special election of the voters of the entire school district from which such transfer of territory is proposed for the purpose of affording said voters an opportunity to approve or reject such proposed transfer, and has obtained approval of the proposed transfer by a majority of those registered voters voting in said election; and if such proposed transfer is disapproved, the state board of education shall determine whether or not said district is meeting or capable of meeting minimum standards of education as set up by the state board. If the board decides in the negative, the superintendent of public instruction may thereupon withhold from such district, in whole or in part, state contributed funds.

Sec. 93. Section 28A.57.190, chapter 223, Laws of 1969 ex. sess. as amended by section 129, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.190 are each amended to read as follows:

Whenever all or any part of a school district in which no accredited high school is maintained is bounded on three or more sides by a school district in which an accredited high school is situated and maintained, or by a school district in which a high school with a program approved by the state board of education is situated and maintained, the ~~((intermediate school))~~ educational service district superintendent shall report said fact to the county committee, which committee shall consider the question of the annexation to the aforesaid high school district of the territory or district so bounded.

Sec. 94. Section 28A.57.200, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 86, Laws of 1970 ex. sess. and RCW 28A.57.200 are each amended to read as follows:

In case any school district shall have an average enrollment of fewer than two pupils or shall not have maintained, during the preceding school year at least the minimum term of school required by law, the ~~((intermediate school))~~ educational service district superintendent shall report said fact to the county committee, which committee shall dissolve the school district and annex the territory thereof to some other district or districts. In case any territory is not a part of any school district, the ~~((intermediate school))~~ educational service district superintendent shall present to the county committee a proposal for the annexation of said territory to some contiguous district or districts.

Sec. 95. Section 28A.57.240, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 47, Laws of 1973 and RCW 28A.57.240 are each amended to read as follows:

The duties in this chapter imposed upon and required to be performed by a county committee and by an (~~intermediate school~~) educational service district superintendent in connection with a change in the organization and extent of school districts and/or with the adjustment of the assets and liabilities of school districts and with all matters related to such change or adjustment whenever territory lying in a single county is involved shall be performed jointly by the county committees and by the superintendents of the several (~~intermediate school~~) educational service districts as required whenever territory lying in more than one county or (~~intermediate school~~) educational service district is involved: PROVIDED, That a county committee may designate three of its members, or two of its members and the (~~intermediate school~~) educational service district superintendent, as a subcommittee to serve in lieu of the whole committee, but action by a subcommittee shall not be binding unless approved by the whole committee of the county. Proposals for changes in the organization and extent of school districts and proposed terms of adjustment of assets and liabilities thus prepared and approved shall be submitted to the state board by the county committee of the county in which is located the part of the proposed or enlarged district having the largest number of common school pupils residing therein.

Sec. 96. Section 28A.57.245, chapter 223, Laws of 1969 ex. sess. as amended by section 132, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.245 are each amended to read as follows:

Whenever a change in the organization and extent of school districts or an adjustment of the assets and liabilities of school districts, or both, or any other matters related to such change or adjustment involve a joint district, and a majority of the county committee or either county approve a proposal but the proposal is not approved by the other county committee or said committee fails or refuses to act upon the proposal within sixty days of its receipt, the county committee approving the proposal shall certify the proposal and its approval to the state superintendent of public instruction. Upon receipt of a properly certified proposal, the state superintendent of public instruction shall appoint a temporary committee on joint school district organization composed of five persons. The members of the committee shall be selected from the membership of any county committee in this state except that no member shall be appointed from any county in which part of the joint district is situated. Said committee shall meet at the call of the state superintendent of public instruction and organize by electing a chairman and secretary. Thereupon, this temporary committee on joint school district organization shall have jurisdiction of the proposal and shall treat the same as a proposal initiated on its own motion. Said committee shall have the powers and duties imposed upon and required to be performed by a county committee under the provisions of this chapter and the secretary of the committee shall have the powers and duties imposed upon and required to be performed by the (~~intermediate school~~) educational service district superintendents under the provisions of this chapter. It shall be the duty of the (~~intermediate school~~) educational service district superintendents of the (~~intermediate school~~) educational

service districts in which the joint school district is situated to assist the temporary committee on joint school district organization by supplying said committee with information from the records and files of their offices and with a proper and suitable place for holding meetings.

Sec. 97. Section 28A.57.255, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 47, Laws of 1973 and RCW 28A.57.255 are each amended to read as follows:

The registered voters residing within a joint school district shall be entitled to vote on the office of school director of their district and on the office of their (~~(intermediate school)~~) educational service district board member.

Jurisdiction of any such election shall rest with the county auditor of the county administering such joint district as provided in RCW 28A.57.250.

At each general election, or upon approval of a request for a special election as provided for in RCW 29.13.020, such county auditor shall:

- (1) See that there shall be at least one polling place in each county;
- (2) At least twenty days prior to the elections concerned, certify in writing to the superintendent of the school district the number and location of the polling places established by such auditor for such regular or special elections; and
- (3) Do all things otherwise required by law for the conduct of such election.

It is the intention of this section that the qualified electors of a joint school district shall not be forced to go to a different polling place on the same day when other elections are being held to vote for school directors of their district and members of the (~~(intermediate school)~~) educational service district board (~~(of education)~~) concerned with their school district.

Sec. 98. Section 28A.57.290, chapter 223, Laws of 1969 ex. sess. as amended by section 135, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.290 are each amended to read as follows:

The amount of tax to be levied upon the taxable property of that part of a joint school district lying in one county shall be in such ratio to the whole amount levied upon the property in the entire joint district as the assessed valuation of the property lying in such county bears to the assessed valuation of the property in the entire joint district. After the budget of a joint school district has been prepared in the manner provided by law, the (~~(intermediate school)~~) educational service district superintendent of the (~~(intermediate school)~~) educational service district to which the joint school district belongs, after deducting estimated receipts from sources other than district taxation, shall apportion to each county in which the territory of the joint district lies its proportionate share of the estimated expenditures of such joint district, which apportionment shall be made upon the same basis as is herein provided for the apportionment of tax levies. He shall then forward to the county auditor of the county to which the joint school district belongs and to the county auditor of each other county, for the board of county commissioners thereof, a certificate setting forth the sum apportioned to that county, together with copies of the certificates forwarded by him to the aforesaid officers of other counties.

Sec. 99. Section 28A.57.300, chapter 223, Laws of 1969 ex. sess. as amended by section 136, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.300 are each amended to read as follows:

Upon receipt of the aforesaid certificate, it shall be the duty of the board of county commissioners of each county to levy on all taxable property of that part of the joint school district which lies within the county a tax sufficient to raise the amount necessary to meet the county's proportionate share of the estimated expenditures of the joint district, as shown by the certificate of the ~~((intermediate school))~~ educational service district superintendent of the district to which the joint school district belongs. Such taxes shall be levied and collected in the same manner as other taxes are levied and collected, and the proceeds thereof shall be forwarded quarterly by the treasurer of each county, other than the county to which the joint district belongs, to the treasurer of the county to which such district belongs and shall be placed to the credit of said district. The treasurer of the county to which a joint school district belongs is hereby declared to be the treasurer of such district.

Sec. 100. Section 28A.57.326, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 53, Laws of 1971 and RCW 28A.57.326 are each amended to read as follows:

In case of a vacancy from any cause on the board of directors of a school district other than a reconstituted board resulting from reorganized school districts, a majority of the legally established number of board members shall fill such vacancy by appointment: PROVIDED, That should there exist fewer board members on the board of directors of a school district than constitutes a majority of the legally established number of board members, the ~~((intermediate school))~~ educational service district board members of the district in which the school district is located by the vote of a majority of its legally established number of board members shall appoint a sufficient number of board members to constitute a legal majority on the board of directors of such school district; and the remaining vacancies on such board of directors shall be filled by such board of directors in accordance with the provisions of this section: PROVIDED FURTHER, That should any board of directors for whatever reason fail to fill a vacancy within ninety days from the creation of such vacancy, the members of the ~~((intermediate school))~~ educational service district board of the district in which the school district is located by majority vote shall fill such vacancy.

Appointees to fill vacancies on the board of directors of school districts shall meet the requirements provided by law for school directors and shall serve until the next regular school district election, at which time a successor shall be elected for the unexpired term.

Sec. 101. Section 28A.57.328, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 67, Laws of 1971 and RCW 28A.57.328 are each amended to read as follows:

Upon the establishment of a new school district of the second or third class, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the ~~((intermediate school))~~ educational service district superintendent and shall constitute the board of directors of the new district. If fewer than three such directors reside in any such new third class district

or if fewer than five such directors reside in any such new second class school district, they shall become directors of said district, and the ~~((intermediate school))~~ educational service district board shall appoint the number of additional directors required to constitute a board of three directors for the new third class district or five directors for the new second class district, as the case may be. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than three in a third class district or less than five in a second class district, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of other districts of the same class and the directors thereof shall serve until the regular school election following the next regular school election in the district at which election their successors shall be elected and qualified. At such election in third class districts, no more than three directors shall be elected at large by the electors of the school district, one for a term of two years and two for a term of four years. At such election in second class districts, no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. Directors thereafter elected and qualified shall serve such terms as provided for in RCW 28A.57.312.

Sec. 102. Section 3, chapter 67, Laws of 1971 and RCW 28A.57.355 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.57.342 containing no former first class district, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the ~~((intermediate school))~~ educational service district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in such new district, they shall become directors of said district and the ~~((intermediate school))~~ educational service district board shall appoint the number of additional directors to constitute a board of five directors for the district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first class district is in a class AA or class A county and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

Sec. 103. Section 4, chapter 67, Laws of 1971 and RCW 28A.57.356 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.57.342 containing only one former first class district, the directors of the former first class district and two directors representative of former second class districts selected by a majority of the board members of former second class districts and one director representative of former third class districts, selected by a majority of the board members of former third class districts shall meet at the call of the (~~(intermediate school)~~) educational service district superintendent and shall constitute the board of directors of the new district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first class district is in a class AA or class A county and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

Sec. 104. Section 5, chapter 67, Laws of 1971 as last amended by section 10, chapter 21, Laws of 1973 2nd ex. sess. and RCW 28A.57.357 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.57.342 containing more than one former first class district, the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts and one director representative of former third class districts selected by a majority of the board members of former third class districts shall meet at the call of the (~~(intermediate school)~~) educational service district superintendent and shall constitute the board of directors of the new district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all of the powers and authority conferred by law upon boards of first class districts until the next regular school election and until their successors are elected and qualified. At such election other than districts electing directors for six-year terms as provided in RCW 29.13.060, five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. At such election for districts electing directors for six years other than districts having an enrollment of fifty thousand pupils or more and electing directors for six year terms, five directors shall be elected either at large or by director districts, as the

case may be, one for a term of two years, two for a term of four years, and two for a term of six years.

Sec. 105. Section 6, chapter 67, Laws of 1971 as amended by section 4, chapter 21, Laws of 1973 2nd ex. sess. and RCW 28A.57.358 are each amended to read as follows:

Upon the establishment of a new school district of the first class having an enrollment of fifty thousand pupils or more in class AA counties, the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts and one director representative of former third class districts selected by a majority of the board members of former third class districts shall meet at the call of the ~~((intermediate school))~~ educational service district superintendent and shall constitute the board of directors of the new district. Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and duties conferred by law upon boards of first class districts, until the next regular school election and until their successors are elected and qualified. Such duties shall include establishment of new director districts as provided for in RCW 28A.57.425. At the next regular school election seven directors shall be elected by director districts, two for a term of two years, two for a term of four years and three for a term of six years. Thereafter their terms shall be as provided in RCW 29.13.060.

Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Sec. 106. Section 28A.57.390, chapter 223, Laws of 1969 ex. sess. as amended by section 140, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.390 are each amended to read as follows:

The ~~((intermediate school))~~ educational service district superintendent shall prepare and keep in his office (1) a map showing the boundaries of the directors' districts of all school districts in or belonging to his ~~((intermediate school))~~ educational service district that are so divided, and (2) a record of the action taken by the county committee in establishing such boundaries.

Sec. 107. Section 28A.57.415, chapter 223, Laws of 1969 ex. sess. as amended by section 27, chapter 48, Laws of 1971 and RCW 28A.57.415 are each amended to read as follows:

Upon receipt of a written petition by an ~~((intermediate school))~~ educational service district superintendent signed by at least twenty percent of the registered voters of a first or second class school district theretofore divided into directors' districts after a majority vote thereon in accordance with RCW 28A.57.050(4), which petition shall request a return to the system of directors running at large within the district, the superintendent, after formation of the question to be submitted to the voters, shall give notice thereof to the county auditor who shall call and hold a special election of the voters of the entire school district to approve or

reject such proposal, such election to be called, conducted and the returns canvassed as in regular school district elections.

If approval of a majority of those registered voters voting in said election is acquired, at the expiration of terms of the incumbent directors of such school district their successors shall be elected at large.

Sec. 108. Section 3, chapter 10, Laws of 1972 ex. sess. and RCW 28A.58.100 are each amended to read as follows:

Every board of directors, unless otherwise specially provided by law, shall:

(1) Employ for not more than one year, and for sufficient cause discharge all certificated and noncertificated employees, and fix, alter, allow and order paid their salaries and compensation;

(2) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or noncertification qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and, emergencies for both certificated and noncertificated employees, and with such compensation as the board of directors prescribe: **PROVIDED**, That the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness, injury and emergencies as follows:

(a) For such persons under contract with the school district for a full year, at least ten days;

(b) For such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(c) Compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

(d) Leave provided in this proviso not taken shall accumulate from year to year up to a maximum of one hundred eighty days, and such accumulated time may be taken at any time during the school year;

(e) Sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

(f) Accumulated leave under this proviso not taken at the time such person retires or ceases to be employed in the public schools shall not be compensable except in the following manner: Any leave for injury or illness accumulated up to a maximum of forty-five days shall be creditable as service rendered for the purpose of determining the time at which an employee is eligible to retire;

(g) Accumulated leave under this proviso shall be transferred to and from one district to another, the office of superintendent of public instruction and offices of (~~intermediate school~~) educational service district superintendents and boards (~~of education~~), to and from such districts and such offices;

(h) Leave accumulated by a person in a district prior to leaving said district may, under rules and regulations of the board, be granted to such person when he returns to the employment of the district.

When any teacher or other certificated employee leaves one school district within the state and commences employment with another school district within the state, he shall retain the same seniority, leave benefits and other benefits that he had in his previous position. If the school district to which the person transfers has a different system for computing seniority, leave benefits, and other benefits, then the employee shall be granted the same seniority, leave benefits and other benefits as a person in that district who has similar occupational status and total years of service.

Sec. 109. Section 28A.58.103, chapter 223, Laws of 1969 ex. sess. as amended by section 29, chapter 48, Laws of 1971 and RCW 28A.58.103 are each amended to read as follows:

Every board of directors, unless otherwise specifically provided by law, shall:

(1) Prepare, negotiate, set forth in writing and adopt, policy relative to the selection of instructional materials. Such policy shall:

(a) State the school district's goals and principles relative to instructional materials;

(b) Delegate responsibility for the preparation and recommendation of teachers' reading lists and specify the procedures to be followed in the selection of all instructional materials including text books;

(c) Establish an instructional materials committee to be appointed, with the approval of the school board, by the school district's chief administrative officer. This committee shall consist of representative members of the district's professional staff, including representation from the district's curriculum development committees, and, in the case of districts which operate elementary school(s) only, the ~~((intermediate school))~~ educational service district superintendent, one of whose responsibilities shall be to assure the correlation of those elementary district adoptions with those of the high school district(s) which serve their children;

(d) Provide for terms of office for members of the instructional materials committee;

(e) Provide a system for receiving, considering and acting upon written complaints regarding instructional materials used by the school district;

(f) Provide free text books, supplies and other instructional materials to be loaned to the pupils of the school, when, in its judgment, the best interests of the district will be subserved thereby and prescribe rules and regulations to preserve such books, supplies and other instructional materials from unnecessary damage.

Recommendation of instructional materials shall be by the district's instructional materials committee in accordance with district policy. Approval shall be by the local school district's board of directors.

Districts may pay the necessary travel and subsistence expenses for expert counsel from outside the district. In addition, the committee's expenses incidental to visits to observe other districts' selection procedures may be reimbursed by the school district.

Districts may, within limitations stated in board policy, use and experiment with instructional materials for a period of time before general adoption is formalized.

Within the limitations of board policy, a school district's chief administrator may purchase instructional materials to meet deviant needs or rapidly changing circumstances.

(2) Establish a depreciation scale for determining the value of texts which students wish to purchase.

Local boards of school directors may declare selected instructional materials obsolete and dispose of them by sale to the highest bidder, following public notice in a newspaper of general circulation in the area.

Sec. 110. Section 28A.58.150, chapter 223, Laws of 1969 ex. sess. as amended by section 30, chapter 48, Laws of 1971 and RCW 28A.58.150 are each amended to read as follows:

In addition to such other duties as a district school board shall prescribe the school district superintendent shall:

(1) Attend all meetings of the board of directors and cause to have made a record as to the proceedings thereof.

(2) Keep such records and reports and in such form as the district board of directors require or as otherwise required by law or rule or regulation of higher administrative agencies and turn the same over to his successor.

(3) Keep accurate and detailed accounts of all receipts and expenditures of school money. At each annual school meeting the superintendent must present his record book of board proceedings for public inspection, and shall make a statement of the financial condition of the district and such record book must always be open for public inspection.

(4) Take annually in May of each year a census of all persons between the ages of four and twenty who were bona fide residents of the district on the first day of May of that year. He shall designate the name and sex of each child, and the date of its birth; the number of weeks it has attended school during the school year, its post office address, and such other information as the superintendent of public instruction shall desire. Parents or guardians may be required to verify as to the correctness of this report. He shall also list separately all defective persons between the ages of four and twenty and give such information concerning them as may be required by the superintendent of public instruction. The board of directors may employ additional persons and compensate the same to aid the superintendent in carrying out such census.

(5) Make to the (~~intermediate school~~) educational service district superintendent on or before the fifteenth day of July his annual report verified by affidavit upon forms to be furnished by the superintendent of public instruction. It shall contain such items of information as said superintendent of public instruction shall require, including the following: A full and complete report of all children enumerated under subsection (4) above; the number of schools or departments taught during the year; the number of children, male and female, enrolled in the school, and the average daily attendance; the number of teachers employed, and their compensation per month; the number of days school was taught during the past school year, and by whom; and the number of volumes, if any, in the school

district library; the number of school houses in the district, and the value of them; and the aggregate value of all school furniture and apparatus belonging to the district. The superintendent shall keep on file a duplicate copy of said report.

(6) Give such notice of all annual or special elections as otherwise required by law; also give notice of the regular and special meetings of the board of directors.

(7) Report to the ~~((intermediate school))~~ educational service district superintendent at the beginning of each term of school the name of every teacher and their proposed length of term, and supply each such teacher with school registers furnished by the ~~((intermediate school))~~ educational service district superintendent.

(8) Sign all orders for warrants ordered to be issued by the board of directors.

(9) Carry out all orders of the board of directors made at any regular or special meeting.

Sec. 111. Section 28A.58.225, chapter 223, Laws of 1969 ex. sess. as amended by section 141, chapter 176, Laws of 1969 ex. sess. and RCW 28A.58.225 are each amended to read as follows:

A local district may be authorized by the ~~((intermediate school))~~ educational service district superintendent to transport and educate its pupils in another district for one year, either by payment of a compensation agreed upon by such school districts, or under other terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education. Such authorization may be extended for an additional year at the discretion of the ~~((intermediate school))~~ educational service district superintendent.

Sec. 112. Section 28A.58.530, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 93, Laws of 1971 ex. sess. and RCW 28A.58.530 are each amended to read as follows:

For the purpose of obtaining information on school organization, administration, operation, finance and instruction, school districts and ~~((intermediate school))~~ educational service districts may contract for or purchase information and research services from public universities, colleges and other public bodies, or from private individuals or agencies. For the same purpose, school districts and ~~((intermediate school))~~ educational service district superintendents may become members of any nonprofit organization whose principal purpose is to provide such services. Charges payable for such services and membership fees payable to such organizations may be based on the cost of providing such services, on the benefit received by the participating school districts measured by enrollment, or on any other reasonable basis, and may be paid before, during, or after the receipt of such services or the participation as members of such organizations.

Sec. 113. Section 28A.58.560, chapter 223, Laws of 1969 ex. sess. as last amended by section 31, chapter 48, Laws of 1971 and RCW 28A.58.560 are each amended to read as follows:

The board of directors of any school district, the Washington state teachers' retirement system, the superintendent of public instruction, and ~~((intermediate school))~~ educational service district superintendents are authorized to provide and pay for tax deferred annuities for their respective employees in lieu of a portion of

salary or wages as authorized under the provisions of 26 U.S.C., section 403(b), as amended by Public Law 87-370, 75 Stat. 796, as now or hereafter amended. The superintendent of public instruction and ~~((intermediate school))~~ educational service district superintendents, if eligible, may also be provided with such annuities.

Sec. 114. Section 28A.58.603, chapter 223, Laws of 1969 ex. sess. as amended by section 32, chapter 48, Laws of 1971 and RCW 28A.58.603 are each amended to read as follows:

If a majority of the electors voting at the election at which the proposed name is voted upon approve the proposed name, the new name shall be recorded in the school district office, the office of the ~~((intermediate school))~~ educational service district superintendent, the offices of the state superintendent of public instruction and the state board of education.

All institutions which have a legal or financial interest in the status of a school district whose name has been changed shall be notified in a manner prescribed by the state attorney general.

Sec. 115. Section 1, chapter 142, Laws of 1972 ex. sess. and RCW 28A.58.620 are each amended to read as follows:

Whenever any action, claim or proceeding is instituted against any director, officer, employee or agent of a school district or ~~((intermediate school))~~ educational service district arising out of the performance or failure of performance of duties for, or employment with any such district, the board of directors of the school district or ~~((intermediate school))~~ educational service district board, as the case may be, may grant a request by such person that the prosecuting attorney and/or attorney of the district's choosing be authorized to defend said claim, suit or proceeding, and the costs of defense, attorney's fees, and any obligation for payment arising from such action may be paid from the school district's general fund, or in the case of an ~~((intermediate school))~~ educational service district, from any appropriation made for the support of the ~~((intermediate school))~~ educational service district, to which said person is attached: PROVIDED, That costs of defense and/or judgment against such person shall not be paid in any case where the court has found that such person was not acting in good faith or within the scope of his employment with or duties for the district.

Sec. 116. Section 2, chapter 142, Laws of 1972 ex. sess. and RCW 28A.58.630 are each amended to read as follows:

Any school district board of directors and ~~((intermediate school))~~ educational service district board are authorized to purchase insurance to protect and hold personally harmless any director, officer, employee or agent of the respective school district or ~~((intermediate school))~~ educational service district from any action, claim or proceeding instituted against him arising out of the performance or failure of performance of duties for or employment with such institution and to hold him harmless from any expenses connected with the defense, settlement or monetary judgments from such actions.

Sec. 117. Section 28A.59.080, chapter 223, Laws of 1969 ex. sess. as amended by section 33, chapter 48, Laws of 1971 and RCW 28A.59.080 are each amended to read as follows:

Before entering upon the discharge of his duties, the superintendent as secretary of the board shall give bond in such sum as the board of directors may fix from time to time, but for not less than five thousand dollars, with good and sufficient sureties, and shall take and subscribe an oath or affirmation, before a proper officer that he will support the Constitution of the United States and of the state of Washington and faithfully perform the duties of his office, a copy of which oath or affirmation shall be filed with the ~~((intermediate school))~~ educational service district superintendent.

Sec. 118. Section 28A.59.150, chapter 223, Laws of 1969 ex. sess. as amended by section 34, chapter 48, Laws of 1971 and RCW 28A.59.150 are each amended to read as follows:

All accounts shall be audited by a committee of board members chosen in such manner as the board so determines to be styled the "auditing committee," and, except as otherwise provided by law, no expenditure greater than three hundred dollars shall be voted by the board except in accordance with a written contract, nor shall any money or appropriation be paid out of the school fund except on a recorded affirmative vote of a majority of all members of the board: PROVIDED, That nothing herein shall be construed to prevent the board from making any repairs or improvements to the property of the district through their shop and repair department as otherwise provided in RCW 28A.58.135; and the accounts and the records of said board shall at all times be subject to the inspection and examination of the ~~((intermediate school))~~ educational service district superintendent, whose duty it shall be, annually, to examine said records and check said accounts, and report in writing to the proper board of county commissioners the nature and state of said accounts, and any facts that may be required concerning said records.

Sec. 119. Section 28A.60.070, chapter 223, Laws of 1969 ex. sess. as amended by section 35, chapter 48, Laws of 1971 and RCW 28A.60.070 are each amended to read as follows:

Every school district superintendent in districts of the second and the third class shall within ten days after any change in the office of chairman or superintendent, notify the ~~((intermediate school))~~ educational service district superintendent of such change.

Sec. 120. Section 28A.60.186, chapter 223, Laws of 1969 ex. sess. as last amended by section 39, chapter 282, Laws of 1971 ex. sess. and RCW 28A.60.186 are each amended to read as follows:

Whenever any board of directors of school districts of the third class shall be authorized by the electors of their districts to erect a school building, such board, before entering into any contract for the erection of any such building, shall obtain the approval of the ~~((intermediate school))~~ educational service district board of the plans and specifications for the building to be erected, including approval of the heating, lighting, ventilating, and safety thereof.

Sec. 121. Section 28A.60.210, chapter 223, Laws of 1969 ex. sess. as last amended by section 46, chapter 154, Laws of 1973 1st ex. sess. and RCW 28A.60.210 are each amended to read as follows:

Plans of any second or third class district or combination of districts for the carrying out of the powers granted by RCW 28A.60.190 through 28A.60.220 shall be submitted to and approved by a board of supervisors composed of members, as follows: The superintendent of public instruction; the head of the extension department of Washington State University; the head of the extension department of the University of Washington; and the ~~((intermediate school))~~ educational service district superintendent; these to choose one member from such county in which the facilities are proposed to be located, and two members, from the district or districts concerned.

Sec. 122. Section 28A.65.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 26, Laws of 1972 ex. sess. and RCW 28A.65.080 are each amended to read as follows:

On the date given in said notice the board of directors shall meet at the time and place designated. Any taxpayer may appear thereat and be heard for or against any part of such budget. Such hearing may be continued not to exceed a total of two days.

Upon the conclusion of the hearing, the board of directors shall fix and determine each item or class of the budget separately and shall by resolution adopt the preliminary budget as so finally determined and enter the same in detail in the official minutes: PROVIDED, That the estimates for the expenditures depending directly upon the prospective September enrollment or appropriations yet to be made by the legislature for the support of the common schools shall be adopted tentatively subject to revision: PROVIDED FURTHER, That in all second and third class districts five copies of said preliminary budget shall be forwarded to the ~~((intermediate school))~~ educational service district superintendent within five days after the adoption of said preliminary budget for review, alteration, and approval by the preliminary budget review committee. Members of the preliminary budget review committee shall consist of the ~~((county or intermediate school))~~ educational service district superintendent ~~((of schools))~~, a member of the local board of directors, a member of the ~~((county or intermediate school))~~ educational service district board ~~((of education))~~, and a representative of the state superintendent of public instruction. The preliminary budget review committee shall fix and approve the amount of the preliminary budget on or before the thirtieth day of June. A copy of said preliminary budget shall within ten days after adoption by first class districts or approval by the preliminary budget review committee in second and third class districts be filed with the ~~((intermediate school))~~ educational service district superintendent, the state superintendent of public instruction, and the county auditor: The preliminary budget as adopted and approved shall constitute the appropriations for the district for the ensuing fiscal year commencing July 1, and be in effect until final adoption of the budget.

Sec. 123. Section 28A.65.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 39, chapter 48, Laws of 1971 and RCW 28A.65.100 are each amended to read as follows:

Upon the conclusion of the revision hearing the board of directors shall fix and determine the budget and by resolution adopt the same: PROVIDED, That

in the case of second and third class districts the board of directors shall immediately forward the budget to the ~~((intermediate school))~~ educational service district superintendent for review and revision by the final budget review committee.

Sec. 124. Section 28A.65.110, chapter 223, Laws of 1969 ex. sess. as last amended by section 40, chapter 48, Laws of 1971 and RCW 28A.65.110 are each amended to read as follows:

The final budget review committee shall consist of the ~~((intermediate school))~~ educational service district superintendent, a member of the local board of directors, and the members of the ~~((intermediate school))~~ educational service district board.

Upon receipt of the district budget the final budget review committee shall meet on or before the thirtieth day of September and finally fix and determine the total amount of the budget. Said meeting shall be open to the public, and copies of the original and revised budgets shall be available for examination by any resident taxpayer in attendance.

Revenues, including income from taxation, shall be budgeted and approved by the final budget review committee on the basis of the expected cash receipts during the current fiscal year.

Sec. 125. Section 28A.65.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 41, chapter 48, Laws of 1971 and RCW 28A.65.120 are each amended to read as follows:

Upon the conclusion of the revision hearing in districts of the first class and upon the conclusion of the final budget review committee's action in districts of the second and third class, the board or final budget review committee as the case may be shall certify the final budget and the amount to be raised by taxation to the county commissioners for the levying of the district taxes in the manner now provided by law. A copy of said final budget, when certified, shall be filed with the ~~((intermediate school))~~ educational service district superintendent, state superintendent of public instruction, the appropriate county auditor for the board of county commissioners, and the division of municipal corporations, office of the state auditor. The certification and filing of the budgets as aforesaid shall occur on or before the first Monday of October.

Sec. 126. Section 28A.65.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 42, chapter 48, Laws of 1971 and RCW 28A.65.150 are each amended to read as follows:

If an emergency arises in a second or third class school district because of unforeseen conditions, the board of directors shall declare by resolution that an emergency exists. The board of directors, in consultation with the ~~((intermediate school))~~ educational service district superintendent and the final budget review committee, shall determine the best means of meeting such emergency. When the proposed plan and the indebtedness therefor have received the approval of the state superintendent of public instruction, it shall be put into effect.

Sec. 127. Section 34, chapter 119, Laws of 1969 ex. sess. as amended by section 43, chapter 48, Laws of 1971 and RCW 28A.65.153 are each amended to read as follows:

All adopted emergency expenditure resolutions shall be filed with the county auditor, county treasurer, (~~intermediate school~~) educational service district superintendent, state auditor, and the state superintendent of public instruction.

Sec. 128. Section 30, chapter 119, Laws of 1969 ex. sess. as amended by section 44, chapter 48, Laws of 1971 and RCW 28A.65.180 are each amended to read as follows:

Notwithstanding any other provision of law, the state superintendent of public instruction is hereby directed to promulgate such rules and regulations as will insure proper budgetary procedures and practices including monthly financial statements consistent with the provisions of RCW 43.09.200 and 28A.65.050. If the superintendent of public instruction determines upon his review of the preliminary or final budget of any district that said budget does not comply with the budget procedures established by the state superintendent of public instruction or the provisions of RCW 43.09.200 and 28A.65.050, he shall give notice of this determination to the board of directors of the local school district. The state superintendent of public instruction shall then call a meeting with the (~~intermediate school~~) educational service district superintendent, the local board of directors, and the chief administrative officer of the district to review said budget. Upon the conclusion of said meeting the state superintendent shall issue findings and direct that a financially sound budget be developed by the district for operation.

In the event the budget under consideration by the state superintendent is the preliminary budget, the local district shall be obligated to submit a final budget which meets the requirements of RCW 43.09.200 and 28A.65.050 and the rules of the state superintendent adopted pursuant hereto. In the event the budget under consideration by the state superintendent is the final budget, the local school district, notwithstanding any other provision of law, shall within thirty days from the date the state superintendent issues a directive, submit a revised budget which meets the requirements of RCW 43.09.200 and 28A.65.050 and the rules of the state superintendent adopted pursuant hereto: PROVIDED, That if the district fails or refuses to submit a revised budget which in the determination of the state superintendent meets the requirements of RCW 43.09.200 and 28A.65.050 or the state superintendent's rules the matter shall be submitted to the state board of education which shall meet and adopt a financial plan which shall be in effect until a budget can be adopted and submitted by the district in compliance with this statute.

Sec. 129. Section 28A.66.060, chapter 223, Laws of 1969 ex. sess. as amended by section 46, chapter 48, Laws of 1971 and RCW 28A.66.060 are each amended to read as follows:

The county auditor shall not draw and issue or register the warrant in payment of the last month's salary of any teacher in any district until he shall receive notice from the (~~intermediate school~~) educational service district superintendent that the teacher's final report has been made to the said (~~intermediate school~~) educational service district superintendent or that no such report is required.

Sec. 130. Section 28A.66.100, chapter 223, Laws of 1969 ex. sess. as amended by section 47, chapter 48, Laws of 1971 and RCW 28A.66.100 are each amended to read as follows:

The county auditor shall make an annual report for the period ending on the preceding June thirtieth on the financial condition of each school in his county to the ~~((intermediate school))~~ educational service district superintendent on or before the twenty-fifth day of July, in such form as may be prescribed by the superintendent of public instruction.

Sec. 131. Section 28A.67.040, chapter 223, Laws of 1969 ex. sess. as amended by section 48, chapter 48, Laws of 1971 and RCW 28A.67.040 are each amended to read as follows:

Every teacher who shall be teaching at the close of the school year, or who shall teach the last term of any school year, in any school district, shall make a report to the ~~((intermediate school))~~ educational service district superintendent encompassing such information pertinent to school purposes as said official requires immediately upon the close of such school year or term for the entire time taught in said school district since the beginning of the school year, if any such report be so requested by the ~~((intermediate school))~~ educational service district superintendent. Copies of all reports made by teachers shall be furnished to their school district superintendent, to be by him filed in his office. No board of directors shall draw any order or warrant for the salary of any teacher for the last month of his service, until such reports, if required, shall have been made, and the same approved by the ~~((intermediate school))~~ educational service district superintendent.

Sec. 132. Section 28A.67.060, chapter 223, Laws of 1969 ex. sess. as amended by section 49, chapter 48, Laws of 1971 and RCW 28A.67.060 are each amended to read as follows:

Certificated employees shall faithfully enforce in the common schools the course of study and regulations prescribed, whether regulations of the district, the superintendent of public instruction, or the state board of education, and shall furnish promptly all information relating to the common schools which may be requested by the ~~((intermediate school))~~ educational service district superintendent.

Any certificated employee who wilfully refuses or neglects to enforce the course of study or the rules and regulations as above in this section required, shall not be allowed by the directors any warrant for salary due until said person shall have complied with said requirements.

Sec. 133. Section 16, chapter 15, Laws of 1970 ex. sess. as amended by section 2, chapter 49, Laws of 1973 and RCW 28A.67.070 are each amended to read as follows:

No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he is the holder of an effective teacher's certificate or other certificate required by law or the state board of education for the position for which the employee is employed.

The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and limited to a term of not more than one year. Every such contract shall be made in triplicate, one copy

to be retained by the school district superintendent or secretary, one copy to be retained, after having been approved and registered, by the (~~(intermediate school)~~) educational service district superintendent, and one copy to be delivered to the employee thereafter. No contract shall be offered by any board nor approved and registered by the (~~(intermediate school)~~) educational service district superintendent for the employment of any teacher who has previously signed a contract to teach for that same term in another school district of the state of Washington unless such teacher shall have been released from his obligations under such previous contract by the board of directors of the school district to which he was obligated. Any contract signed in violation of this provision shall be void.

Every board of directors determining that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term shall notify that employee in writing on or before April 15th preceding the commencement of such term of that determination of the board of directors, which notification shall specify the cause or causes for nonrenewal of contract. Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the chairman or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing to determine whether or not the facts constitute sufficient cause or causes for nonrenewal of contract. In the request for hearing, the employee may request either an open or closed hearing. Such board upon receipt of such request shall call the hearing to be held within ten days following the receipt of such request, and at least three days prior to the date fixed for the hearing shall notify the employee in writing of the date, time and place of the hearing. The hearing shall be open or closed as requested by the employee, but if the employee fails to make such a request, the board or its hearing officer may determine whether the hearing shall be open or closed.

The board may employ as a hearing officer any person not currently employed by the district to conduct on its behalf any hearing required by this section, who shall transmit to the board a record of the proceeding together with his recommended findings of fact and conclusions of law, and an advisory recommended decision for the board's final disposition. The board or its hearing officer may reasonably regulate the conduct of the hearing. The employee may engage such counsel and produce such witnesses as he or she may desire. The board of directors, within ten days following the conclusion of such hearing, shall notify the employee in writing of its final decision either to renew or not to renew the employment of the employee for the next ensuing term. Any decision not to renew such employment contract shall be based solely upon the cause or causes for nonrenewal specified in the notice of probable cause to the employee and established by a preponderance of the evidence at the hearing to be sufficient cause or causes for nonrenewal. If any such notification or opportunity for hearing is not timely given by the district, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon

contractual terms identical with those which would have prevailed if his employment had actually been renewed by the board of directors for such ensuing term.

Sec. 134. Section 28A.70.110, chapter 223, Laws of 1969 ex. sess. as amended by section 144, chapter 176, Laws of 1969 ex. sess. and RCW 28A.70.110 are each amended to read as follows:

The fee for any teaching certificate, or any renewal thereof, issued by the authority of the state of Washington, and authorizing the holder to teach in the public schools of the state shall be not less than one dollar or such reasonable fee therefor as the state board of education by rule or regulation shall deem necessary therefor. The fee must accompany the application and cannot be refunded unless the application is withdrawn before it is finally considered. The ~~((intermediate school))~~ educational service district superintendent, or other official authorized to receive such fee, shall within thirty days transmit the same to the treasurer of the county in which the office of the ~~((intermediate school))~~ educational service district superintendent is located, to be by him placed to the credit of the institute fund of said school district or ~~((intermediate school))~~ educational service district institute fund which shall be created by the ~~((intermediate school))~~ educational service district board: PROVIDED, That if any school district collecting fees for the certification of teachers does not hold an institute separate from the ~~((intermediate school))~~ educational service district then all such moneys shall be placed to the credit of the ~~((intermediate school))~~ educational service district institute fund.

Sec. 135. Section 28A.70.130, chapter 223, Laws of 1969 ex. sess. as amended by section 50, chapter 48, Laws of 1971 and RCW 28A.70.130 are each amended to read as follows:

All certificates issued by the superintendent of public instruction shall be valid and entitle the holder thereof to teach in any county of the state upon being registered by the ~~((intermediate school))~~ educational service district superintendent thereof, which fact shall be evidenced by him on the certificate in the words, "Registered for use in county," together with the date of registry, and his official signature: PROVIDED, That a copy of the original certificate duly certified by the superintendent of public instruction may be used for the purpose of registry and endorsement in lieu of the original.

Sec. 136. Section 28A.70.140, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 55, Laws of 1974 ex. sess. and RCW 28A.70.140 are each amended to read as follows:

Before registering any certificate, the ~~((intermediate school))~~ educational service district superintendent of the county in which application is made for certificate shall satisfy himself that the applicant is a person of good moral character, personal fitness, and has not been convicted of any crimes involving the physical neglect of children, physical injury of children (excepting possible motor vehicle violations), or sexual abuse of children. In the event of a refusal to register a certificate for whatsoever reason, the ~~((intermediate school))~~ educational service district superintendent shall immediately notify the superintendent of public instruction of his action and shall fully and clearly state his reasons therefor, and the person aggrieved shall have the right of appeal to the superintendent of public

instruction, and shall have the further right of appeal to the state board of education.

Sec. 137. Section 28A.70.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 55, Laws of 1974 ex. sess. and RCW 28A.70.160 are each amended to read as follows:

Any certificate to teach authorized under the provisions of this chapter or rules and regulations promulgated thereunder may be revoked by the authority authorized to grant the same upon complaint of any school district superintendent or ~~((intermediate school))~~ educational service district superintendent for immorality, violation of written contract, intemperance, crime against the law of the state, the conviction of any crime involving the physical neglect of children, the physical injury of children (excepting possible motor vehicle violations) or the sexual abuse of children, or any unprofessional conduct, after the person whose certificate is in question has been given an opportunity to be heard.

Sec. 138. Section 28A.70.170, chapter 223, Laws of 1969 ex. sess. as amended by section 52, chapter 48, Laws of 1971 and RCW 28A.70.170 are each amended to read as follows:

Any teacher whose certificate to teach has been questioned by the filing of a complaint by a school district superintendent or ~~((intermediate school))~~ educational service district superintendent under RCW 28A.70.160 shall have a right to be heard by the issuing authority before his certificate is revoked. Any teacher whose certificate to teach has been revoked shall have a right of appeal to the state board of education if notice of appeal is given by written affidavit to the board within thirty days after the certificate is revoked.

An appeal to the state board of education within the time specified shall operate as a stay of revocation proceedings until the next regular or special meeting of said board and until the board's decision has been rendered.

Sec. 139. Section 28A.71.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 31, chapter 282, Laws of 1971 ex. sess. and RCW 28A.71.100 are each amended to read as follows:

The ~~((intermediate school))~~ educational service district board may arrange each year for the holding of one or more teachers' institutes and/or workshops for in-service training in such manner and at such time as the board believes will be of benefit to the teachers within the ~~((intermediate school))~~ educational service district. The board may provide such additional means of teacher in-service training as it may deem necessary or appropriate and there shall be a proper charge against the ~~((intermediate school))~~ educational service district institute funds and/or the ~~((intermediate school))~~ educational service district general expense fund when approved by the ~~((intermediate school))~~ educational service district board.

~~((intermediate school))~~ Educational service district boards of contiguous ~~((intermediate school))~~ educational service districts, by mutual arrangements, may hold joint institutes and/or workshops, the expenses to be shared in proportion to the numbers of certificated personnel as shown by the last annual reports of the ~~((intermediate school))~~ educational service districts holding such joint institutes or workshops.

In local school districts employing more than one hundred teachers, the school district superintendent may hold a teachers' institute of one or more days in such district, said institute when so held by the school district superintendent to be in all respects governed by the provisions of this code relating to teachers' institutes held by ~~((intermediate school))~~ educational service district superintendents.

Sec. 140. Section 21, chapter 15, Laws of 1970 ex. sess. and RCW 28A.87.030 are each amended to read as follows:

In case any school district superintendent fails to make reports as by law or rule or regulation promulgated thereunder provided, at the proper time and in the proper manner, he shall forfeit and pay to the district the sum of twenty-five dollars for each and every such failure. He shall also be liable, if, through such neglect, the district fails to receive its just apportionment of school moneys, for the full amount so lost. Each and all of said forfeitures shall be recovered in a suit brought by the ~~((intermediate school))~~ educational service district superintendent or by any citizen of such district, in the name of and for the benefit of such district, and all moneys so collected shall be paid over to the county treasurer and shall be by him placed to the credit of the general fund of the district to which it belongs: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 141. Section 28A.87.050, chapter 223, Laws of 1969 ex. sess. as amended by section 148, chapter 176, Laws of 1969 ex. sess. and RCW 28A.87.050 are each amended to read as follows:

If any ~~((intermediate school))~~ educational service district superintendent fails to make any full and correct report to the superintendent of public instruction of statements required by him or if he shall fail to file with the superintendent of public instruction a full and correct annual report within ten days after the time prescribed by law for filing said report, if any be required, the sum of fifty dollars shall be forfeited from his salary for each such unsatisfactory report, and the proper county officials are hereby authorized and required to deduct therefrom the sum aforesaid upon information from the superintendent of public instruction that such reports have not been made.

Sec. 142. Section 22, chapter 15, Laws of 1970 ex. sess. and RCW 28A.87.080 are each amended to read as follows:

Any person collecting or receiving any fines, forfeitures or other moneys belonging to the schools of the state of Washington, or belonging to the school fund of any county, school district or ~~((intermediate school))~~ educational service district in this state, and refusing or failing to pay over the same as required by law, shall be liable for double the amount so withheld, and in addition thereto, interest thereon at the rate of five percent per month during the time of so withholding the same; and it shall be a special duty of the ~~((intermediate school))~~ educational service district superintendent to supervise and see that the provisions of this section are fully complied with, including the initiation of court actions therefor, and report thereon to the appropriate county commissioners at least semiannually. Fines and penalties, exclusive of any moneys recovered belonging to the school fund of any county, school district or ~~((intermediate school))~~ educational service

district in this state, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer who shall place the same to the credit of the current school fund of the state: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 143. Section 28A.87.090, chapter 223, Laws of 1969 ex. sess. as amended by section 150, chapter 176, Laws of 1969 ex. sess. and RCW 28A.87.090 are each amended to read as follows:

Except as otherwise provided in chapter 42.23 RCW, it shall be unlawful for any member of the state board of education, the superintendent of public instruction or any employee of his office, any ~~((intermediate school))~~ educational service district superintendent, any school district superintendent or principal, or any director of any school district, to request or receive, directly or indirectly, anything of value for or on account of his influence with respect to any act or proceeding of the state board of education, the office of the superintendent of public instruction, any office of ~~((intermediate school))~~ educational service district superintendent or any school district, or any of these, when such act or proceeding shall inure to the benefit of those offering or giving the thing of value.

Any wilful violation of the provisions of this section shall be a misdemeanor and punished as such.

Sec. 144. Section 28A.87.100, chapter 223, Laws of 1969 ex. sess. as amended by section 151, chapter 176, Laws of 1969 ex. sess. and RCW 28A.87.100 are each amended to read as follows:

Upon complaint in writing being made to any ~~((intermediate school))~~ educational service district superintendent by any registered voter of the school district complained against that the board of directors of the district have failed to make provision for the teaching of hygiene, with special reference to the effects of alcoholic drink, stimulants and narcotics upon the human system, or have failed to require students to take such course, it shall be the duty of such ~~((intermediate school))~~ educational service district superintendent to investigate at once the matter of such complaint, and if found to be true, he shall immediately notify the proper county officials of the county in which such school district is located thereof, and after the receipt of such notice, it shall be the duty of such officials to refuse to issue or register any warrants drawn upon such district subsequent to the date of such notice and until they shall be notified to do so by such ~~((intermediate school))~~ educational service district superintendent. Whenever it shall be made to appear to the said ~~((intermediate school))~~ educational service district superintendent, and he shall be satisfied that the board of directors of such district are complying with the requirements of this section relating to the teaching of physiology and hygiene, he shall notify said county officials, and said officials shall thereupon issue and register the warrants of said district.

Sec. 145. Section 28A.87.110, chapter 223, Laws of 1969 ex. sess. as amended by section 152, chapter 176, Laws of 1969 ex. sess. and RCW 28A.87.110 are each amended to read as follows:

Any (~~intermediate school~~) educational service district superintendent who shall fail or refuse to comply with the provisions of RCW 28A.87.100 shall be liable to a penalty of one hundred dollars, to be recovered in a civil action in the name of the state in any court of competent jurisdiction, and the sum recovered shall go into the state current school fund; and it shall be the duty of the prosecuting attorneys of the several counties of the state to see that the provisions of this section are enforced.

Sec. 146. Section 28A.87.170, chapter 223, Laws of 1969 ex. sess. as amended by section 153, chapter 176, Laws of 1969 ex. sess. and RCW 28A.87.170 are each amended to read as follows:

Any school district using textbooks other than those prescribed by lawful authority, or any district failing to comply with the course of study prescribed by the state board of education or by other lawful authority, or any district in which warrants are issued to a teacher not legally qualified to teach in the common schools of the said district, shall have withheld twenty-five percent of their school fund for that or the subsequent year, and it is hereby made the duty of the (~~intermediate school~~) educational service district superintendent to deduct said amount from the apportionment to be made to any district failing in either or all of the above requirements, and the amounts thus deducted shall be withheld until the (~~intermediate school~~) educational service district superintendent shall ascertain such situation no longer exists.

Sec. 147. Section 28B.40.380, chapter 223, Laws of 1969 ex. sess. as amended by section 155, chapter 176, Laws of 1969 ex. sess. and RCW 28B.40.380 are each amended to read as follows:

In order to assist teachers in service, candidates for certificates, and others, each state college shall establish and maintain an extension department. The work of the department may supplement the previous training of teachers in service and comprise subjects included in the state college curriculum, or otherwise.

In order to prevent overlapping of territory in connection with this extension work, the state board of education shall district the state making a definite assignment of territory to each institution: PROVIDED, That such assignments of territory shall not preclude any other contractual arrangements initiated by a state college to carry out its duties under this section. The head of the extension department of each state college, after being assigned specific territory, shall cooperate with the several (~~intermediate school~~) educational service district superintendents or educational executive officers of the (~~intermediate school~~) educational service districts in making public the courses or seminars available for each year, such information being forwarded by the head of the extension department to the state superintendent of public instruction.

A report of the work accomplished by any such extension department during the preceding school year shall be made by the board of trustees upon request of the governor or any member of the legislature.

Sec. 148. Section 7, chapter 283, Laws of 1969 ex. sess. as amended by section 22, chapter 62, Laws of 1973 and RCW 28B.50.551 are each amended to read as follows:

The board of trustees of each community college district shall adopt for each community college under its jurisdiction written policies on granting leaves to employees of the district and those colleges, including but not limited to leaves for attendance at official or private institutions and conferences, sabbatical leaves for academic personnel, leaves for illness, injury, bereavement and emergencies, with such compensation as the board of trustees may prescribe, except that the board shall grant to all such persons leave with full compensation for illness, injury, bereavement and emergencies as follows:

(1) For persons under contract to be employed, or otherwise employed, for at least three quarters, at least fifteen days, commencing with the first day on which work is to be performed;

(2) Such leave entitlement may be accumulated after the first three-quarter period of employment at a minimum rate of five days per quarter for full time employees up to a maximum of one hundred eighty days, and may be taken at any time;

(3) Leave for illness, injury, bereavement and emergencies heretofore accumulated pursuant to law, rule, regulation or policy by persons presently employed by community college districts and community colleges shall be added to such leave accumulated under this section;

(4) Except as otherwise provided in this section or other law, accumulated leave under this section not taken at the time such person retires or ceases to be employed by community college districts or community colleges shall not be compensable;

(5) Accumulated leave for illness, injury, bereavement and emergencies under this section shall be transferred from one community college district or community college to another, to the state board for community college education, to the state superintendent of public instruction, to any ~~((intermediate school))~~ educational service district, to any school district, or to any other institutions of higher learning of the state; and

(6) Leave accumulated by a person in a community college district or community college prior to leaving that district or college may, under the policy of the board of trustees, be granted to such person when he returns to the employment of that district or college.

Sec. 149. Section 1, chapter 80, Laws of 1947 as last amended by section 1, chapter 199, Laws of 1974 ex. sess. and RCW 41.32.010 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Accumulated contributions" means the sum of all regular annuity contributions together with regular interest thereon less cost of operation.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the board of trustees and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Annuity fund" means the fund in which all of the accumulated contributions of members are held.

(5) "Annuity reserve fund" means the fund to which all accumulated contributions are transferred upon retirement.

(6) "Beneficiary" means any person in receipt of a retirement allowance or other benefit provided for by the teachers' retirement law.

(7) "Contract" means any agreement for service and compensation between a member and an employer.

(8) "Creditable service" means membership service plus prior service for which credit is allowable.

(9) "Dependent" means receiving one-half or more of support from a member.

(10) "Disability allowance" means monthly payments during disability.

(11) "Earnable compensation" means all salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the board of trustees shall fix the value of that part of the compensation not paid in money: PROVIDED, That if a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for five or more years, earnable compensation for his two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(12) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(13) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(14) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(15) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(16) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to exempt himself from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the annuity fund.

(17) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: PROVIDED, That where a member is employed by two or more employers during any calendar year he shall not receive more than a total of twelve months of service credit during any such calendar year.

(18) "Pension" means the moneys payable per year during life from the pension fund.

(19) "Pension fund" means a fund from which all pension obligations are to be paid.

(20) "Pension reserve fund" is a fund in the state treasury in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system.

(21) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable.

(22) "Prior service contributions" means contributions made by a member to secure credit for prior service.

(23) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(24) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to his individual account in the annuity fund.

(25) "Regular interest" means the interest on funds of the retirement system for the current school year and such other earnings as may be applied thereon by the board of trustees.

(26) "Retirement allowance" means the sum of annuity and pension or any optional benefits payable in lieu thereof.

(27) "Retirement system" means the Washington state teachers' retirement system.

(28) "Service" means the time during which a member has been employed by an employer for compensation: PROVIDED, That where a member is employed by two or more employers during any calendar year he shall not receive more than a total of twelve months of service credit during any such calendar year.

(29) "Survivors' benefit fund" means the fund from which survivor benefits are paid to dependents of deceased members.

(30) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity, including state, ~~((intermediate school))~~ educational service district, city superintendents and their assistants and certificated employees; and in addition thereto any qualified school librarian, any registered nurse or any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

Sec. 150. Section 42, chapter 80, Laws of 1947 as last amended by section 96, chapter 176, Laws of 1969 ex. sess. and RCW 41.32.420 are each amended to read as follows:

On or before a date specified by the board of trustees in each month every employer shall file a report with the board of trustees of the retirement system on a form provided, stating the name of the employer and with respect to each employee who is a member or who is required to become a member of the retirement system: (1) The full name, (2) the earnable compensation paid, (3) the employee's contribution to the retirement system, and (4) such other information as the board shall require, and at the same time notify each new employee in writing with reference to the Washington state teachers' retirement system and that an application for prior service credit may be filed with the board of trustees thereof on a

form furnished by the board. The ~~((intermediate school))~~ educational service district superintendent shall perform the duties imposed by this section for the employers in second and third class school districts and the city superintendents for the employers in first class school districts. The chief executive officers of other institutions shall perform such duties.

Sec. 151. Section 72.40.060, chapter 28, Laws of 1959 as amended by section 97, chapter 176, Laws of 1969 ex. sess. and RCW 72.40.060 are each amended to read as follows:

It shall be the duty of the clerks of all school districts in the state, at the time for making the annual reports, to report to the superintendent of their respective ~~((intermediate school))~~ educational service districts the names of all deaf, mute, or blind youth residing within their respective school districts who are between the ages of six and twenty-one years.

Sec. 152. Section 72.40.070, chapter 28, Laws of 1959 as amended by section 98, chapter 176, Laws of 1969 ex. sess. and RCW 72.40.070 are each amended to read as follows:

It shall be the duty of each ~~((intermediate school))~~ educational service district superintendent to make a full and specific report of such deaf, mute, or blind youth to the board of county commissioners of the county in which the youth resides at its regular meeting in July of each year. He shall also, at the same time, transmit a duplicate copy of such report to the director and the superintendent of the school for the blind or the school for the deaf, as the case may be.

Sec. 153. Section 72.40.080, chapter 28, Laws of 1959 as amended by section 99, chapter 176, Laws of 1969 ex. sess. and RCW 72.40.080 are each amended to read as follows:

It shall be the duty of the parents or the guardians of all such blind or deaf youth to send them each year to the proper institution. The ~~((intermediate school))~~ educational service district superintendent shall take all action necessary to enforce this section. If satisfactory evidence is laid before the ~~((intermediate school))~~ educational service district superintendent that any blind or deaf youth is being properly educated at home or in some suitable institution other than the state schools, he shall take no action in such case other than to make a record of such fact, and take such steps as may be necessary to satisfy himself that such defective youth will continue to receive a proper education.

Sec. 154. Section 72.40.100, chapter 28, Laws of 1959 as amended by section 100, chapter 176, Laws of 1969 ex. sess. and RCW 72.40.100 are each amended to read as follows:

Any parent, guardian, ~~((intermediate school))~~ educational service district superintendent or county commissioner who, without proper cause, fails to carry into effect the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, upon the complaint of any officer or citizen of the county or state, before any justice of the peace or superior court, shall be fined in any sum not less than fifty nor more than two hundred dollars.

NEW SECTION. Sec. 155. It is the intent of the legislature that after the effective date of this amendatory act where the words "intermediate school district",

"intermediate school district board" and "intermediate school district superintendent" are used in any bill enacted by the legislature or found within the code of the state of Washington they shall mean the "educational service district", educational service district board" and "educational service district superintendent", respectively.

**NEW SECTION. Sec. 156. This amendatory 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.*

Sec. 156. was vetoed, see message at end of chapter.

Passed the House June 3, 1975.

Passed the Senate May 30, 1975.

Approved by the Governor July 2, 1975 with the exception of section 2 and 156 which are vetoed.

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

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

"I am returning herewith without my approval as to two sections House Bill No. 205 entitled:

"AN ACT Relating to intermediate school districts; redesignating such districts, with their attendant boards and officials as educational service districts."

Section 2 contains a proviso which prohibits the State Board of Education from consolidating intermediate school districts without express approval by the Legislature. Recent studies have shown that consolidation of intermediate school districts will lead to greater efficiency in educational management and attendant cost savings. I believe the State Board of Education should not be prevented from taking measures to improve management and save tax money in this manner.

Section 156 declares an emergency and provides for the act to take effect immediately. I have, on several recent occasions, expressed my increasing apprehension over repeated and unwarranted use of emergency clauses in bills that do not measure up to the standard of urgency contained in Article II, section 1(b) of our Constitution. I have vetoed emergency clauses from such bills, and must do so again for the same reason in the case of this bill.

With the exception of sections 2 and 156 which I have vetoed, the remainder of House Bill No. 205 is approved."

CHAPTER 276

[Substitute House Bill No. 206]

CAPITAL BUDGET

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

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

NEW SECTION. Section 1. A capital budget is hereby adopted and subject to provisions hereinafter set forth the several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for capital projects during the period ending June 30, 1977, out of several funds hereinafter named.

NEW SECTION. Sec. 2. The legislature finds that present management of capital projects does not always ensure a systematic review of project increments

such as planning, design, site acquisition, and construction. Projects are not regularly subjected to independent technical review concerning less costly alternatives nor are such projects regularly considered in context with master planning projections.

The office of program planning and fiscal management, in order to ensure management control, shall prepare a capital construction projects management plan for every item included in this act, except that fire and safety projects and maintenance type projects may be exempted from the master plan and program plan provisions of this section when such exemptions are approved by the office of program planning and fiscal management. Such capital construction projects management plan shall consider, but not necessarily be limited to, the following elements:

- (1) Master plan;
- (2) Program plan;
- (3) Physical plan; and
- (4) Construction.

The management plan shall provide for technical feasibility review of capital projects by the department of general administration and provision for incremental approvals of capital projects.

The management plan for capital projects shall be submitted to the legislature, no later than January 1, 1976, along with the recommendations of the office of program planning and fiscal management and the department of general administration concerning technical feasibility, schedules for the release of funds by project increments, and other pertinent concerns regarding capital projects approved in this act.

For the purposes of this section:

"Master plan" includes, but is not limited to, identification and analysis of present institutional programs and a minimum five year projection thereof; identification and categorization of current physical facilities and an analysis of effectiveness of utilization; an analysis of match between program and necessary physical facilities based on objective standards as developed by appropriate state agencies; and recommendations for sale, purchase, demolition, expansion, renovation, replacement, or relocation of facilities.

"Program plan" relates to a specific project or facility and shall include, but is not limited to, an inventory of amounts and types of space currently available; an analysis of amounts, types, and relative locations of space required for current programs as determined by use of accepted state space standards; an analysis of projected programs and space required; and, if a change in facilities is justified from analysis, recommendations for demolition, remodeling, or construction.

"Physical plan" includes survey and site investigation and architectural and engineering designs.

"Construction" includes detailed budgets and realistic schedules for project implementation.

NEW SECTION. Sec. 3. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Reappro- priations	From the Fund Designated
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(1) Complete construction of Office Building No. 2, remodeling of Executive Mansion and Insurance Building, structural renovation of Legislative Building, and design Executive Office Building (10,040,000)		
General Fund	50,000	
State Building Construction Account	9,990,000	
(2) Install central chiller plant, air conditioning, and remodel legislative facilities		
State Building Construction Account	1,836,000	
(3) Remodeling and maintenance required on Capitol Campus buildings and grounds (1,271,120)		
Capitol Building Construction Account	300,000	971,120
(4) Continuing maintenance of Deschutes Basin, dam, and area landscaping (35,500)		
Capitol Building Construction Account	5,000	30,500
(5) Acquisition, development and improvements of lands, improvements and facilities within the East Capitol Site		
Capital Purchase and Development Account	100,000	
(6) Remodel and repair of elective officials offices		
Capitol Building Construction Account	86,000	
(7) Remodel State Capitol Museum building (66,500)		
Capitol Building Construction Account	5,000	61,500
(8) Capitol campus master plan (100,000)		
Capitol Building Construction Account	50,000	50,000
(9) Complete construction of Insurance Building renovation, Legislative Building structural repairs, and West Campus chilled water plant		
Capitol Building Construction Account		2,640,487
(10) Revised Oil Delivery and Storage Facility		
Capitol Building Construction Account		124,276
(11) Landscape plaza surrounding Office Building No. 2		
State Building Construction Account		250,000
(12) Remodel campus buildings to ensure that all areas of the campus are accessible to the physically handicapped		
Capitol Building Construction Account		305,000
(13) Embankment repair north of Temple of Justice		

Capitol Building Construction Account	199,470
(14) Modification to computer area of Office Building No. 2 to include uninterruptable power system, security system, air conditioning and raised flooring	
State Building Construction Account	1,039,000
(15) Extension of central control and monitoring system of Office Building No. 2 to all campus buildings to provide monitoring of building utility and safety systems such as heating, cooling, fire alarms, and security	
Capitol Building Construction Account	563,060
(16) Study of all West Campus buildings to determine needed fire protection systems	
Capitol Building Construction Account	34,160
(17) Extend steam lines to Employment Security Building	
Capitol Building Construction Account	100,423
(18) Provision of additional funds to offset effects of unanticipated cost increases in air conditioning the Legislative Building	
State Building Construction Account	1,049,067
(19) Engineering planning and design of Capitol Lake rehabilitation	
State Building Construction Account	425,000
(20) Continuing development of recreation areas around Capitol Lake	
Capitol Building Construction Account	61,000
(21) Installation of air-conditioning system in General Administration Building	
Capitol Building Construction Account	160,000
(22) Replace heating and cooling coils and rearrange dampers in the Highways-Licenses Building, Employment Security Building and Archives Building	
Capitol Building Construction Account	288,092
(23) Renovate Old Capitol Building to conform to health and safety requirements of the Occupational Safety and Health Act, building and fire codes, and to provide access for the physically handicapped	
State Building Construction Account	3,580,416

NEW SECTION. Sec. 4. FOR THE MILITARY DEPARTMENT

	Reappro-	From the
	priations	Fund Designated
(1) Construct new armory-Aberdeen General Fund		296,950

(2) Construct, repair, remodel buildings and improve facilities		
General Fund	79,117	
(3) Schematic plans for future projects (19,866)		
General Fund	11,610	8,256
(4) Architectural and Engineering and other pre-construction work (48,592)		
General Fund	9,168	39,424
(5) Acquire Land for new Armory—Vancouver		
General Fund		50,000
(6) Construct new armory—Seattle		
Seattle Armory Fund	30,200	
(7) Construct new Armory—Ephrata		
General Fund		225,000

NEW SECTION. Sec. 5. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

	Reappro- priations	From the Fund Designated
(1) For the Adult Correction Program		
(a) Construct and equip Automotive Vocational Training Building—Washington State Penitentiary		
General Fund	89,400	
(b) Locking system for wing six—Washington State Penitentiary		
General Fund	8,310	
(c) Fire and safety improvements, Washington State Penitentiary		
General Fund		151,000
(d) Modification of existing laundry facilities, Washington State Reformatory		
CEP & RI Account		130,000
(e) Modernization of resident (inmate) living areas—Washington State Reformatory		
General Fund	477,751	
(f) Construct and equip new Women's Correctional Institution—Purdy Treatment Center for Women (17,229)		
General Fund	10,099	
CEP & RI Account	7,130	
(g) Renovate roofs, Washington Correction Center		
CEP & RI Account		150,000
(h) Construct and equip work release housing unit, Indian Ridge Treatment Center		

WASHINGTON LAWS, 1975 1st Ex. Sess.

Ch. 276

General Fund		155,250
(i) Dormitory, kitchen equipment, Larch Mountain Honor Camp		
General Fund		200,000
(j) Firland Correction Center		
DSHS Construction Account (HJR 52)		60,000
(k) Bag house, steam plant, Washington State Reformatory		
DSHS Construction Account (HJR 52)		94,635
(2) For the Juvenile Rehabilitation Program		
(a) Secondary power supply, Naselle Youth Camp		
CEP & RI Account		35,515
(b) Construct and equip four residential living units, Naselle Youth Camp		
DSHS Construction Account (HJR 52)		1,458,000
(c) Remodel kitchen, Mission Creek Youth Camp		
General Fund		59,771
(d) Construct and equip treatment security unit, Maple Lane School		
State Building and Higher Education Construction Account	1,229	
(e) Construct and equip group home		
General Fund	24,763	
(f) Improvements to meet fire marshal recommendation at Green Hill School		
General Fund		70,136
(g) New roof on recreation building at Green Hill School		
General Fund		15,000
(h) Construct covered play area, Naselle Youth Camp		
DSHS Construction Account (HJR 52)		15,000
(3) For the Mental Health Program		
(a) Renovate bathrooms, Eastern State Hospital		
General Fund		40,000
(b) Construct and equip a 150-bed psychiatric hospital (Medical Lake): PROVIDED, That the design and construction of this facility shall be such that it may be expanded by further construction if added beds are required: PROVIDED FURTHER, That no currently existing structure at this facility shall be demolished as a result of this construction		

DSHS Construction Account (HJR 52)		2,995,000
(c) Construct and equip Pharmacy and Central Supply Building, Western State Hospital CEP & RI Account	48,583	
(d) Fire alarm and detection, Phase II, Western State Hospital General Fund		199,200
(e) Remodel and equip kitchen and dining room; construct Refrigeration Building, Western State Hospital CEP & RI Account	288,965	
(f) Construct and equip a 350-bed psychiatric hospital (Steilacoom) DSHS Construction Account (HJR 52)		6,985,000
(g) Construct and equip one community health center DSHS Construction Account (HJR 52)		800,000
(4) For the Developmental Disabilities Program		
(a) Replace Redwood Hall, Fircrest School (10,064) General Fund	2,968	
State Building and Higher Education Construction Account	7,096	
(b) Construct and equip Activities Building, Fircrest School General Fund	3,337	
(c) Construct a covered outdoor area, Interlake School General Fund	4,819	
(d) Construct and equip an Instructional Services Building, Rainier School State Building and Higher Education Construction Account	16,649	
(e) Renovation, Rainier School DSHS Construction Account (HJR 52)		2,766,432
(f) Upgrade utilities, Phase II, Rainier School General Fund		425,000
(g) Construct and equip dietary addition, Lakeland Village CEP & RI Account	160,433	
(h) Construct lavatory facilities-residential halls, Lakeland Village CEP & RI Account	362,116	

(i) Construct and equip a 225-bed developmental disabilities residential unit and construct and equip dietary addition, Phase II, Lakeland Village DSHS Construction Account (HJR 52)		4,816,271
(j) Repair of road and parking areas, Lakeland Village General Fund		137,780
(k) Repair floors, Lakeland Village General Fund		253,452
(l) Install new elevator, Yakima Valley School General Fund		134,540
(m) Kitchen renovation, School for the Blind General Fund	9,524	
(n) Renovate kitchen, primary area, and Administration Building, School for the Blind General Fund		320,000
(o) Install fire alarms and smoke detectors for four cottages and the primary school at the School for the Blind General Fund		50,000
(p) Install exterior freight only elevator on the existing commissary building at the School for the Blind General Fund		12,500
(q) Construct and equip Advanced Classroom Building, School for the Deaf General Fund	493,921	
(r) Construct a covered outdoor area, School for the Deaf General Fund	21,316	
(s) Remodel kitchen-dining room building at the School for the Deaf General Fund	61,287	
(t) Provide secondary source of power, School for the Deaf CEP & RI Account		43,680
(u) Provide fire and safety improvements, School for the Deaf General Fund		46,900
(v) Remodel superintendent's residence for Student Union Building, School for the Deaf CEP & RI Account		30,000
(w) Demolish Watson Hall at State School for the Deaf General Fund		44,000

(x) For site development and construction of a community educational facility for the developmentally disabled: PROVIDED, That the appropriation contained in this subsection is contingent upon acquisition of the former Nike-Ajax site from the Kent School District and department of health, education and welfare		
DSHS Construction Account (HJR 52)		300,000
(y) Replace boilers, Phase II, Fircrest School		
DSHS Construction Account (HJR 52)		367,700
(z) Repair utilities, Fircrest school		
DSHS Construction Account (HJR 52)		165,735
(5) For Veterans' Services Program		
(a) Remodel and equip kitchen, Phase II, Soldiers' Home		
General Fund	340,849	
(b) Fire, safety, and health, Veterans' Homes		
Upgrade to fire, safety, and health standards, and construct a 100-bed nursing facility at the Veterans' Home and a 40-bed nursing addition at the Soldiers' Home and Colony. Facilities will meet state licensing standards (5,250,142)		
General Fund-State	369,927*	
DSHS Construction Account (HJR 52)		1,183,075
General Fund-Federal	1,300,000	2,197,140
CEP & RI Account	200,000	
*To be repaid from CEP & RI Account in the 1975-77 biennium.		
(c) Replace boilers, Veteran's Home (201,250)		
General Fund-State		130,800
General Fund-Federal		70,450
(6) General		
(a) Upgrade for fire and safety standards (Omnibus)		
To upgrade fire and safety standards per recommendation of the state fire marshal and safety inspectors and to provide a contingency fund for unanticipated capital needs and cost overruns		
General Fund	637,642	
(b) Repair and improve utilities-(Omnibus)		

Renovate water, electric, steam, and sewer lines; replace boilers, provide contingency fund for unanticipated needs and cost overruns (400,576)		
General Fund	397,884	
CEP & RI Account	2,692	
(c) Repair and improve facilities—(Omnibus) Provide for minor repairs to roofs, roads, parking areas, and buildings and provide contingency fund for unanticipated needs and cost overruns (1,057,210)		
General Fund	557,210	500,000
(d) Preplanning projects 1973–79 (484,778)		
General Fund	184,778	
DSHS Construction Account (HJR 52)		300,000
(e) Social and Health Services Facilities (To be allocated for specific projects) (24,797,240)		
State and Local Improvement Revolving Account	10,047,240	14,750,000
(f) Contingency Expense Fund		
DSHS Construction Account (HJR 52)		585,000

NEW SECTION. Sec. 6. FOR THE EMPLOYMENT SECURITY DEPARTMENT

	Reappro- priations	From the Fund Designated
Improvement of existing central office buildings and necessary related costs: PROVIDED, That this appropriation shall be available only to the extent that federal funds under Section 903 of the Federal Social Security Act are made available for this purpose: PROVIDED FURTHER, That this appropriation is made pursuant to and is limited by provisions of section 903–C(2) of the Federal Social Security Act as amended: PROVIDED FURTHER, That any unexpended balance of said federal funds shall be promptly returned to the account of the State of Washington in the Unemployment Compensation Trust Fund as may be required by federal law or regulation		
Unemployment Compensation Administration Fund	90,000	

NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF ECOLOGY

Reappro- priations	From the Fund Designated
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(1) For the construction of ground water observation wells

State and Local Improvements Revolving Account—Water Supply Facilities as provided by chapter 128, Laws of 1972 ex. sess.

154,166

(2) Construct sewerage systems and waste disposal facilities in the state parks . et forth in subparagraphs (a) through (x) of this subsection including, but not limited to, collector systems, treatment facilities, lift stations, trailer dumps and lagoon (1,883,600)

State and Local Improvements Revolving Account—Waste Disposal Facilities as provided by chapter 127, Laws of 1972 ex. sess.

1,443,500

State and Local Improvements Revolving Account

- (a) Twin Harbors 185,900
- (b) Dash Point 10,000
- (c) Lake Wenatchee 21,200
- (d) Bogachiel 10,000
- (e) Wenberg 10,000
- (f) Conconully 28,300
- (g) Kopachuck 10,000
- (h) Lake Easton 10,000
- (i) Bay View 10,000
- (j) Pearrygin Lake 10,000
- (k) Deception Pass 10,000
- (l) Yakima 10,000
- (m) Larrabee 10,000
- (n) Curlew Lake 10,000
- (o) Camano Island 10,000
- (p) Lake Osoyoos 10,000
- (q) Fay Bainbridge 10,000
- (r) Brooks Memorial 10,000
- (s) South Whidbey 10,000
- (t) Illahee 10,000
- (u) Mount Spokane 4,700
- (v) Horsethief Lake 10,000
- (w) Riverside 10,000
- (x) Lewis and Clark Trail 10,000

(3) Construct water supply improvements in the state parks set forth in subparagraphs (a) through (s) of this subsection (694,000)

State and Local Improvements Revolving Account—Water Supply Facilities as provided by chapter 128, Laws of 1972 ex. sess.

(a) Sequim Bay	165,000
(b) Beacon Rock	9,200
(c) Twanoh	6,700
(d) Potlatch	7,200
(e) Lake Cushman	16,400
(f) Old Fort Townsend	18,800
(g) Deception Pass	58,100
(h) Moran	10,600
(i) Rockport	38,900
(j) Mount Pilchuck	50,400
(k) Brooks Memorial	28,300
(l) Camp Wooten	7,800
(m) Fields Spring	700
(n) Ginkgo	28,300
(o) Mount Spokane	45,300
(p) Squilchuck	17,500
(q) Sun Lakes (Dry Falls)	19,800
(r) Federation Forest	34,700
(s) Fort Canby	130,300

(4) For construction of improved sewage and waste disposal facilities at existing department of social and health services facilities to meet established discharge requirements

State and Local Improvements Revolving Account—Waste Disposal Facilities as provided by chapter 127, Laws of 1972 ex. sess.

1,050,000

(5) Connect to Gig Harbor sewage disposal unit—Purdy Treatment Center for Women

State and Local Improvements Revolving Account—Waste Disposal Facilities as provided by chapter 127, Laws of 1972 ex. sess.

150,000

NEW SECTION. Sec. 8. FOR THE STATE PARKS AND RECREATION COMMISSION

	Reappro- priations	From the Fund Designated
(1) Construct, repair, and improve state park facilities as set forth in subparagraphs (a) through (e) of this subsection (878,093)		
General Fund	321,293	
State and Local Improvement Revolving Account—Public Recreation Facilities		

pursuant to the provisions of section 4(3), chapter 129, Laws of 1972 ex. sess.:		
(a) To provide for costs necessary to complete capital budget projects, and unanticipated restoration and repairs to existing state park facilities		200,000
(b) For Lake Chelan to prevent continued shoreline erosion		202,300
(c) For Steamboat Rock for utilities and shops		27,700
(d) For Leadbetter Point for manager's residence and shop		62,800
(e) For Crow Butte for manager's residence and shop		64,000
(2) Schematics and pre-planning		
Outdoor Recreation Account pursuant to the provisions of section 4(1), chapter 129, Laws of 1972 ex. sess.		150,000
(3) Purchase and develop park sites, boating facilities, group camp facilities, and historical and archeological sites located at Mercer Slough, Green River Gorge, Ocean Beaches, Birch Bay, Twanoh, Fort Ebey, East Side of North Cascade Highway, Manchester, Clallam Bay, Whatcom and Skagit counties bicycle and hiking trail, Lower Crossing-Sunset Highway, Fort Ward, and Cypress Island pursuant to the provisions of section 4(1), chapter 129, Laws of 1972 ex. sess.		
(2,228,840)		
Outdoor Recreation Account	591,840	1,637,000
(4) Modernization and improvements at state parks as set forth in subparagraphs (a) through (rr) of this subsection pursuant to the provisions of section 4(3), chapter 129, Laws of 1972 ex. sess. (5,829,950)		
State and Local Improvements Revolving Account-Public Recreation Facilities	1,060,000	
State and Local Improvements Revolving Account-Public Recreation Facilities		
(a) For Fort Worden State Park: PROVIDED, That a joint study by the state parks and recreation commission and the office of program planning and fiscal management shall be conducted to determine		
(i) the total capital cost requirements of Fort Worden State Park; and (ii) the cost		

difference between maintaining historical integrity of the buildings and using modern building techniques: PROVIDED FURTHER, That such a study shall be submitted to the standing ways and means committees by December 1, 1975	443,650
(b) Jarrell Cove	24,000
(c) Rainbow Falls	43,800
(d) Beacon Rock	117,400
(e) Twanoh	50,300
(f) Millersylvania	172,600
(g) Twin Harbor	40,400
(h) Penrose Point	1,400
(i) Lake Cushman	95,000
(j) Park Region I miscellaneous	69,300
(k) Sequim Bay	68,000
(l) Paradise Point	50,800
(m) Deception Pass	309,500
(n) Peace Arch	83,500
(o) Nolte	113,500
(p) Birch Bay	375,800
(q) Fort Casey	224,800
(r) Federation Forest	110,000
(s) Camano Island	195,200
(t) Moran	340,700
(u) Mount Pilchuck	43,900
(v) Moses Lake	19,800
(w) Sacajawea	58,000
(x) Lake Chelan	121,600
(y) Alta Lake	150,700
(z) Lake Wenatchee	186,100
(aa) Squilchuck	29,700
(bb) Region III miscellaneous	376,300
(cc) Fields Spring	189,400
(dd) Crawford	69,300
(ee) Fort Simcoe	122,400
(ff) Dosewallips	38,800
(gg) Sequest	38,800
(hh) Beacon Rock	38,800
(ii) Penrose Point	38,800
(jj) Camano Island	38,800
(kk) Birch Bay	38,800
(ll) Dash Point	38,800
(mm) Larrabee	13,900
(nn) Moran	27,600
(oo) Lake Wenatchee	40,000
(pp) Central Ferry	40,000

(qq) Curlew Lake		40,000
(rr) Steamboat Rock		40,000
(5) Purchase and develop park sites, boating facilities, group camp facilities, and historical and archeological sites located at Mercer Slough, Green River Gorge, Ocean Beaches, Birch Bay, Twanoh, Fort Ebey, East Side of North Cascade Highway, Manchester, Clallam Bay, Whatcom and Skagit counties bicycle and hiking trail, Lower Crossing-Sunset Highway, Fort Ward, and Cypress Island (3,489,518)		
Outdoor Recreation Account	2,656,518	833,000
(6) Acquisition and development of areas for All-Terrain Vehicle utilization		
Outdoor Recreation Account		172,751
(7) Green River Gorge acquisition		
Outdoor Recreation Account		123,520
(8) Fort Canby development		
Outdoor Recreation Account		640,000
(9) Wallace Lake Acquisition and Development		
Outdoor Recreation Account pursuant to the provisions of section 4(1), chapter 129, Laws of 1972 ex. sess.		125,000
Outdoor Recreation Account		125,000

NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF FISHERIES

	Reappro- priations	From the Fund Designated
(1) Safety installations to meet WISHA requirements		
General Fund-State		270,350
(2) Improved domestic water supplies-Neham and Willapa hatcheries		
General Fund-State		21,000
(3) Pollution abatement facilities for state hatcheries		
General Fund-State		600,000
(4) Pollution abatement facilities for federal hatcheries		
General Fund-Federal		550,000
(5) Humptulips hatchery		
General Fund-State	75,000	1,883,800
General Fund-Federal	75,000	470,950
(6) Reappropriations for projects previously authorized		
General Fund-State	345,535	

General Fund–Federal	545,300
(7) Acquisition and development of recreational facilities at the following locations:	
(a) Tideland Access–Point Whitney and Penn Cove (84,350)	
(b) Public Access–Penn Cove, Point Whitney, and Oakland Bay (195,000)	
(c) Outdoor Tour Facilities–Soleduck Hatchery (89,715)	
(d) Boating Access–Clallam County (200,000)	
(e) Boat Launch Facility–Merrill and Ring Park, Clallam County (43,624)	
(f) Fishing Pier–Edmonds (450,000)	
(g) Artificial Reefing–Edmonds (4,500):	
PROVIDED, That prior to construction the department shall execute agreements transferring operation and/or maintenance responsibilities to the department of natural resources or local public bodies within whose jurisdiction such facilities are constructed:	
PROVIDED FURTHER, That variances to the policy set forth in this section may be granted by the legislative budget committee or its statutory successor	
Outdoor Recreation Account	497,000
Outdoor Recreation Account appropriation pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess.	570,189
(8) Spawning habitat improvement projects	
General Fund–State	235,000
(9) Land acquisition–Columbia River hatcheries	
General Fund–State	192,000
(10) Exploration, land purchase and design of new production facilities	
General Fund–State	300,000
(11) Land acquisition for release ponds and pollution abatement facilities	
General Fund–State	141,000
(12) Release ponds	
(a) George Adams hatchery	
General Fund–State	87,500
General Fund–Federal	87,500
(b) Green River hatchery	
General Fund–State	50,000
(c) Icy Creek	
General Fund–State	137,500

General Fund—Federal	137,500
(d) Samish hatchery	
General Fund—State	90,000
(e) Soleduck hatchery	
General Fund—State	650,000
(f) Skykomish hatchery	
General Fund—State	35,000
(13) Clam Pond—Point Whitney	
General Fund—State	30,000
(14) Green River hatchery—water system improvement	
General Fund—State	120,000
(15) Facilities improvement project	
General Fund—State	289,750
(16) Lewis River hatchery—residence	
General Fund—State	30,000
(17) Toutle hatchery water supply improvement, release ponds, and freezer replacement	
General Fund—Federal	1,075,000
(18) Klickitat hatchery—rebuild rearing ponds	
General Fund—Federal	75,000
(19) Elokomin hatchery release pond	
General Fund—Federal	275,000

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF GAME

	Reappro- priations	From the Fund Designated
(1) Purchase, construct, improve and equip fish and game protective facilities, administrative facilities, buildings, hatcheries, game farm facilities, rearing ponds, and game range facilities (3,727,096)		
Game Fund—State		1,160,848
Game Fund—Federal (Reimbursable)		2,179,648
Game Fund—Local (Reimbursable)		386,600
(2) Purchase and develop lands for outdoor recreation (3,405,500)		
Outdoor Recreation Account	758,000	472,500
Outdoor Recreation Account appropriation pursuant to the provisions of section 4(1), chapter 129, Laws of 1972 ex. sess.	1,550,000	625,000

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF NATURAL RESOURCES

	Reappro- priations	From the Fund Designated
(1) Construct honor camp bridges and culverts, construct and equip honor camp facilities, administrative facilities, lookout towers,		

fire protective facilities, nursery facilities, and area offices as set forth in subparagraphs (a) through (cc) of this subsection (1,949,892)

General Fund

(a) Pump shop remodeling	3,000
(b) Hose drying facilities	20,000
(c) Morton water supply	5,000
(d) Lookout replacement	5,000
(e) Youth and honor camp gas stations	18,000
(f) Fire protection campgrounds	20,000
(g) Ridgetop water storage	10,000
(h) Honor and youth camp bridge and culvert materials	54,000
(i) Larch Mountain incinerator	10,000

Resource Management Cost Account

(j) Southeast area office—Ellensburg	117,580
(k) Seed, mulch and fertilizer storage—forest land management center	105,000
(l) Forks seedling storage	16,000
(m) Northwest area building renovation	71,000
(n) Automatic hoist—Clearwater camp	10,000
(o) Unleaded gasoline pump facilities	72,000
(p) Forest land management center office addition	105,000
(q) Bellingham head house	15,000
(r) Bellingham packing shed	10,000
(s) Webster nursery office expansion	2,500
(t) Bellingham lath house	7,500
(u) Seed orchard well and irrigation system	85,000
(v) Seed orchard administration and work building	106,250
(w) Webster nursery greenhouse water system	2,500
(x) Webster greenhouse addition	134,500
(y) Webster nursery access road surfacing	8,450
(z) South Puget Sound area headquarters	260,000
CEP & RI Account	
(aa) Larch Mountain buildings	638,612
(bb) Larch Mountain water system	10,000
(cc) Larch Mountain gym floor replacement	28,000

(2) Purchase right-of-way, construct reclamation and timber access roads, construct irrigation systems, and other land development facilities and tideland facilities (12,510,770)

Resource Management Cost Account	2,265,070
Forest Development Account	264,900

Resource Management Cost Account		
(a) Irrigation development		4,335,400
(b) Land development		466,350
(c) Right-of-way and roads		115,350
(d) Tidelands facilities		40,000
(e) Right-of-way acquisition		200,000
(f) Timber access road construction		4,285,700
Forest Development Account		
(g) Forest reclamation road construction		38,000
(h) Timber access road construction		500,000
(3) Acquire and develop land for recreation uses including trails, scenic roads, shorelands, forest lands, ecological areas, and other areas managed by the Department (2,774,251)		
Outdoor Recreation Account	1,496,100	372,500
Outdoor Recreation Account appropriation pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess.	433,340	472,311
(4) Acquisition and construction of trails and sites for All-Terrain Vehicle utilization		
Outdoor Recreation Account		584,265

NEW SECTION. Sec. 12. FOR THE UNIVERSITY OF WASHINGTON

	Reappropiations	From the Fund Designated
(1) Construct and equip Phase II, renovation and provide working drawings for Phase III renovation of Bagley Hall (1,970,000)		
University of Washington Building Account	1,700,000	270,000
(2) Construct and equip space for Academic Computer Center		
State Building and Higher Education Construction Account	1,100,000	
(3) Construct and equip renovations to Gowen Hall		
University of Washington Building Account	1,144,186	
(4) Construct and equip renovations to Health Science complex (3,050,000)		
University of Washington Building Account	550,000	2,500,000
(5) Construct and equip renovations to Johnson Hall		
University of Washington Building Account	1,165,000	

(6) Construct and equip renovations to Moore Hall University of Washington Building Account	550,000	
(7) To provide working drawings for renovation to Smith Hall University of Washington Building Account	555,814	
(8) Construct and equip renovations and additions to teaching hospital (11,562,793) Building Authority Construction Account	3,562,793	8,000,000
(9) Provide preliminary design of 1977-79 projects University of Washington Building Account	70,000	
(10) Construct and equip renovations and extensions to utility systems and buildings (6,534,841) University of Washington Building Account	2,034,841	4,500,000
(11) Complete working drawings to finish basement of Kane Hall University of Washington Building Account		76,000
(12) Complete working drawings for classroom, office, and library space for social work University of Washington Building Account		356,000
(13) Complete working drawings on consolidated facilities for marine studies program University of Washington Building Account		400,000
(14) Provide preliminary design of gymnasium and locker room space addition to Edmundson Pavilion University of Washington Building Account		36,000
(15) Purchase and install color television equipment for KCTS-Channel 9 University of Washington Building Account		1,500,000
(16) Provide preliminary design for Biology Instructional Facility University of Washington Building Account		318,000

NEW SECTION. Sec. 13. FOR WASHINGTON STATE UNIVERSITY

	Reappro- priations	From the Fund Designated
(1) Construct and equip teaching, research and office space for the biological sciences (9,199,400)		
State Higher Education Construction Account	8,889,000	
Washington State University Building Account		310,400
(2) Construct and equip library stack and reader space (5,536,700)		
Washington State University Building Account	2,594,700	
State Higher Education Construction Account	2,942,000	
(3) Construct and equip office and laboratory space for USDA and NWS		
Office/Laboratory Construction Account	1,800,000	
(4) Construct and equip renovation to Arts Hall, includes relocation of KWSU-TV transmitter and tower		
Washington State University Building Account	38,536	
(5) Provide preliminary design of 1977-79 capital projects		
Washington State University Building Account	61,000	
(6) Construct and equip major renovations to buildings, including implementation of safety standards (2,410,700)		
Washington State University Building Account	1,077,300	1,333,400
(7) Construct and equip modifications to utility production and distribution systems (1,965,700)		
Washington State University Building Account	865,700	1,100,000
(8) Working drawings for animal holding facilities on campus for teaching and research		
Washington State University Building Account		114,000
(9) Construct and equip renovation to Bryan Hall		
Washington State University Building Account	191,000	
(10) Working drawings for central warehouse and storage		

Washington State University Building Account		56,300
(11) Construct and equip classroom laboratories and office for veterinary sciences as well as laboratories for state animal diagnostic center (9,123,500)		
Washington State University Building Account	82,000	
State Higher Education Construction Account		9,041,500
(12) Working drawings for animal facilities at Hastings farm for teaching and research		
Washington State University Building Account		86,000

NEW SECTION. Sec. 14. FOR EASTERN WASHINGTON STATE COLLEGE

	Reappropriations	From the Fund Designated
(1) Construct and equip alterations and life safety improvements to facilities (300,000)		
Eastern Washington State College Capital Projects Account	40,000	260,000
(2) Construct and equip a special events structure (283,500)		
Eastern Washington State College Capital Projects Account	280,000	
State Higher Education Construction Account	3,500	
(3) Construct and equip renovations to Science and Isle buildings		
Eastern Washington State College Capital Projects Account	620,600	
(4) Construct and equip alterations to Martin Hall to meet health standards		
Eastern Washington State College Capital Projects Account	35,000	
(5) Construct Phase I of biological research laboratory and working drawings, Phase II		
Eastern Washington State College Capital Projects Account	7,000	
(6) Construct and equip utility loop system and implement safety improvements (908,000)		
Eastern Washington State College Capital Projects Account	50,000	858,000
(7) Complete working drawings for centralized maintenance shops		

Eastern Washington State College Capital Projects Account		45,000
(8) Complete landscaping and walkways, physical education complex		
Building Authority Construction Account	10,000	
(9) Complete preliminary design of plant services warehouse		
Eastern Washington State College Capital Projects Account		10,000
(10) Construct and equip fieldhouse portion of physical education complex		
State Higher Education Construction Ac- count		2,456,600
(11) Complete working drawings on aquatics portion of physical education complex		
Eastern Washington State College Capital Projects Account		60,000

NEW SECTION. Sec. 15. FOR CENTRAL WASHINGTON STATE
COLLEGE

	Reappro- priations	From the Fund Designated
(1) Purchase land for new boiler plant site Central Washington State College Capital Projects Account	20,000	
(2) Construct and equip classrooms, offices and laboratories for Psychology (35,000) Central Washington State College Capital Projects Account	5,000	
State Building Authority Construction Ac- count	30,000	
(3) Construct and equip reader, service, stack, classrooms and offices State Building and Higher Education Con- struction Account	250,000	
(4) Construct and equip boiler house and emergency generator Central Washington State College Capital Projects Account	25,000	
(5) Purchase and install utility distribution monitoring system Central Washington State College Capital Projects Account	20,000	
(6) Construct and equip alterations to facili- ties including safety standard implementation (461,500) Central Washington State College Capital Projects Account	1,500	460,000

(7) Complete pedestrian walks and landscape library/instruction complex construction site (69,000)		
Central Washington State College Capital Projects Account	5,000	64,000
(8) Construct and equip renovations to utility systems (819,500)		
Central Washington State College Capital Projects Account	334,500	485,000
(9) Complete preliminary design on 1977-79 projects including Barge Hall renovation (61,000)		
Central Washington State College Capital Projects Account	11,000	50,000
(10) Purchase and install boilers in new boiler house		
State Higher Education Construction Account	1,840,900	
(11) Purchase and install moveable equipment for new library		
Central Washington State College Capital Projects Account		100,000
(12) Complete working drawings for physical education office, classroom, and recreation building		
Central Washington State College Capital Projects Account		142,000
(13) Complete working drawings for replacement greenhouse		
Central Washington State College Capital Projects Account		20,000
(14) Complete working drawings for remodeling of Bouillion Library		
Central Washington State College Capital Projects Account		54,000
(15) Complete working drawings for remodeling to house theatre and drama facilities		
Central Washington State College Capital Projects Account		127,000

NEW SECTION. Sec. 16. FOR THE EVERGREEN STATE COLLEGE

	Reappro-	From the
	priations	Fund Designated
(1) Construct and equip laboratory and office building		
State Higher Education Construction Account	4,500,000	

(2) Construct and equip Seminar Building, Phase I (163,000)		
State Building and Higher Education Con- struction Account	81,000	
General Fund	82,000	
(3) Site improvements and utilities expansion		
The Evergreen State College Capital Pro- jects Account	65,000	
(4) Clear, grade, and complete college parkway		
The Evergreen State College Capital Pro- jects Account	80,000	
(5) Construct and equip Communications Arts Laboratory (5,800,000)		
The Evergreen State College Capital Pro- jects Account	800,000	
State Higher Education Construction Ac- count	5,000,000	
(6) Clear, grade, pave, and complete road in- tersection and minor landscaping		
The Evergreen State College Capital Pro- jects Account	40,000	
(7) Construct and equip science laboratories, Phase I		
State Building Authority Construction Ac- count	35,000	
(8) Complete essential storm drainage, elec- trical and water supply system improvements		
State Higher Education Construction Ac- count		125,000

NEW SECTION. Sec. 17. FOR WESTERN WASHINGTON STATE
COLLEGE

	Reappro- priations	From the Fund Designated
(1) Purchase land for academic service and recreation		
Western Washington State College Capital Projects Account	171,485	
(2) Preliminary design of 1977-79 requested projects (36,891)		
Western Washington State College Capital Projects Account	25,430	
State Higher Education Construction Ac- count	11,461	
(3) Moveable equipment for academic buildings		

Western Washington State College Capital Projects Account	22,150	
(4) Construct and equip utility system expansion and repairs (2,129,040)		
General Fund-State	103,295	
Western Washington State College Capital Projects Account	645,745	1,380,000
(5) Construct and equip renovations to facilities (357,664)		
General Fund-State	43,060	
Western Washington State College Capital Projects Account	208,604	106,000
(6) Construct and equip Arts Building addition		
Western Washington State College Capital Projects Account	22,579	
(7) Construct and equip social science classrooms, offices and laboratories		
Western Washington State College Capital Projects Account	1,226	
(8) Construct and equip marine laboratory (57,104)		
State Building Authority Construction Account	34,437	
State Higher Education Construction Account	22,667	
(9) Construct and equip addition to heating plant		
State Building Authority Construction Account	5,812	
(10) Construct and equip science program classrooms, offices and laboratories		
State Building Authority Construction Account	117,416	
(11) Construct and equip new and remodeled space for technology and home economics		
State Higher Education Construction Account	1,799,093	
(12) Construct and equip Phase II renovations to Old Main (3,455,583)		
State Higher Education Construction Account	2,705,583	750,000
(13) Construct and equip alterations to buildings to implement safety standards		
Western Washington State College Capital Projects Account		250,000

(14) Complete construction and equip Phase I renovation of Old Main Western Washington State College Capital Projects Account	109,250
(15) Provide working drawings for campus warehouse and maintenance shops Western Washington State College Capital Projects Account	122,000
(16) Provide working drawings for completion of interior of auditorium/music addition Western Washington State College Capital Projects Account	92,000
(17) Provide working drawings for essential recreation fields and landscaping Western Washington State College Capital Projects Account	107,000

NEW SECTION. Sec. 18. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

	Reappro- priations	From the Fund Designated
(1) For the payment of relocatable facilities and equipping technology programs on the south campus of the Seattle Community College: PROVIDED, That the Director of the Office of Program Planning and Fiscal Management may allocate from this appropriation no more than shall be realized from the pending sale of the real property and improvements thereto known as the Holgate branch of the Seattle Community College General Fund-State	159,242	
(2) Construction, repairs, remodeling, land acquisition, equipment, and other capital improvements for Seattle Community College: PROVIDED, That the source of funds for this appropriation be from the sale of the following described real property and any fixtures thereon: All of Block numbered 11 of Hill Tract Addition to the City of Seattle, King County, Washington; bounded on the East by 19th Avenue, on the South by Main Street, on the West by 18th Avenue, and on the North by the imaginary center line of Washington Street, extended Easterly to its intersection with 19th Avenue General Fund-State	857,600	

(3) For construction, repairs, remodeling, equipment, and other capital improvements at Peninsula community college General Fund–State	10,313	
(4) Construction, design, remodeling, conversion, land acquisition, renovation, alteration, and working drawings of vocational, academic, and other community college facilities (34,858,524) Community College Capital Projects Account	13,020,624	
Community College Capital Improvements Account	21,837,900	
(5) Emergency capital repairs (864,000) Community College Capital Projects Account	364,000	
Community College Capital Construction Account		500,000
(6) Construct and equip alterations and renovations that will abate hazardous conditions Community College Capital Construction Account		877,000
(7) Purchase, install, equip, and administer a pool of relocatable facilities (349,000) Community College Capital Projects Account	24,000	
Community college Capital Construction Account		325,000
(8) Construct and equip alterations that will correct deficiency conditions in existing facilities Community College Capital Construction Account		696,000
(9) Construct and equip vocational instruction, office, and learning resource facilities and remodel facilities at Spokane Community college (11,889,000) Community College Capital Improvements Account		1,622,565
Community College Capital Construction Account		10,266,435
(10) Construct and equip vocational instruction and office facilities and remodel for learning resource facilities at Green River Community College Community College Capital Improvements Account		1,240,000

(11) Construct and equip vocational instruction, learning resource, and remodel facilities at Lower Columbia Community College Community College Capital Improvements Account	2,653,000
(12) Construct and equip vocational and science instruction, office and remodel facilities at Everett Community College Community College Capital Improvements Account	2,193,000
(13) Construct and equip vocational instruction, learning resources, and dining facilities and remodel facilities at Peninsula Community College Community College Capital Improvements Account	692,000
(14) Construct and equip addition to learning resource center, classroom/office building and complete science laboratories at Shoreline Community College Community College Capital Improvements Account	1,706,000
(15) Construct and equip student center and remodel existing space for offices at Columbia Basin Community College Community College Capital Improvements Account	1,655,000
(16) Construct and equip a student center, offices, and an addition to the library at Spokane Falls Community College Community College Capital Improvements Account	3,656,000
(17) Construct and equip vocational instruction space at South Seattle Community College Community College Capital Improvements Account	673,000
(18) Construct and equip dining and student activity facilities at Fort Steilacoom Community College Community College Capital Improvements Account	1,142,000
(19) Construct and equip addition to dining and student activity areas and remodel existing space at Yakima Valley College Community College Capital Improvements Account	579,000

(20) Construct and equip physical education, science laboratory, and dining facilities at Edmonds Community College Community College Capital Improvements Account	2,645,000
Community College Capital Construction Account	160,000
(21) Construct and equip learning resource center and remodel existing space at Olympic Community College Community College Capital Improvements Account	1,489,000
(22) Construct and equip student activity facility at Walla Walla Community College Community College Capital Improvements Account	528,000
(23) Working drawings for new learning resource center, central storage and remodeling of existing facilities at Highline Community College Community College Capital Construction Account	277,000
(24) Working drawings for addition to learning resource center and structural improvements at Clark Community College Community College Capital Construction Account	44,000
(25) Working drawings for utility distribution tunnels at Highline Community College Community College Capital Construction Account	61,000
(26) Working drawings for fine arts and office space in Old Broadway High School auditorium at Central Seattle Community College Community College Capital Construction Account	116,000
(27) Working drawings for repairs to Ehret Hall at Centralia Community College Community College Capital Construction Account	24,000
(28) Working drawings for instruction space for music at Shoreline Community College Community College Capital Construction Account	40,000

(29) Working drawings for learning resource center, vocational, fine arts, and skills lab instructions space as well as storage and student activity space at South Seattle Community College Community College Capital Construction Account	213,000
(30) Working drawings for maintenance shops and water mains at Green River Community College Community College Capital Construction Account	80,000
(31) Working drawings for alterations to Art and Music Building for handicapped students at Olympic Community College Community College Capital Construction Account	14,000
(32) Working drawings for greenhouse and science laboratory at Everett Community College Community College Capital Construction Account	5,000
(33) Working drawings for renovations to vocational facilities at Clark Community College Community College Capital Construction Account	31,000
(34) Working drawings for flight planning program facilities at Big Bend Community College Community College Capital Construction Account	4,000
(35) Working drawings for converting dormitory space to offices at Olympic Community College Community College Capital Construction Account	5,000
(36) Working drawings for welding laboratories and storage space at Everett Community College Community College Capital Construction Account	14,000
(37) Working drawings for geology laboratory at Highline Community College Community College Capital Construction Account	6,000

(38) Construct and equip health, physical education, and recreation facility at Walla Walla community college. The proceeds from the sale of the old physical education facility shall provide an additional source of funds for the project contained in this subsection

Community College Capital Construction Account 800,000

(39) Working drawings for science laboratories and fine arts instruction space and remodel existing space at Edmonds Community College

Community College Capital Construction Account 89,000

(40) Working drawings for an expansion of physical education locker space at Fort Steilacoom Community College

Community College Capital Construction Account 14,000

(41) Working drawings for fine arts, lecture and office space at Fort Steilacoom Community College

Community College Capital Construction Account 49,000

(42) Preplanning for the 1977-79 capital budget request

Community College Capital Construction Account 65,000

***NEW SECTION. Sec. 19. FOR THE BOARD OF EDUCATION-SUPERINTENDENT OF PUBLIC INSTRUCTION**

Public school building planning, construction, remodeling and demolitions: PROVIDED, That an amount not to exceed \$205,000 shall be utilized to fund the school buildings systems study as directed by RCW 28A.04-.310: *PROVIDED FURTHER, That funds appropriated in this section shall not be expended for either planning or construction of occupational skill centers (172,835,085)*

	Reappro- priations	From the Fund Designated
Common School Building Construction Account	3,900,000	
Common School Construction Fund	49,612,893	119,322,192

*Sec. 19. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 20. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

	Reappropiations	From the Fund Designated
(1) Pave parking lot on land donated to the Society General Fund	6,800	
(2) Replace roof on main museum building General Fund—State Building Construction Account		12,000

NEW SECTION. Sec. 21. FOR THE STATE PATROL

	Reappropiations	From the Motor Vehicle Fund
(1) Relocation of existing weigh stations (228,900) Motor Vehicle Fund	214,900	14,000
(2) Construct radio relay station—Green/Gold mountain (50,750) Motor Vehicle Fund	34,750	16,000
(3) Land Acquisition for radio relay station—Columbia river Motor Vehicle Fund	50,000	
(4) Site development and construction radio relay stations—North Cross Highway Motor Vehicle Fund	150,000	
(5) Construct warehouse—Bellevue Motor Vehicle Fund	325,000	
(6) Construct detachment office—Ellensburg Motor Vehicle Fund	10,660	
(7) Purchase and renovation of building for detachment office—Moses Lake		75,000
(8) Land acquisition and construction—radio relay station—Pomeroy		40,000
(9) Land acquisition for radio relay station—Clarkston		10,000
(10) Land acquisition for radio relay station—Colville		10,000
(11) Construct addition—Patrol Academy		50,000
(12) Improvements—Detachment office—Kelso		10,000
(13) Improvements—Detachment office—Chehalis		10,000
(14) Repair of existing facilities		100,000
(15) Replace auxiliary power plants		18,500

NEW SECTION. Sec. 22. The departments of social and health services and general administration shall give primary consideration in both the design and construction of new facilities to: (1) The use of solar energy and other natural and appurtenant heat sources; and (2) the architectural means of exploiting such heat sources. The intent of the requirement imposed by this section is to reduce the state's reliance on the continued use of fossil fuels as a primary energy source and

thereby reduce the long term operating costs of new state facilities. The departments shall submit a joint report to both the governor and legislature on the results of the implementation of this section. Such report shall be presented to the next regular session of the legislature for its consideration.

NEW SECTION. Sec. 23. During the 1975-77 biennium the state parks and recreation commission shall make no contractual agreements or receive any donation of real property or an interest therein which commits the commission to either assuming on a current basis or to requesting funds at a future time for development or acquisition costs without prior approval of the legislative budget committee.

NEW SECTION. Sec. 24. The words "capital improvements" or "capital projects" used herein shall mean acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets.

NEW SECTION. Sec. 25. Before a capital project shall begin or an obligation is incurred or a contract entered into, the director of the office of program planning and fiscal management, with the approval of the governor and in compliance with section 2 of this act, shall first allot funds therefor or so much as may be necessary from the appropriation made herein.

NEW SECTION. Sec. 26. To effectively carry out the provisions of this act, the governor may assign responsibility for planning, engineering and construction and other related activities to any appropriate agency.

NEW SECTION. Sec. 27. Reappropriations shall be limited to the unexpended balances remaining June 30, 1975, in the current appropriation for each project.

NEW SECTION. Sec. 28. The governor, through the director of the office of program planning and fiscal management, may authorize a transfer of funds appropriated for a capital project in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient only within the department of social and health services, or between appropriations for a specific department, commission or institution of higher education. No such transfer shall be used to expand the capacity of any facility beyond that anticipated by the legislature in making the appropriation. A report of any transfer effected under this section shall be filed with the legislative auditor for transmittal to the legislative budget committee by the director of the office of program planning and fiscal management within thirty days of the date the transfer is effected.

NEW SECTION. Sec. 29. Any capital improvement or capital project for construction, repair or maintenance authorized by this act, unless constructed, pursuant to the provisions of chapter 39.04 RCW, shall be done by contract after public notice and competitive bid: PROVIDED, That this section shall not apply to the acquisition of sites, easements, or rights of way; nor to contracts for architectural or engineering services; nor to emergency repairs; nor to any improvement or project costing less than twenty-five hundred dollars; nor to portions of

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

43.83.030, chapter 8, Laws of 1965 and RCW 43.83.030; amending section 43.83.064, chapter 8, Laws of 1965 and RCW 43.83.064; amending section 3, chapter 172, Laws of 1965 ex. sess. and RCW 43.83.074; amending section 3, chapter 148, Laws of 1967 ex. sess. and RCW 43.83.094; amending section 3, chapter 278, Laws of 1957 as amended by section 3, chapter 274 Laws of 1959 and RCW 54.28.030; amending section 4, chapter 278, Laws of 1957 and RCW 54.28.040; amending section 5, chapter 278, Laws of 1957 as amended by section 4, chapter 274, Laws of 1959 and RCW 54.28.050; amending section 6-104, chapter 157, Laws of 1965 ex. sess. and RCW 62A.6-104; amending section 6-107, chapter 157, Laws of 1965 ex. sess. and RCW 62A.6-107; amending section 4, chapter 27, Laws of 1963 ex. sess. and RCW 72.19.100; amending section 4, chapter 230, Laws of 1949 and RCW 72.99.040; amending section 6, chapter 298, Laws of 1957 and RCW 72.99.120; amending section 4, chapter 299, Laws of 1957 and RCW 72.99.200; amending section 82.04.020, chapter 15, Laws of 1961 and RCW 82.04.020; amending section 82.04.090, chapter 15, Laws of 1961 and RCW 82.04.090; amending section 82.04.300, chapter 15, Laws of 1961 as amended by section 3, chapter 293, Laws of 1961 and RCW 82.04.300; amending section 82.04.450, chapter 15, Laws of 1961 and RCW 82.04.450; amending section 82.04.470, chapter 15, Laws of 1961 and RCW 82.04.470; amending section 82.04.480, chapter 15, Laws of 1961 and RCW 82.04.480; amending section 82.04.490, chapter 15, Laws of 1961 and RCW 82.04.490; amending section 82.08.040, chapter 15, Laws of 1961 and RCW 82.08.040; amending section 82.08.060, chapter 15, Laws of 1961 and RCW 82.08.060; amending section 82.08.080, chapter 15, Laws of 1961 as amended by section 2, chapter 244, Laws of 1963 and RCW 82.08.080; amending section 82.08.090, chapter 15, Laws of 1961 and RCW 82.08.090; amending section 82.08.100, chapter 15, Laws of 1961 and RCW 82.08.100; amending section 82.08.120, chapter 15, Laws of 1961 and RCW 82.08.120; amending section 82.12.010, chapter 15, Laws of 1961 as last amended by section 17, chapter 173, Laws of 1965 ex. sess. and RCW 82.12.010; amending section 82.12.050, chapter 15, Laws of 1961 and RCW 82.12.050; amending section 82.12.060, chapter 15, Laws of 1961 as amended by section 16, chapter 293, Laws of 1961 and RCW 82.12.060; amending section 82.12.070, chapter 15, Laws of 1961 and RCW 82.12.070; amending section 82.16.070, chapter 15, Laws of 1961 as amended by section 14, chapter 293, Laws of 1961 and RCW 82.16.070; amending section 82.20.020, chapter 15, Laws of 1961 and RCW 82.20.020; amending section 82.20.030, chapter 15, Laws of 1961 and RCW 82.20.030; amending section 82.20.040, chapter 15, Laws of 1961 and RCW 82.20.040; amending section 82.20.060, chapter 15, Laws of 1961 and RCW 82.20.060; amending section 82.24.030, chapter 15, Laws of 1961 and RCW 82.24.030; amending section 82.24.090, chapter 15, Laws of 1961 and RCW 82.24.090; amending section 82.24.110, chapter 15, Laws of 1961 and RCW 82.24.110; amending section 82.24.120, chapter 15, Laws of 1961 and RCW 82.24.120; amending section 82.24.140, chapter 15, Laws of 1961 and RCW 82.24.140; amending section 82.24.180, chapter 15, Laws of 1961 and RCW 82.24.180; amending section 82.24.190, chapter 15, Laws of 1961 and RCW 82.24.190; amending section 82.24.210, chapter 15, Laws of 1961 and RCW 82.24.210; amending section 82.24.220, chapter 15, Laws of 1961 and RCW 82.24.220; amending section 82.26.010, chapter 15, Laws of 1961 and RCW 82.26.010; amending section 82.26.020, chapter 15, Laws of 1961 as last amended by section 77, chapter 299, Laws of 1971 ex. sess. and RCW 82.26.020; amending section 82.26.050, chapter 15, Laws of 1961 and RCW 82.26.050; amending section 82.26.060, chapter 15, Laws of 1961 and RCW 82.26.060; amending section 82.26.080, chapter 15, Laws of 1961 and RCW 82.26.080; amending section 82.26.090, chapter 15, Laws of 1961 and RCW 82.26.090; amending section 82.26.110, chapter 15, Laws of 1961 and RCW 82.26.110; amending section 82.32.030, chapter 15, Laws of 1961 and RCW 82.32.030; amending section 8, chapter 141, Laws of 1965 ex. sess. and RCW 82.32.105; amending section 82.32.110, chapter 15, Laws of 1961 and RCW 82.32.110; amending section 82.32.120, chapter 15, Laws of 1961 and RCW 82.32.120; amending section 82.32.130, chapter 15, Laws of 1961 as amended by section 20, chapter 237, Laws of 1967 and RCW 82.32.130; amending section 82.32.140, chapter 15, Laws of 1961 and RCW 82.32.140; amending section 82.32.200, chapter 15, Laws of 1961 and RCW 82.32.200; amending section 82.32.230, chapter 15, Laws of 1961 and RCW 82.32.230; amending section 11, chapter 28, Laws of 1963 ex. sess. as amended by section 22, chapter 299, Laws of 1971 ex. sess. and RCW 82.32.235; amending section 82.32.240, chapter 15, Laws of 1961 and RCW 82.32.240; amending section 82.32.260, chapter 15, Laws of 1961 and RCW 82.32.260; amending section 82.32.270, chapter 15, Laws of 1961 and RCW 82.32.270; amending section 82.32.290, chapter 15, Laws of 1961 and RCW 82.32.290; amending section 82.32.300, chapter 15, Laws of 1961 and RCW 82.32.300; amending section 82.32.310, chapter 15, Laws of 1961 and RCW 82.32.310; amending section 82.32.320, chapter 15, Laws of 1961 and RCW 82.32.320; amending section 82.32.360, chapter 15, Laws of 1961 and RCW 82.32.360; amending section 82.44.040, chapter 15, Laws of 1961 and RCW 82.44.040; amending section 82.44.120, chapter 15, Laws of 1961 as last amended by section 4, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.120; amending section 82.48.090, chapter 15, Laws of 1961 and RCW 82.48.090; amending section 82.50.170, chapter 15, Laws of 1961 as amended by section 9, chapter 54, Laws of 1974 ex. sess. and RCW 82.50.170; amending section 6, chapter 292, Laws of 1961 and RCW 83.04.023; amending section 83.05.010,

RCW 84.16.036; amending section 84.16.040, chapter 15, Laws of 1961 and RCW 84.16.040; amending section 84.16.050, chapter 15, Laws of 1961 and RCW 84.16.050; amending section 84.16.090, chapter 15, Laws of 1961 and RCW 84.16.090; amending section 84.16.100, chapter 15, Laws of 1961 and RCW 84.16.100; amending section 84.16.130, chapter 15, Laws of 1961 and RCW 84.16.130; amending section 84.24.010, chapter 15, Laws of 1961 and RCW 84.24.010; amending section 84.24.030, chapter 15, Laws of 1961 and RCW 84.24.030; amending section 84.24.040, chapter 15, Laws of 1961 and RCW 84.24.040; amending section 84.24.050, chapter 15, Laws of 1961 and RCW 84.24.050; amending section 2, chapter 214, Laws of 1963 and RCW 84.28.006; amending section 84.28.020, chapter 15, Laws of 1961 as amended by section 4, chapter 214, Laws of 1963 and RCW 84.28.020; amending section 84.28.050, chapter 15, Laws of 1961 as amended by section 5, chapter 214, Laws of 1963 and RCW 84.28.050; amending section 84.28.060, chapter 15, Laws of 1961 as amended by section 6, chapter 214, Laws of 1963 and RCW 84.28.060; amending section 7, chapter 214, Laws of 1963 and RCW 84.28.063; amending section 8, chapter 214, Laws of 1963 and RCW 84.28.065; amending section 84.28.160, chapter 15, Laws of 1961 as amended by section 14, chapter 214, Laws of 1963 and RCW 84.28.160; amending section 84.40.320, chapter 15, Laws of 1961 as amended by section 98, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.40.320; amending section 84.40.330, chapter 15, Laws of 1961 and RCW 84.40.330; amending section 84.41.060, chapter 15, Laws of 1961 and RCW 84.41.060; amending section 84.41.070, chapter 15, Laws of 1961 and RCW 84.41.070; amending section 84.41.080, chapter 15, Laws of 1961 and RCW 84.41.080; amending section 84.41.090, chapter 15, Laws of 1961 and RCW 84.41.090; amending section 84.41.110, chapter 15, Laws of 1961 and RCW 84.41.110; amending section 84.41.120, chapter 15, Laws of 1961 and RCW 84.41.120; amending section 84.41.130, chapter 15, Laws of 1961 and RCW 84.41.130; amending section 84.41.140, chapter 15, Laws of 1961 and RCW 84.41.140; amending section 84.44.090, chapter 15, Laws of 1961 and RCW 84.44.090; amending section 84.48.120, chapter 15, Laws of 1961 and RCW 84.48.120; amending section 84.48.130, chapter 15, Laws of 1961 and RCW 84.48.130; amending section 84.68.120, chapter 15, Laws of 1961 and RCW 84.68.120; amending section 84.68.130, chapter 15, Laws of 1961 and RCW 84.68.130; amending section 84.68.140, chapter 15, Laws of 1961 and RCW 84.68.140; amending section 84.72.010, chapter 15, Laws of 1961 and RCW 84.72.010; amending section 84.72.020, chapter 15, Laws of 1961 and RCW 84.72.020; amending section 84.72.030, chapter 15, Laws of 1961 and RCW 84.72.030; amending section 4, chapter 106, Laws of 1967 and RCW 90.50.040; and declaring an emergency.

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

Section 1. Section 11.08.160, chapter 145, Laws of 1965 and RCW 11.08.160 are each amended to read as follows:

The ~~((tax commission))~~ department of revenue of this state shall have supervision of and jurisdiction over escheat property and may institute and prosecute any proceedings deemed necessary or proper in the handling of such property, and it shall be the duty of the ~~((tax commission))~~ department of revenue to protect and conserve escheat property for the benefit of the permanent common school fund of the state until such property or the proceeds thereof have been forwarded to the state treasurer or the state land commissioner as hereinafter provided.

Sec. 2. Section 11.08.170, chapter 145, Laws of 1965 and RCW 11.08.170 are each amended to read as follows:

Escheat property may be probated under the provisions of the probate laws of this state. Whenever such probate proceedings are instituted, whether by special administration or otherwise, the petitioner shall promptly notify the ~~((tax commission))~~ department of revenue in writing thereof on forms furnished by the ~~((tax commission))~~ department of revenue to the county clerks. Thereafter, the ~~((tax commission))~~ department of revenue shall be served with written notice at least twenty days prior to any hearing on proceedings involving the valuation or sale of property, on any petition for the allowance of fees, and on all interim reports, final accounts or petitions for the determination of heirship. Like notice shall be given of the presentation of any claims to the court for allowance. Failure to furnish such notice shall be deemed jurisdictional and any order of the court entered

without such notice shall be void: PROVIDED, That the ~~((tax commission))~~ department of revenue may waive the provisions of this section in its discretion.

Sec. 3. Section 11.08.180, chapter 145, Laws of 1965 and RCW 11.08.180 are each amended to read as follows:

The ~~((tax commission))~~ department of revenue may demand copies of any papers, documents or pleadings involving the escheat property or the probate thereof deemed by it to be necessary for the enforcement of RCW 11.08.140 through 11.08.280 and it shall be the duty of the administrator or his attorney to furnish such copies to the ~~((commission))~~ department.

Sec. 4. Section 11.08.200, chapter 145, Laws of 1965 and RCW 11.08.200 are each amended to read as follows:

If any person shall take possession of escheat property without proper authorization to do so, and shall have the use thereof for a period exceeding sixty days, he shall be liable to the state for the reasonable value of such use, payment of which may be enforced by the ~~((tax commission))~~ department of revenue or by the administrator of the estate.

Sec. 5. Section 11.08.210, chapter 145, Laws of 1965 and RCW 11.08.210 are each amended to read as follows:

If at the expiration of four months from the date of the first publication of notice to creditors no heirs have appeared and established their claim to the estate, the court may enter an interim order allowing claims, expenses and partial fees. If at the expiration of sixteen months from the date of issuance of letters testamentary or of administration no heirs have appeared and established their claim to the estate, all personal property not in the form of cash shall be sold under order of the court. Personal property found by the court to be worthless shall be ordered abandoned. Real property shall not be sold for the satisfaction of liens thereon, or for the payment of the debts of decedent or expenses of administration until the proceeds of the personal property are first exhausted. The court shall then enter a decree allowing any additional fees and charges deemed proper and distributing the balance of the cash on hand, together with any real property, to the state. Remittance of cash on hand shall be made to the ~~((tax commission))~~ department of revenue which shall make proper records thereof and forthwith forward such funds to the state treasurer for deposit in the permanent common school fund of the state.

Sec. 6. Section 11.08.220, chapter 145, Laws of 1965 and RCW 11.08.220 are each amended to read as follows:

The ~~((tax commission))~~ department of revenue shall be furnished two certified copies of the decree of the court distributing any real property to the state, one of which shall be forwarded to the state land commissioner who shall thereupon assume supervision of and jurisdiction over such real property and thereafter handle it the same as state common school lands. The administrator shall also file a certified copy of the decree with the auditor of any county in which the escheated real property is situated.

Sec. 7. Section 11.08.230, chapter 145, Laws of 1965 and RCW 11.08.230 are each amended to read as follows:

Upon the appearance of heirs and the establishment of their claim to the satisfaction of the court prior to entry of the decree of distribution to the estate, the provisions of RCW 11.08.140 through 11.08.280 shall not further apply, except for purposes of appeal: PROVIDED, That the ~~((tax commission))~~ department of revenue shall be promptly given written notice of such appearance by the claimants and furnished copies of all papers or documents on which such claim of heirship is based. Any documents in a foreign language shall be accompanied by translations made by a properly qualified translator, certified by him to be true and correct translations of the original documents. The administrator or his attorney shall also furnish the ~~((tax commission))~~ department of revenue with any other available information bearing on the validity of the claim.

Sec. 8. Section 11.08.240, chapter 145, Laws of 1965 and RCW 11.08.240 are each amended to read as follows:

Any claimant to escheated funds or real property shall have seven years from the date of issuance of letters testamentary or of administration within which to file his claim. Such claim shall be filed with the court having original jurisdiction of the estate, and a copy thereof served upon the ~~((tax commission))~~ department of revenue, together with twenty days notice of the hearing thereon.

Sec. 9. Section 11.08.260, chapter 145, Laws of 1965 and RCW 11.08.260 are each amended to read as follows:

In the event the order of the court requires the payment of escheated funds or the proceeds of the sale of escheated real property, a certified copy of such order shall be served upon the ~~((tax commission))~~ department of revenue which shall thereupon take any steps necessary to effect payment to the claimant out of the general fund of the state.

Sec. 10. Section 11.76.220, chapter 145, Laws of 1965 and RCW 11.76.220 are each amended to read as follows:

If the estate remains in the hands of the agent unclaimed for three years, any property not in the form of cash shall be sold under order of the court, and all funds, after deducting a reasonable sum for expenses and services of the agent, to be fixed by the court, shall be paid into the county treasury. The county treasurer shall issue triplicate receipts therefor, one of which shall be filed with the county auditor, one with the court, and one with the ~~((tax commission))~~ department of revenue. If the funds remain in the county treasury unclaimed for a period of four years and ninety days, the county treasurer shall forthwith remit them to the ~~((tax commission))~~ department of revenue for deposit in the state treasury in the fund in which escheats and forfeitures are by law required to be deposited.

Sec. 11. Section 11.76.240, chapter 145, Laws of 1965 and RCW 11.76.240 are each amended to read as follows:

During the time the estate is held by the agent, or within four years after it is delivered to the county treasury, claim may be made thereto only by the absentee person or his legal representative, excepting that if it clearly appears that such person died prior to the decedent in whose estate distribution was made to him, but leaving lineal descendants surviving, such lineal descendants may claim. If any claim to the estate is made during the period specified above, the claimant shall forthwith notify the ~~((tax commission))~~ department of revenue in writing of

such claim. The court, being first satisfied as to the right of such person to the estate, and after the filing of a clearance from the ~~((tax commission))~~ department of revenue, shall order the agent, or the county treasurer, as the case may be, to forthwith deliver the estate, or the proceeds thereof, if sold, to such person.

Sec. 12. Section 11.76.245, chapter 145, Laws of 1965 and RCW 11.76.245 are each amended to read as follows:

After any time limitation prescribed in RCW 11.76.220, 11.76.240 or 11.76.243, the absentee claimant may, at any time, if the assets of the estate have not been claimed under the provisions of RCW 11.76.240 and 11.76.243, notify the ~~((tax commission))~~ department of revenue of his claim to the estate, and file in the court which had jurisdiction of the original probate a petition claiming the assets of the estate. The ~~((tax commission))~~ department of revenue may appear in answer to such petition. Upon proof being made to the probate court that the claimant is entitled to the estate assets, the court shall render its judgment to that effect and the assets shall be paid to the claimant without interest, upon appropriation made by the legislature.

Sec. 13. Section 8, chapter 286, Laws of 1957 and RCW 19.91.080 are each amended to read as follows:

(1) In determining "cost to the retailer" and "cost to the wholesaler" the ~~((tax commission))~~ department of revenue or a court shall receive and consider as bearing on the bona fides of the cost, evidence tending to show that any person complained against under any of the provisions of this chapter purchased cigarettes, with respect to the sale of which complaint is made, at a fictitious price, or upon terms, or in such a manner, or under such invoices, as to conceal the true cost, discounts or terms of purchase, and shall also receive and consider as bearing on the bona fides of such cost, evidence of the normal, customary and prevailing terms and discounts in connection with other sales of a similar nature in the trade area or state.

(2) Merchandise given gratis or payment made to a retailer or wholesaler by the manufacturer thereof for display, or advertising, or promotion purposes, or otherwise, shall not be considered in determining the cost of cigarettes to the retailer or wholesaler.

Sec. 14. Section 13, chapter 286, Laws of 1957 and RCW 19.91.130 are each amended to read as follows:

The licenses issuable by the ~~((tax commission))~~ department of revenue under this chapter shall be as follows:

- (1) Wholesalers license.
- (2) Retailers license.

All licenses shall be issued by the ~~((tax commission, who [which]))~~ department of revenue, which shall make rules and regulations respecting applications therefor and issuance thereof. The ~~((tax commission))~~ department of revenue may refrain from the issuance of any license under this chapter, where ~~((he [it]))~~ it has reasonable cause to believe that the applicant has wilfully withheld information requested of him for the purpose of determining the eligibility of the applicant to receive a license, or where ~~((he [it]))~~ it has reasonable cause to believe that information submitted in the application is false or misleading or is not made in good faith.

Each such license shall lapse on the last day of June of the period for which it is issued, and each such license shall be continued annually upon the conditions that the licensee shall have paid the required fee and complied with all the provisions of this chapter and the rules and regulations of the ~~((tax commission))~~ department of revenue made pursuant thereto.

Sec. 15. Section 14, chapter 286, Laws of 1957 and RCW 19.91.140 are each amended to read as follows:

For each license issued to a wholesaler, and for each continuance thereof, there shall be paid to the ~~((tax commission))~~ department of revenue a fee of three hundred dollars. If a wholesaler sells or intends to sell cigarettes at two or more places of business, whether established or temporary, a separate license with a license fee of twenty-five dollars shall be required for each additional place of business. Each license, or certificate thereof, and such other evidence of license as the ~~((tax commission))~~ department of revenue shall require, shall be exhibited in the place of business for which it is issued and in such manner as may be prescribed by the ~~((tax commission))~~ department of revenue. The ~~((tax commission))~~ department of revenue shall require each licensed wholesaler to file with him a bond in an amount not less than one thousand dollars to guarantee the proper performance of his duties and the discharge of his liabilities under this chapter. The bond shall be executed by such licensed wholesaler as principal, and by a corporation approved by the ~~((tax commission))~~ department of revenue and authorized to engage in business as a surety company in this state, as surety. The bond shall run concurrently with the wholesaler's license.

Sec. 16. Section 15, chapter 286, Laws of 1957 and RCW 19.91.150 are each amended to read as follows:

For each license issued to a retail dealer and for each continuance thereof, there shall be paid to the ~~((tax commission))~~ department of revenue a fee of five dollars. For each license issued to a retail dealer operating a cigarette vending machine, and for each continuance thereof, there shall be paid to the ~~((tax commission))~~ department of revenue a fee of one additional dollar for each vending machine.

Sec. 17. Section 18, chapter 286, Laws of 1957 and RCW 19.91.180 are each amended to read as follows:

(1) In addition to the penalties and rights imposed and set forth in RCW 19.91.020 and 19.91.110, the ~~((tax commission))~~ department of revenue may enforce the provisions of this chapter. The ~~((tax commission))~~ department of revenue shall have the power to adopt, amend and repeal rules and regulations necessary to enforce and administer the provisions of this chapter. The ~~((tax commission))~~ department of revenue is given full power and authority to revoke or suspend the license or permit of any wholesale or retail cigarette dealer in the state of Washington upon sufficient cause appearing of the violation of this chapter or upon the failure of such licensee or permittee to comply with any of the provisions of this chapter.

(2) No license or licenses shall be suspended or revoked except upon notice to the licensee and after a hearing as prescribed by said ~~((tax commission))~~ department of revenue. The said ~~((tax commission))~~ department of revenue, upon a

finding by same, that the licensee has failed to comply with any provision of this chapter or any rule or regulation promulgated thereunder, shall, in the case of the first offender, suspend the license or licenses of the said licensee for a period of not less than five nor more than twenty consecutive business days, and, in the case of a second or plural offender, shall suspend said license or licenses for a period of not less than twenty consecutive business days nor more than twelve months, and, in the event the said ~~((tax commission))~~ department of revenue finds the offender has been guilty of wilful and persistent violations, it may revoke said person's license or licenses.

(3) Any person whose license or licenses have been so revoked may apply to the ~~((tax commission))~~ department of revenue at the expiration of one year for a reinstatement of his license or licenses. Such license or licenses may be reinstated by the ~~((tax commission))~~ department of revenue if it shall appear to the satisfaction of said ~~((tax commission))~~ department of revenue that the licensee will comply with the provisions of this chapter and the rules and regulations promulgated thereunder.

(4) No person whose license has been suspended or revoked shall sell cigarettes or permit cigarettes to be sold during the period of such suspension or revocation on the premises occupied by him or upon other premises controlled by him or others or in any other manner or form whatever.

(5) Any determination and order by the ~~((tax commission))~~ department of revenue, and any order of suspension or revocation by the ~~((tax commission))~~ department of revenue of the license or licenses, or refusal to reinstate a license or licenses after revocation shall be reviewable by an appeal to the superior court of Thurston county in and for the state of Washington. Said superior court shall review the order or ruling of the ~~((tax commission))~~ department of revenue and may hear the matter de novo, having due regard to the provisions of this chapter, and the duties imposed upon the ~~((tax commission))~~ department of revenue. Said review by the superior court, and any order entered thereon by said superior court, shall be appealable under and by virtue of the procedural law of this state.

Sec. 18. Section 1, chapter 85, Laws of 1965 and RCW 23.01.226 are each amended to read as follows:

Neither a domestic or foreign corporation or its registrar or transfer agent shall be liable for transferring or causing to be transferred on the books of the corporation to or pursuant to the direction of the surviving spouse of a deceased husband or wife any share or shares or other securities theretofore issued by the corporation to the deceased or surviving spouse or both of them if the corporation or its registrar or transfer agent shall be provided with the following:

(1) A copy of an agreement which shall have been entered into between the spouses pursuant to the provisions of section 2416 Code of 1881 and RCW 26.16-.120 and certified by the auditor of the county in this state in whose office the same shall have been recorded;

(2) A certified copy of the death certificate of the deceased spouse;

(3) A release issued by the inheritance tax division of the ~~((tax commission))~~ department of revenue of this state; and

(4) An affidavit of the surviving spouse that:

(a) The shares or other securities constituted community property of the spouses at date of death of the deceased spouse;

(b) No proceedings have been instituted or are contemplated to have admitted to probate a will of the decedent or for letters of administration upon the decedent's estate; and that no proceedings have been instituted to contest or set aside or cancel the agreement; and that

(c) The claims of creditors have been paid or provided for.

Sec. 19. Section 5, chapter 280, Laws of 1961 and RCW 30.20.100 are each amended to read as follows:

Upon the death of any person having funds held by or on deposit with any state or national bank or trust company, or mutual savings bank, or any bank under the supervision of the supervisor, such bank or trust company or mutual savings bank may with full acquittance to it pay over the balance of such funds to the executor or administrator of the estate of such deceased person appointed under the laws of any other state or territory or country, after (1) such foreign executor or administrator has caused a notice to be published substantially in the manner and form herein provided for, in a newspaper of general circulation in the county in which is located the office or branch of the bank holding or having on deposit said funds, or if none, then in a newspaper of general circulation in an adjoining county, at least once a week for at least three successive weeks; (2) expiration of at least ninety days after the date of first publication of such notice; and (3) consent of the ~~((tax commission))~~ department of revenue to such payment or receipt for payment of any inheritance tax due has been received by such bank or trust company: PROVIDED, That if an executor or administrator of the estate of said deceased person shall be appointed and qualify as such under the laws of this state and deliver a certified copy of his letters testamentary or of administration or certificate of qualification to the office or branch of such bank or trust company or mutual savings bank holding or having on deposit such funds prior to its transmitting the same to a foreign executor or administrator, then such funds shall be paid to or to the order of the executor or administrator of said estate appointed and qualified in this state. The notice herein provided for may be published in substantially the following form:

In the Matter of the Estate of
....., deceased

Notice is hereby given that the undersigned representative of the estate of said deceased person has applied for transfer to the undersigned of funds of said deceased held or on deposit at the office of, the address of which is, in the state of Washington; and that such transfer may be made after ninety days from first publication of this notice unless an executor or administrator of said estate is appointed and qualified within the state of Washington and said bank or trust company receives written notice thereof at its said address prior to transmittal of such funds to the undersigned.

Date of first publication:
.....
..... of said estate
Address:

Affidavit of the publisher of the publication of such notice filed with such bank, trust company or mutual savings bank shall be sufficient proof of such publication.

Sec. 20. Section 12, chapter 176, Laws of 1963 and RCW 32.12.110 are each amended to read as follows:

Upon the death of any person having funds held by or on deposit with any mutual savings bank, such mutual savings bank may with full acquittance to it pay over the balance of such funds to the executor or administrator of the estate of such deceased person appointed under the laws of any other state or territory or country, after (1) such foreign executor or administrator has caused a notice to be published substantially in the manner and form herein provided for, in a newspaper of general circulation in the county in which is located the office or branch of the bank holding or having on deposit said funds, or if none, then in a newspaper of general circulation in an adjoining county, at least once a week for at least three successive weeks; (2) expiration of at least ninety days after the date of first publication of such notice; and (3) consent of the ((tax commission)) department of revenue to such payment or receipt for payment of any inheritance tax due has been received by such bank: PROVIDED, That if an executor or administrator of the estate of said deceased person shall be appointed and qualify as such under the laws of this state and deliver a certified copy of his letters testamentary or of administration or certificate of qualification to the office or branch of such mutual savings bank holding or having on deposit such funds prior to its transmitting the same to a foreign executor or administrator, then such funds shall be paid to or to the order of the executor or administrator of said estate appointed and qualified in this state. The notice herein provided for may be published in substantially the following form:

In the Matter of the Estate of
....., deceased

Notice is hereby given that the undersigned representative of the estate of said deceased person has applied for transfer to the undersigned of funds of said deceased held or on deposit at the office of, the address of which is, in the state of Washington; and that such transfer may be made after ninety days from first publication of this notice unless an executor or administrator of said estate is appointed and qualified within the state of Washington and said bank receives written notice thereof at its said address prior to transmittal of such funds to the undersigned.

Date of first publication:
.....
..... of said estate
Address:

Affidavit of the publisher of the publication of such notice filed with such mutual savings bank shall be sufficient proof of such publication.

Sec. 21. Section 36.38.020, chapter 4, Laws of 1963 and RCW 36.38.020 are each amended to read as follows:

In addition to the provisions levying and fixing the amount of tax, the ordinance may contain any or all of the following provisions:

- (1) A provision defining the words and terms used therein;
- (2) A provision requiring the price (exclusive of the tax to be paid by the person paying for admission) at which every admission ticket or card is sold to be conspicuously and indelibly printed or written on the face or back of that part of the ticket which is to be taken up by the management of the place for which an admission charge is exacted, and making the violation of such provision a misdemeanor punishable by fine of not exceeding one hundred dollars;
- (3) Provisions fixing reasonable exemptions from such tax;
- (4) Provisions allowing as an offset against the tax, the amount of like taxes levied, fixed, and collected within their jurisdiction by incorporated cities and towns in the county;
- (5) A provision requiring persons receiving payments for admissions taxed under said ordinance to collect the amount of the tax from the persons making such payments;
- (6) A provision to the effect that the tax imposed by said ordinance shall be deemed to be held in trust by the person required to collect the same until paid to the county treasurer, and making it a misdemeanor for any person receiving payment of the tax and appropriating or converting the same to his own use or to any use other than the payment of the tax as provided in said ordinance to the extent that the amount of such tax is not available for payment on the due date for filing returns as provided in said ordinance;
- (7) A provision that in case any person required by the ordinance to collect the tax imposed thereby fails to collect the same, or having collected the tax fails to pay the same to the county treasurer in the manner prescribed by the ordinance, whether such failure is the result of such person's own acts or the result of acts or conditions beyond such person's control, such person shall nevertheless be personally liable to the county for the amount of the tax;
- (8) Provisions fixing the time when the taxes imposed by the ordinance shall be due and payable to the county treasurer; requiring persons receiving payments for admissions to make periodic returns to the county treasurer on such forms and setting forth such information as the county treasurer may specify; requiring such return to show the amount of tax upon admissions for which such person is liable for specified preceding periods, and requiring such person to sign and transmit the same to the county treasurer together with a remittance for the amount;
- (9) A provision requiring taxpayers to file with the county treasurer verified annual returns setting forth such additional information as he may deem necessary to determine tax liability correctly;
- (10) A provision to the effect that whenever a certificate of registration, if required by the ordinance, is obtained for operating or conducting temporary places of amusement by persons who are not the owners, lessees, or custodians of the building, lot or place where the amusement is to be conducted, or whenever the business is permitted to be conducted without the procurement of a certificate, the tax imposed shall be returned and paid as provided in the ordinance by such owner, lessee, or custodian, unless paid by the person conducting the place of amusement;

(11) A provision requiring the applicant for a temporary certificate of registration, if required by the ordinance, to furnish with the application therefor, the name and address of the owner, lessee, or custodian of the premises upon which the amusement is to be conducted, and requiring the county treasurer to notify such owner, lessee, or custodian of the issuance of any such temporary certificate, and of the joint liability for such tax;

(12) A provision empowering the county treasurer to declare the tax upon temporary or itinerant places of amusement to be immediately due and payable and to collect the same, when he believes there is a possibility that the tax imposed under the ordinance will not be otherwise paid;

(13) Any or all of the applicable general administrative provisions contained in RCW 82.32.010 through 82.32.340 and 82.32.380, and the amendments thereto, except that unless otherwise indicated by the context of said sections, in all provisions so incorporated in such ordinance (a) the term "county treasurer" (of the county enacting said ordinance) shall be substituted for each reference made in said sections to the "~~((commission))~~ department," the "~~((tax commission))~~ department of revenue," "any ~~((member))~~ employee of the ((commission)) department," or "~~((secretary of the tax commission))~~ director of the department of revenue"; (b) the name of the county enacting such ordinance shall be substituted for each reference made in said sections to the "state" or to the "state of Washington"; (c) the term "this ordinance" shall be substituted for each reference made in said sections to "this chapter"; (d) the name of the county enacting said ordinance shall be substituted for each reference made in said sections to "Thurston county"; and (e) the term "board of county commissioners" shall be substituted for each reference made in said sections to the "~~((budget))~~ program planning and fiscal management."

Sec. 22. Section 35.42.090, chapter 7, Laws of 1965 and RCW 35.42.090 are each amended to read as follows:

All leases executed pursuant to RCW 35.42.010 through 35.42.090 shall be exempt from the tax imposed by chapter 19, Laws of 1951 second extraordinary session, as amended, and chapter ~~((28.45))~~ 28A.45 RCW; section 5, chapter 389, Laws of 1955, and RCW 82.04.040; and section 9, chapter 178, Laws of 1941, and RCW 82.08.090, and by rules and regulations of the ~~((tax commission))~~ department of revenue issued pursuant thereto.

Sec. 23. Section 1, chapter 207, Laws of 1909 as last amended by section 2, chapter 70, Laws of 1967 and RCW 39.08.010 are each amended to read as follows:

Whenever any board, council, commission, trustees or body acting for the state or any county or municipality or any public body shall contract with any person or corporation to do any work for the state, county or municipality, or other public body, city, town or district, such board, council, commission, trustees or body shall require the person or persons with whom such contract is made to make, execute and deliver to such board, council, commission, trustees or body a good and sufficient bond, with two or more sureties, or with a surety company as surety, conditioned that such person or persons shall faithfully perform all the provisions of such contract and pay all laborers, mechanics and subcontractors and materialmen, and all persons who shall supply such person or persons, or

subcontractors, with provisions and supplies for the carrying on of such work, which bond shall be filed with the county auditor of the county where such work is performed or improvement made, except in cases of cities and towns, in which cases such bond shall be filed with the clerk or comptroller thereof, and any person or persons performing such services or furnishing material to any subcontractor shall have the same right under the provisions of such bond as if such work, services or material was furnished to the original contractor: PROVIDED, HOWEVER, That the provisions of RCW 39.08.010 through 39.08.030 shall not apply to any money loaned or advanced to any such contractor, subcontractor or other person in the performance of any such work: PROVIDED FURTHER, That on contracts of two thousand dollars or less, the respective public entity may, in lieu of the bond, retain one hundred percent of the contract amount for a period of thirty days after date of final acceptance, or until receipt of all necessary releases from the ~~((tax commission))~~ department of revenue and the department of labor and industries.

Sec. 24. Section 43.38.040, chapter 8, Laws of 1965 and RCW 43.38.040 are each amended to read as follows:

The governor shall designate one member to be chairman of the council. The council at its first meeting shall elect a vice chairman. Meetings shall be held at times and places determined by the chairman. The chairman shall appoint from the staff of the state ~~((tax commission))~~ department of revenue, an executive secretary, whose salary shall be paid by the ~~((tax commission))~~ department of revenue, who shall attend all meetings of the council and perform such duties as it shall direct.

Sec. 25. Section 43.62.040, chapter 8, Laws of 1965 and RCW 43.62.040 are each amended to read as follows:

The ~~((tax commission))~~ department of revenue or any other state officer or officials of cities, towns, or counties shall upon request of the board furnish such information, aid, and assistance as may be required by the board in the performance of its duties. The action of the board in determining the population shall be final and conclusive.

Sec. 26. Section 43.83.030, chapter 8, Laws of 1965 and RCW 43.83.030 are each amended to read as follows:

Retirement of the bonds and interest authorized by RCW 43.83.010 through 43.83.050 shall be from the state building construction bond redemption fund created by chapter 298, Laws of 1957. The state finance committee shall on or before June 30th of each year certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by RCW 43.83.010 through 43.83.050. The state treasurer shall thereupon deposit such amount in the state building construction bond redemption fund from moneys transmitted to the state treasurer by the ~~((tax commission))~~ department of revenue and certified by the ~~((tax commission))~~ department of revenue to be sales tax collections, and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, subject to and inferior only to the charges thereon created by chapters 229 and 230, Laws of 1949, and chapter 298, Laws of

1957. Said bond redemption fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of the bonds herein authorized, the state undertakes to continue to levy and collect a tax on retail sales equal to that portion thereof allocated to said fund as provided in RCW 43.83.010 through 43.83.050, and to place the proceeds thereof in the state building construction bond redemption fund and to make said fund available to meet said payments when due until all bonds and the interest thereon authorized under RCW 43.83.010 through 43.83.050 shall have been paid.

Sec. 27. Section 43.83.064, chapter 8, Laws of 1965 and RCW 43.83.064 are each amended to read as follows:

Retirement of the bonds and interest authorized by RCW 43.83.060 through 43.83.068 shall be from the state building construction bond redemption fund created by chapter 298, Laws of 1957. The state finance committee shall on or before June thirtieth of each year certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by RCW 43.83.060 through 43.83.068. The state treasurer shall thereupon deposit such amount in the state building construction bond redemption fund from moneys transmitted to the state treasurer by the ~~((tax commission))~~ department of revenue and certified by the ~~((tax commission))~~ department of revenue to be sales tax collections, and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, subject to and inferior only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued. Said bond redemption fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of the bonds herein authorized, the state undertakes to continue to levy and collect a tax on retail sales equal to that portion thereof allocated to said fund as provided in RCW 43.83.060 through 43.83.068, and to place the proceeds thereof in the state building construction bond redemption fund and to make said fund available to meet said payments when due until all bonds and the interest thereon authorized under RCW 43.83.060 through 43.83.068 shall have been paid.

Sec. 28. Section 3, chapter 172, Laws of 1965 ex. sess. and RCW 43.83.074 are each amended to read as follows:

The state building and higher education bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by RCW 43.83.070 through 43.83.084. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in said state building and higher education bond redemption fund from moneys transmitted to the state treasurer by the ~~((tax commission))~~ department of revenue and certified by the ~~((tax commission))~~ department of revenue to be sales tax collections and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all

retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

Sec. 29. Section 3, chapter 148, Laws of 1967 ex. sess. and RCW 43.83.094 are each amended to read as follows:

The state building and higher education bond redemption fund is created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by RCW 43.83.090 through 43.83.104. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the state building and higher education bond redemption fund from moneys transmitted to the state treasurer by the ~~((tax commission))~~ department of revenue and certified by the ~~((tax commission))~~ department of revenue to be sales tax collections; and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof which has been heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

Sec. 30. Section 3, chapter 278, Laws of 1957 as amended by section 3, chapter 274 Laws of 1959 and RCW 54.28.030 are each amended to read as follows:

On or before the fifteenth day of March of each year, each district subject to this tax shall file with the ~~((tax commission))~~ department of revenue a report verified by the affidavit of its manager or secretary on forms prescribed by the ~~((tax commission))~~ department of revenue. Such report shall state (1) the gross revenues derived by the district from the sale of all distributed energy to consumers and the respective amounts derived from such sales within each county; (2) the gross revenues derived by the district from the sale of self-generated energy for resale; (3) the amount of all generated energy distributed by a district from its own generating facilities, the wholesale value thereof, and the basis on which the value is computed; (4) the total cost of all generating facilities and the cost of acquisition of land and land rights for reservoir purposes in each county, and (5) such other and further information as the ~~((tax commission))~~ department of revenue reasonably may require in order to administer the provisions of this chapter. In case of failure by a district to file such report, the ~~((commission))~~ department may proceed to determine the information, which determination shall be contestable by the district only for actual fraud.

Sec. 31. Section 4, chapter 278, Laws of 1957 and RCW 54.28.040 are each amended to read as follows:

Prior to May 1st, the ~~((tax commission))~~ department of revenue shall compute the tax imposed by this chapter for the last preceding calendar year and notify the district of the amount thereof, which shall be payable on or before the following

June 1st. Upon receipt of the amount of each tax imposed the ~~((tax commission))~~ department of revenue shall deposit the same with the state treasurer, who shall deposit four percent thereof in the general fund of the state and shall distribute the remainder in the manner hereinafter set forth. The state treasurer shall send a duplicate copy of each such letter of transmittal to the ~~((tax commission))~~ department of revenue.

Sec. 32. Section 5, chapter 278, Laws of 1957 as amended by section 4, chapter 274, Laws of 1959 and RCW 54.28.050 are each amended to read as follows:

After computing the tax imposed by this chapter, the ~~((tax commission))~~ department of revenue shall instruct the state treasurer, after placing four percent in the state general fund, to distribute the balance collected under RCW 54.28.020 subsection (1) to each county in proportion to the gross revenue from sales made within each county; and to distribute the balance collected under RCW 54.28.020 subsections (2) and (3) as follows: If the entire generating facility, including reservoir, if any, is in a single county then all of the balance to the county where such generating facility is located. If any reservoir is in more than one county, then to each county in which the reservoir or any portion thereof is located a percentage equal to the percentage determined by dividing the total cost of the generating facilities, including adjacent switching facilities, into twice the cost of land and land rights acquired for any reservoir within each county, land and land rights to be defined the same as used by the federal power commission. If the powerhouse and dam, if any, in connection with such reservoir are in more than one county, the balance shall be divided sixty percent to the county in which the owning district is located and forty percent to the other county or counties or if said powerhouse and dam, if any, are owned by a joint operating agency organized under chapter 43.52 RCW, or by more than one district or are outside the county of the owning district, then to be divided equally between the counties in which such facilities are located. If all of the powerhouse and dam, if any, are in one county, then the balance shall be distributed to the county in which the facilities are located.

Sec. 33. Section 6-104, chapter 157, Laws of 1965 ex. sess. and RCW 62A.6-104 are each amended to read as follows:

(1) Except as provided with respect to auction sales (RCW 62A.6-108), a bulk transfer subject to this Article is ineffective against any creditor of the transferor unless:

(a) The transferee requires the transferor to furnish a list of his existing creditors prepared as stated in this section; and

(b) The parties prepare a schedule of the property transferred sufficient to identify it; and

(c) The transferee preserves the list and schedule for six months next following the transfer and permits inspection of either or both and copying therefrom at all reasonable hours by any creditor of the transferor, and files the list and schedule in the office of the county auditor of the county in which the property transferred is located and serves it upon the office of the state ~~((tax commission))~~ department of revenue; the list and schedule shall be indexed as chattel mortgages are indexed, the name of the vendor being indexed as mortgagor and the name of the intending purchaser as mortgagee.

(2) The list of creditors and the schedule must be signed and sworn to by the transferor or his agent. It must contain the names and business addresses of all creditors of the transferor, with the amounts when known, and also the names of all persons who are known to the transferor to assert claims against him even though such claims are disputed. If the transferor is the obligor of an outstanding issue of bonds, debentures or the like as to which there is an indenture trustee, the list of creditors need include only the name and address of the indenture trustee and the aggregate outstanding principal amount of the issue.

(3) Responsibility for the completeness and accuracy of the list of creditors rests on the transferor, and the transfer is not rendered ineffective by errors or omissions therein unless the transferee is shown to have had knowledge.

Sec. 34. Section 6-107, chapter 157, Laws of 1965 ex. sess. and RCW 62A.6-107 are each amended to read as follows:

(1) The notice to creditors (RCW 62A.6-105) shall state:

(a) that a bulk transfer is about to be made; and

(b) the names and business addresses of the transferor and transferee, and all other business names and addresses used by the transferor within three years last past so far as known to the transferee; and

(c) whether or not all the debts of the transferor are to be paid in full as they fall due as a result of the transaction, and if so, the address to which creditors should send their bills.

(2) If the debts of the transferor are not to be paid in full as they fall due or if the transferee is in doubt on that point then the notice shall state further:

(a) the location and general description of the property to be transferred and the estimated total of the transferor's debts;

(b) the address where the schedule of property and list of creditors (RCW 62A.6-104) may be inspected;

(c) whether the transfer is to pay existing debts and if so the amount of such debts and to whom owing;

(d) whether the transfer is for new consideration and if so the amount of such consideration and the time and place of payment; and

(e) if for new consideration the time and place where creditors of the transferor are to file their claims.

(3) The notice in any case shall be delivered personally or sent by registered or certified mail to all the persons shown on the list of creditors furnished by the transferor (RCW 62A.6-104), to all other persons who are known to the transferee to hold or assert claims against the transferor, and to the office of the state ((~~tax commission~~)) department of revenue. A copy of the notice shall be filed in the office of the county auditor of the county in which the property transferred is located and indexed as chattel mortgages are indexed, the name of the vendor being indexed as mortgagor and the name of the intending purchaser as mortgagee.

Sec. 35. Section 4, chapter 27, Laws of 1963 ex. sess. and RCW 72.19.100 are each amended to read as follows:

The juvenile correctional institution building bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by RCW 72.19.070 through 72.19.130. The state finance committee shall, on or before June 30th of

each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements and the state treasurer shall thereupon deposit such amount in said juvenile correctional institution building bond redemption fund from moneys transmitted to the state treasurer by the ~~((tax commission))~~ department of revenue and certified by the ~~((tax commission))~~ department of revenue to be sales tax collections and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

Sec. 36. Section 4, chapter 230, Laws of 1949 and RCW 72.99.040 are each amended to read as follows:

The institutional building bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by RCW 72.99.010 through 72.99.060. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements and the state treasurer shall thereupon deposit such amount in said institutional building bond redemption fund from moneys transmitted to the state treasurer by the ~~((tax commission))~~ department of revenue and certified by the ~~((tax commission))~~ department of revenue to be sales tax collections and such amount certified by the state finance committee to the state treasurer shall be a first and prior charge against all retail sales tax revenues of the state of Washington.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

Sec. 37. Section 6, chapter 298, Laws of 1957 and RCW 72.99.120 are each amended to read as follows:

There is hereby created in the state treasury a special fund to be known as the state building construction bond redemption fund, which fund shall be exclusively devoted for the retirement of said bonds upon maturity and the payment of interest as it falls due. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and the state treasurer shall thereupon deposit such amount in said state building construction bond redemption fund from moneys transmitted to the state treasurer by the ~~((tax commission))~~ department of revenue and certified by the ~~((tax commission))~~ department of revenue to be sales tax collections, and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, subject to and inferior only to the charges thereon created by chapters 229 and 230, Laws of 1949 [RCW 28A.47.130–28A.47.180 and 72.99.010–72.99.060]. Said bond redemption fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment

thereof. As a part of the contract of sale of the bonds herein authorized, the state undertakes to continue to levy and collect a tax on retail sales equal to that portion thereof allocated to said fund as provided in RCW 72.99.070 through 72.99.160, and to place the proceeds thereof in the state building construction bond redemption fund and to make said fund available to meet said payments when due until all bonds and the interest thereon authorized under RCW 72.99.070 through 72.99.160 shall have been paid.

Sec. 38. Section 4, chapter 299, Laws of 1957 and RCW 72.99.200 are each amended to read as follows:

The institutional building bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by RCW 72.99.170 through 72.99.220. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements and the state treasurer shall thereupon deposit such amount in said institutional building bond redemption fund from moneys transmitted to the state treasurer by the ~~((tax commission))~~ department of revenue and certified by the ~~((tax commission))~~ department of revenue to be sales tax collections and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

Sec. 39. Section 82.04.020, chapter 15, Laws of 1961 and RCW 82.04.020 are each amended to read as follows:

"Tax year" or "taxable year" means either the calendar year, or the taxpayer's fiscal year when permission is obtained from the ~~((tax commission))~~ department of revenue to use a fiscal year in lieu of the calendar year.

Sec. 40. Section 82.04.090, chapter 15, Laws of 1961 and RCW 82.04.090 are each amended to read as follows:

"Value proceeding or accruing" means the consideration, whether money, credits, rights, or other property expressed in terms of money, actually received or accrued. The term shall be applied, in each case, on a cash receipts or accrual basis according to which method of accounting is regularly employed in keeping the books of the taxpayer. The ~~((tax commission))~~ department of revenue may provide by regulation that the value proceeding or accruing from sales on the installment plan under conditional contracts of sale may be reported as of the dates when the payments become due.

Sec. 41. Section 82.04.300, chapter 15, Laws of 1961 as amended by section 3, chapter 293, Laws of 1961 and RCW 82.04.300 are each amended to read as follows:

This chapter shall apply to any person engaging in any business activity taxable under RCW 82.04.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270, 82.04.275, 82.04.280 and 82.04.290 other than those whose value of products, gross proceeds

of sales, or gross income of the business is less than three hundred dollars per month: PROVIDED, That where one person engages in more than one business activity and the combined measures of the tax applicable to such businesses equal or exceed three hundred dollars per month, no exemption or deduction from the amount of tax is allowed by this section.

Any person claiming exemption under the provisions of this section may be required to file returns even though no tax may be due: PROVIDED, FURTHER, That the ((tax commission)) department of revenue may allow exemptions, by general rule or regulation, in those instances in which quarterly, semiannual, or annual returns are permitted. Exemptions for such periods shall be equivalent in amount to the total of exemptions for each month of a reporting period.

Sec. 42. Section 82.04.450, chapter 15, Laws of 1961 and RCW 82.04.450 are each amended to read as follows:

The value of products, including byproducts, extracted or manufactured shall be determined by the gross proceeds derived from the sale thereof whether such sale is at wholesale or at retail, to which shall be added all subsidies and bonuses received from the purchaser or from any other person with respect to the extraction, manufacture, or sale of such products or byproducts by the seller, except:

(1) Where such products, including byproducts, are extracted or manufactured for commercial or industrial use;

(2) Where such products, including byproducts, are shipped, transported or transferred out of the state, or to another person, without prior sale or are sold under circumstances such that the gross proceeds from the sale are not indicative of the true value of the subject matter of the sale.

In the above cases the value shall correspond as nearly as possible to the gross proceeds from sales in this state of similar products of like quality and character, and in similar quantities by other taxpayers, plus the amount of subsidies or bonuses ordinarily payable by the purchaser or by any third person with respect to the extraction, manufacture, or sale of such products. The ((tax commission)) department of revenue shall prescribe uniform and equitable rules for the purpose of ascertaining such values.

Sec. 43. Section 82.04.470, chapter 15, Laws of 1961 and RCW 82.04.470 are each amended to read as follows:

Unless a seller has taken from the purchaser a resale certificate signed by, and bearing the name and address and registration number of the purchaser to the effect that the property was purchased for resale, or unless the nature of the transaction is clearly shown as a sale at wholesale by the books and records of the taxpayer in such other manner as the ((tax commission)) department of revenue shall by regulation provide, the burden of proving that a sale of tangible personal property was not a sale at retail shall be upon the person who made it.

Sec. 44. Section 82.04.480, chapter 15, Laws of 1961 and RCW 82.04.480 are each amended to read as follows:

Every consignee, bailee, factor, or auctioneer having either actual or constructive possession of tangible personal property, or having possession of the documents of title thereto, with power to sell such tangible personal property in his or

its own name and actually so selling, shall be deemed the seller of such tangible personal property within the meaning of this chapter; and further, the consignor, bailor, principal, or owner shall be deemed a seller of such property to the consignee, bailee, factor, or auctioneer.

The burden shall be upon the taxpayer in every case to establish the fact that he is not engaged in the business of selling tangible personal property but is acting merely as broker or agent in promoting sales for a principal. Such claim will be allowed only when the taxpayer's accounting records are kept in such manner as the ~~((tax commission))~~ department of revenue shall by general regulation provide.

Sec. 45. Section 82.04.490, chapter 15, Laws of 1961 and RCW 82.04.490 are each amended to read as follows:

The taxes imposed hereunder shall be due and payable in monthly installments and remittance therefor shall be made on or before the fifteenth day of the month next succeeding the end of the monthly period in which tax accrued. The taxpayer, on or before said fifteenth day of said month, shall make out a return, upon such forms and setting forth such information as the ~~((tax commission))~~ department of revenue may require, showing the amount of the tax for which he is liable for the preceding monthly period, sign and transmit the same to the ~~((commission))~~ department, together with a remittance for such amount in the form required: PROVIDED, That any such taxpayer may elect to remit each month on such forms as the ~~((tax commission))~~ department of revenue shall in its discretion prescribe, an estimate of the tax to be due for each month on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax accrued, and a quarterly return to the ~~((commission))~~ department on or before the fifteenth day of the month next succeeding the end of each quarter of every year and shall remit therewith the balance of the actual tax due for the period of the report: PROVIDED FURTHER, That every person who shall elect to remit a monthly "estimate of the tax to be due" as hereinabove described shall remit each month at least one-third of the tax paid during the previous quarter or, ninety percent of the tax actually collected or owing during the month, whichever is greater.

The ~~((tax commission))~~ department of revenue may also relieve any taxpayer or class of taxpayers from the obligation of filing monthly returns and may require the return to cover other reporting periods, but in no event shall returns be filed for a period greater than one year.

The ~~((tax commission))~~ department of revenue may also, by general rule or regulation, establish conditions for submission of annual or semiannual reconciling returns by such taxpayers or class of taxpayers in lieu of quarterly returns.

The ~~((tax commission))~~ department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

Sec. 46. Section 82.08.040, chapter 15, Laws of 1961 and RCW 82.08.040 are each amended to read as follows:

Every consignee, bailee, factor, or auctioneer authorized, engaged, or employed to sell or call for bids on tangible personal property belonging to another, and so selling or calling, shall be deemed the seller of such tangible personal property within the meaning of this chapter and all sales made by such persons

are subject to its provisions even though the sale would have been exempt from tax hereunder had it been made directly by the owner of the property sold. Every consignee, bailee, factor, or auctioneer shall collect and remit the amount of tax due under this chapter with respect to sales made or called by him: PROVIDED, That if the owner of the property sold is engaged in the business of selling tangible personal property in this state the tax imposed under this chapter may be remitted by such owner under such rules and regulations as the ~~((tax commission))~~ department of revenue shall prescribe.

Sec. 47. Section 82.08.060, chapter 15, Laws of 1961 and RCW 82.08.060 are each amended to read as follows:

The ~~((tax commission))~~ department of revenue shall have power to adopt rules and regulations prescribing methods and schedules for the collection of the tax required to be collected by the seller from the buyer under this chapter. The methods and schedules prescribed shall be adopted so as to eliminate the collection of fractions of one cent and so as to provide that the aggregate collections of all taxes by the seller shall, insofar as practicable, equal the amount of tax imposed by this chapter. Such schedules may provide that no tax need be collected from the buyer upon sales below a stated sum and may be amended from time to time to accomplish the purposes set forth herein.

Sec. 48. Section 82.08.080, chapter 15, Laws of 1961 as amended by section 2, chapter 244, Laws of 1963 and RCW 82.08.080 are each amended to read as follows:

The ~~((commission))~~ department of revenue may authorize a seller to pay the tax levied under this chapter upon sales made through vending machines and similar devices or where sales are made under conditions of business such as to render impracticable the collection of the tax as a separate item and waive collection of the tax from the customer. Where sales are made by receipt of a coin or coins dropped into a receptacle that results in delivery of the merchandise in single purchases of smaller value than the minimum sale upon which a one cent tax may be collected from the purchaser, according to the schedule provided by the ~~((commission))~~ department under authority of RCW 82.08.060, and where the design of the sales device is such that multiple sales of items are not possible or cannot be detected so as practically to assess a tax, in such a case the selling price for the purposes of the tax imposed under RCW 82.08.020 shall be sixty percent of the gross receipts of the vending machine through which such sales are made. No such authority shall be granted except upon application to the ~~((commission))~~ department and unless the ~~((commission))~~ department, after hearing, finds that the conditions of the applicant's business are such as to render impracticable the collection of the tax in the manner otherwise provided. The ~~((commission))~~ department, by regulation, may provide that the applicant, under this section, furnish a proper bond sufficient to secure the payment of the tax.

Sec. 49. Section 82.08.090, chapter 15, Laws of 1961 and RCW 82.08.090 are each amended to read as follows:

In the case of installment sales and leases of personal property, the ~~((commission))~~ department of revenue, by regulation, may provide for the collection of

taxes upon the installments of the purchase price, or amount of rental, as of the time the same fall due.

Sec. 50. Section 82.08.100, chapter 15, Laws of 1961 and RCW 82.08.100 are each amended to read as follows:

The (~~tax commission~~) department of revenue, by general regulation, may provide that a taxpayer whose regular books of account are kept on a cash receipts basis may file returns based upon his cash receipts for each reporting period and pay the tax herein provided upon such basis in lieu of reporting and paying the tax on all sales made during such period.

Sec. 51. Section 82.08.120, chapter 15, Laws of 1961 and RCW 82.08.120 are each amended to read as follows:

Whoever, excepting as expressly authorized by this chapter, refunds, remits, or rebates to a buyer, either directly or indirectly and by whatever means, all or any part of the tax levied by this chapter, or makes in any form of advertising, verbal or otherwise, any statements which might infer that he is absorbing the tax or paying the tax for the buyer by an adjustment of prices, or at a price including the tax, or in any other manner whatsoever shall be guilty of a misdemeanor. The violation of this section by any person holding a license granted by the state or any political subdivision thereof shall be sufficient grounds for the cancellation of the license of such person upon written notification by the (~~tax commission~~) department of revenue to the proper officer of the department granting the license that such person has violated the provisions of this section. Before any license shall be canceled hereunder, the licensee shall be entitled to a hearing before the department granting the license under such regulations as the department may prescribe.

Sec. 52. Section 82.12.010, chapter 15, Laws of 1961 as last amended by section 17, chapter 173, Laws of 1965 ex. sess. and RCW 82.12.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Value of the article used" shall mean the consideration, whether money, credit, rights, or other property, expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the article of tangible personal property, the use of which is taxable under this chapter. The term includes, in addition to the consideration paid or given or contracted to be paid or given, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules and regulations as the (~~tax commission~~) department of revenue may prescribe.

In case the articles used are acquired by bailment, the value of the use of the articles so used shall be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of

such use at the places of use of similar products of like quality and character under such rules and regulations as the ~~((tax commission))~~ department of revenue may prescribe;

In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used shall be determined according to the value of the ingredients of such articles.

(2) "Use," "used," "using," or "put to use" shall have their ordinary meaning, and shall mean the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, or any other act preparatory to subsequent actual use or consumption within this state;

(3) "Taxpayer" and "purchaser" include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in chapters 82.04 and 82.08 RCW;

(4) "Retailer" means every person engaged in the business of selling tangible personal property at retail and every person required to collect from purchasers the tax imposed under this chapter;

(5) The meaning ascribed to words and phrases in chapters 82.04 and 82.08 RCW, insofar as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this chapter. "Consumer," in addition to the meaning ascribed to it in chapters 82.04 and 82.08 RCW insofar as applicable, shall also mean any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services.

Sec. 53. Section 82.12.050, chapter 15, Laws of 1961 and RCW 82.12.050 are each amended to read as follows:

Each taxpayer subject to the provisions of this chapter shall, on or before the fifteenth day of the month succeeding the end of the monthly period in which the tax accrued, file a return with the ~~((commission))~~ department of revenue showing in detail the total quantity of tangible personal property used by him within the state during the preceding monthly period subject to the tax herein imposed, and such other information as the ~~((commission))~~ department may deem pertinent. Each taxpayer shall remit to the ~~((commission))~~ department with his return the amount of tax shown thereon to be due: PROVIDED, That any such taxpayer may elect to remit each month on such forms as the ~~((tax commission))~~ department of revenue shall in its discretion prescribe, an estimate of the tax to be due for each month on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax accrued, and a quarterly return to the ~~((commission))~~ department on or before the fifteenth day of the month next succeeding the end of each quarter of every year and shall remit therewith the balance of the actual tax due for the period of the report: PROVIDED FURTHER, That every person who shall elect to remit a monthly "estimate of the tax to be due" as hereinabove described shall remit each month at least one-third of the tax paid during the previous quarter or, ninety percent of the tax actually collected or owing during the month, whichever is greater.

The ~~((tax commission))~~ department of revenue may also relieve any taxpayer or class of taxpayers from the obligation of filing monthly returns and may require the return to cover other reporting periods, but in no event shall returns be filed for a period greater than one year.

The ~~((tax commission))~~ department of revenue may also, by general rule or regulation, establish conditions for submission of annual or semiannual reconciling returns by such taxpayers or class of taxpayers in lieu of quarterly returns.

The ~~((tax commission))~~ department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

The ~~((tax commission))~~ department of revenue shall, by rule or regulation, establish procedures and forms for reporting consonant with efficient tax administration and accounting procedure to carry into effect the provisions of this chapter.

Sec. 54. Section 82.12.060, chapter 15, Laws of 1961 as amended by section 16, chapter 293, Laws of 1961 and RCW 82.12.060 are each amended to read as follows:

In the case of installment sales and leases of personal property, the ~~((commission))~~ department, by regulation, may provide for the collection of taxes upon the installments of the purchase price, or amount of rental, as of the time the same fall due.

In the case of property acquired by bailment, the ~~((commission))~~ department, by regulation, may provide for payment of the tax due in installments based on the reasonable rental for the property as determined under RCW 82.12.010(1).

Sec. 55. Section 82.12.070, chapter 15, Laws of 1961 and RCW 82.12.070 are each amended to read as follows:

The ~~((tax commission))~~ department of revenue, by general regulation, may provide that a taxpayer whose regular books of account are kept on a cash receipts basis may file returns based upon his cash receipts for each reporting period and pay the tax herein provided upon such basis in lieu of reporting and paying the tax on all sales made during such period.

Sec. 56. Section 82.16.070, chapter 15, Laws of 1961 as amended by section 14, chapter 293, Laws of 1961 and RCW 82.16.070 are each amended to read as follows:

The taxes imposed hereunder shall be due and payable in monthly installments and remittance therefor shall be made on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax accrued. The taxpayer on or before the fifteenth day of such month shall make out a return, upon such forms and setting forth such information as the ~~((tax commission))~~ department of revenue may require, showing the amount of the tax for which he is liable for the preceding monthly period, sign, and transmit the same to the ~~((commission))~~ department, together with a remittance for such amount in the form required in chapter 82.32 RCW: PROVIDED, That any such taxpayer may elect to remit each month on such forms as the ~~((tax commission))~~ department of revenue shall in its discretion prescribe, an estimate of the tax to be due for each month on or before the fifteenth day of the month next succeeding the end of the

monthly period in which the tax accrued, and a quarterly return to the (~~commission~~) department on or before the fifteenth day of the month next succeeding the end of each quarter of every year and shall remit therewith the balance of the actual tax due for the period of the report: PROVIDED FURTHER, That every person who shall elect to remit a monthly "estimate of the tax to be due" as hereinabove described shall remit each month at least one-third of the tax paid during the previous quarter or, at least ninety percent of the tax actually collected or owing during the month.

The (~~tax commission~~) department of revenue may also relieve any taxpayer or class of taxpayers from the obligation of filing monthly returns and may require the return to cover other reporting periods, but in no event shall returns be filed for a period greater than one year.

The (~~tax commission~~) department of revenue may also, by general rule or regulation, establish conditions for submission of annual or semiannual reconciling returns by such taxpayers or class of taxpayers in lieu of quarterly returns.

The (~~tax commission~~) department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

The (~~commission~~) department shall, by rule or regulation, establish procedures and forms for reporting consonant with efficient tax administration and accounting procedure to carry into effect the provisions of this chapter.

Sec. 57. Section 82.20.020, chapter 15, Laws of 1961 and RCW 82.20.020 are each amended to read as follows:

The (~~tax commission~~) department of revenue shall cause to be prepared and distributed for the payment of the taxes prescribed in this chapter suitable stamps denoting the tax on any instrument, document, or paper, to which the same may be affixed, and shall prescribe such method for the affixing of the stamps as it may deem expedient.

Sec. 58. Section 82.20.030, chapter 15, Laws of 1961 and RCW 82.20.030 are each amended to read as follows:

Whenever any stamp is used for denoting any tax imposed by this chapter, except as hereinafter provided, the person using or affixing the same shall write or stamp thereon, the initials of his name and the date upon which it is attached or used, so that the stamp may not again be used. The (~~tax commission~~) department of revenue may prescribe such other method for the cancellation of the stamps as it may deem expedient.

Sec. 59. Section 82.20.040, chapter 15, Laws of 1961 and RCW 82.20.040 are each amended to read as follows:

The (~~tax commission~~) department of revenue may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of law to denote the payment of any tax, as may have been spoiled, destroyed or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which, through mistake, have been improperly or unnecessarily used, or where the returns or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected. Such allowance or redemption may be made, either by giving other stamps in lieu

of the stamps so allowed for or redeemed or by refunding the amount of value to the owner thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless have been returned to the ((~~commission~~)) department, or until satisfactory proof has been made showing the reason why they cannot be returned. No claim for the redemption of or allowance for stamps shall be allowed unless presented within two years after the purchase of the stamps from the ((~~commission~~)) department.

Sec. 60. Section 82.20.060, chapter 15, Laws of 1961 and RCW 82.20.060 are each amended to read as follows:

Each of the following acts is hereby declared to be a gross misdemeanor and punishable as such: (1) To take, sign, issue, or accept, or cause to be made, signed, issued, or accepted, any instrument of any kind without the full amount of the tax thereon being duly paid; (2) to fraudulently cut, tear, or remove from any instrument, upon which any tax is imposed by this chapter, any stamp or the impression of any stamp, die, plate, or other article provided, made, or used in the pursuance of this chapter; (3) to wilfully remove, or alter the cancellation or defacing marks of, or otherwise prepare any stamp, with intent to use, or cause the same to be used, after it has already been used, or knowingly or wilfully buy, sell, offer for sale, or give away, any such washed or restored stamp to any person for use, or knowingly use the same; (4) for any person other than the ((~~tax commission~~)) department of revenue or its duly authorized agent to sell any stamp provided for herein, not affixed to any conveyance taxed herein, whether such stamp is genuine or counterfeit.

Sec. 61. Section 82.24.030, chapter 15, Laws of 1961 and RCW 82.24.030 are each amended to read as follows:

In order to enforce collection of the tax hereby levied, the ((~~tax commission~~)) department of revenue shall design and have printed stamps of such size and denominations as may be determined by the ((~~commission~~)) department, such stamps to be affixed on the smallest container or package that will be handled, sold, used, consumed, or distributed, to permit the ((~~commission~~)) department to readily ascertain by inspection, whether or not such tax has been paid. Every person shall cause to be affixed on every package of cigarettes on which a tax is due, stamps of an amount equaling the tax due thereon before he sells, offers for sale, uses, consumes, handles, removes, or otherwise disturbs and distributes the same: PROVIDED, That where it is established to the satisfaction of the ((~~commission~~)) department that it is impractical to affix such stamps to the smallest container or package, the ((~~commission~~)) department may authorize the affixing of stamps of appropriate denomination to a large container or package.

The ((~~commission~~)) department may authorize the use of meter stamping machines for imprinting stamps, which imprinted stamps shall be in lieu of those otherwise provided for under this chapter, and if such use is authorized, shall provide reasonable rules and regulations with respect thereto.

Sec. 62. Section 82.24.090, chapter 15, Laws of 1961 and RCW 82.24.090 are each amended to read as follows:

Every wholesaler or retailer subject to the provisions of this chapter shall keep and preserve for a period of five years an accurate set of records, showing all

transactions had with reference to the purchase and sale of any of the articles taxed herein and such persons shall also keep separately all invoices, and shall keep a record of all stamps purchased, and all such records and all stock of taxable articles on hand shall be open to inspection at all reasonable times by the ~~((tax commission))~~ department of revenue or its duly authorized agent.

All wholesalers shall within fifteen days after the first day of each month file with the ~~((tax commission))~~ department of revenue a report of all drop shipment sales made by them to retailers within this state during the preceding month, which report shall show the name and address of the retailer to whom the cigarettes were sold, the kind and quantity, and the date of delivery thereof.

Sec. 63. Section 82.24.110, chapter 15, Laws of 1961 and RCW 82.24.110 are each amended to read as follows:

Each of the following acts is a gross misdemeanor and punishable as such:

(1) To sell, except as a registered wholesaler or retailer engaged in interstate commerce as to the article being taxed herein, without the stamp first being affixed;

(2) To use or have in possession knowingly or intentionally any forged or counterfeit stamps;

(3) For any person other than the ~~((tax commission))~~ department of revenue or its duly authorized agent to sell any stamps not affixed to any of the articles taxed herein whether such stamps are genuine or counterfeit;

(4) To violate any of the provisions of this chapter;

(5) To violate any lawful rule or regulation made and published by the ~~((tax commission))~~ department of revenue;

(6) To use any stamps more than once;

(7) To refuse to allow the ~~((tax commission))~~ department of revenue or any duly authorized agent thereof, on demand, to make full inspection of any place of business where any of the articles herein taxed are sold or otherwise hinder or prevent such inspection;

(8) For any retailer, except one permitted to maintain an unstamped stock to engage in interstate business as provided herein, to have in possession in any place of business any of the articles herein taxed, unless the same have the proper stamps attached;

(9) For any person to make, use, or present or exhibit to the ~~((tax commission))~~ department of revenue or any duly authorized agent thereof, any invoice for any of the articles herein taxed which bears an untrue date or falsely states the nature or quantity of the goods therein invoiced;

(10) For any wholesaler or retailer or his agents or employees to fail to produce on demand of the ~~((tax commission))~~ department of revenue all invoices of all the articles herein taxed or stamps bought by him or received in his place of business within five years prior to such demand unless he can show by satisfactory proof that the nonproduction of the invoices was due to causes beyond his control;

(11) For any person to receive in this state any shipment of any of the articles taxed herein, when the same are not stamped, for the purpose of avoiding payment of tax. It is presumed that persons other than dealers who purchase or receive shipments of unstamped cigarettes do so to avoid payment of the tax imposed herein.

All agents, employees, and others who aid, abet, or otherwise participate in any way in the violation of the provisions of this chapter or in any of the offenses herein described shall be guilty and punishable as principals, to the same extent as any wholesaler or retailer violating the provisions thereof.

Sec. 64. Section 82.24.120, chapter 15, Laws of 1961 and RCW 82.24.120 are each amended to read as follows:

If any person, subject to the provisions of this chapter or any rules and regulations promulgated by the ~~((tax commission))~~ department of revenue under authority hereof, is found to have failed to affix the stamps required, or to have them affixed as herein provided, or to pay any tax due hereunder, or to have violated any of the provisions of this chapter or rules and regulations promulgated by the ~~((tax commission))~~ department of revenue in the administration hereof, there shall be assessed and collected from such person, in addition to any tax that may be found due, a penalty equal to the amount of any tax found to be due plus interest thereon at the rate of one percent for each thirty days or portions thereof from the date the tax became due, and upon notice mailed to the last known address of the taxpayer said amount shall become due and payable in ten days, at which time the ~~((commission))~~ department or its duly authorized agent may make immediate demand upon such person for the payment of all such taxes and penalties. The ~~((commission))~~ department, for good reason shown, may remit all or any part of penalties imposed, but the taxpayer must pay all taxes due and interest thereon, at the rate of one percent for each thirty days or portion thereof. The keeping of any unstamped articles coming within the provisions of this chapter shall be prima facie evidence of intent to violate the provisions of this chapter.

Sec. 65. Section 82.24.140, chapter 15, Laws of 1961 and RCW 82.24.140 are each amended to read as follows:

In all cases of seizure of any property made subject to forfeiture under the provisions of this chapter, which, in the opinion of the person making the seizure, is of the appraised value of one hundred dollars, or more, the said person shall proceed as follows:

(1) He shall cause a list containing a particular description of the property seized to be prepared in duplicate, and an appraisal thereof to be made by three sworn appraisers to be selected by him, who shall be respectable and disinterested citizens of this state, residing within the county where the seizure was made. Said list and appraisal shall be properly attested by the said person and the said appraisers, for which service each of the said appraisers shall be allowed the sum of one dollar per day for not exceeding two days, to be paid as other costs;

(2) If the property seized is believed, by the person making the seizure, to be of less value than one hundred dollars, no appraisal shall be made;

(3) The person making the seizure shall proceed to give notice thereof for five days, in writing, at three places in the county where the seizure is made. One of

the notices shall be posted at the county court house; another at the place where the goods were seized; and the other at some public place. The notice shall describe the property seized, and the time and place and cause of seizure and give the name and place of residence, if known, of the person from whom the property was seized, and shall require any person claiming it to appear and make such claim in writing, within five days from the date of the first posting of such notice. Such person making the seizure shall also deliver to the person from whom the property was seized, and also to the owner, if known, a copy of the said notice;

(4) Any person claiming the said property seized as contraband, within the time specified in the notice, may file with the ~~((tax commission))~~ department of revenue a claim, in writing, stating his interest in the property seized, and may execute a bond to the ~~((tax commission))~~ department of revenue in a penal sum equal to double the value of the property so seized, but in no case shall said bond be less than one hundred dollars, with sureties to be approved by the clerk of the superior court in the county in which the property is seized, conditioned that in case of condemnation of the property seized, the obligor shall pay to the ~~((tax commission))~~ department of revenue the full value of the property so seized, and all costs and expenses of the proceedings to obtain such condemnation, including a reasonable attorney's fee. And, upon delivery of such bond to the ~~((tax commission))~~ department of revenue, it shall transmit the same with the duplicate list or description of the property seized to the prosecuting attorney of the county in which such seizure was made, and said prosecuting attorney shall prosecute the case to secure the forfeiture of said property in the court having jurisdiction. Upon filing the bond aforesaid, the said property shall be delivered to the claimant pending the outcome of the case: PROVIDED, That he shall at once affix the required stamps thereto;

(5) If no claim is interposed and no bond is filed within the time above specified, such property shall be forfeited, without further proceedings, and the same shall be sold as herein provided, and the proceeds of sale when received by the ~~((tax commission))~~ department of revenue shall be paid into the state treasury as are other funds collected: PROVIDED, That in seizures of property of less value than one hundred dollars, the same may be advertised by the ~~((tax commission))~~ department of revenue with other quantities at Olympia or at any other city or town in which a branch office of the ~~((tax commission))~~ department of revenue is located and disposed of as hereinbefore provided;

(6) In proceedings to secure a confiscation of the property hereinbefore mentioned, where the value of the goods seized at one time is one hundred dollars, or less, the justice court of the place where the property is situated, shall have jurisdiction to try the cause. Where the value of the property seized at one time is more than one hundred dollars, then the superior court of the county where the property is seized shall have jurisdiction to try the cause.

The proceedings against property seized, according to the provisions of this chapter, shall be considered a proceeding in rem unless otherwise herein provided.

Within ten days after filing the bond provided for in subdivision (4) hereof, the claimant shall file a petition in the court having jurisdiction of the cause, and the ~~((tax commission))~~ department of revenue or other party authorized to prosecute the confiscation of said property, shall plead to it as if it were an ordinary action

at law, and the same rules of pleading and procedure applicable to actions in the justice court or superior court shall be observed in this action, and the costs shall be adjudged as in other actions: PROVIDED, HOWEVER, That neither the state, nor the ~~((tax commission))~~ department of revenue, nor any other person representing the state shall be liable for the costs in event the court shall not confiscate the property in controversy.

Sec. 66. Section 82.24.180, chapter 15, Laws of 1961 and RCW 82.24.180 are each amended to read as follows:

The ~~((tax commission))~~ department of revenue may return any property seized under the provisions of this chapter when it is shown that there was no intention to violate the provisions thereof.

When any property is seized, under the provisions of this chapter, the ~~((commission))~~ department may return such goods to the parties from whom they were seized if and when such parties affix the proper amount of stamps thereto, and pay to the ~~((commission))~~ department as penalty an amount equal to twenty-five percent of the amount of tax due and interest thereon at the rate of one percent for each thirty days or portion thereof from the date the tax became due, and in such cases, no advertisement shall be made or notices posted in connection with said seizure.

Sec. 67. Section 82.24.190, chapter 15, Laws of 1961 and RCW 82.24.190 are each amended to read as follows:

When the ~~((tax commission))~~ department of revenue has good reason to believe that any of the articles taxed herein are being kept, sold, offered for sale, or given away in violation of the provisions of this chapter or regulations issued under authority hereof, it may make affidavit of such fact, describing the place or thing to be searched, before any justice of the peace, mayor of any city, town or village, or judge of any court in this state, and such justice, mayor or judge shall issue a search warrant directed to the sheriff, any constable, police officer, or duly authorized agent of the ~~((tax commission))~~ department of revenue commanding him diligently to search any building, room in a building, place or vehicle as may be designated in the affidavit and search warrant, and to seize such tobacco so possessed and to hold the same until disposed of by law, and to arrest the person in possession or control thereof. If upon the return of such warrant, it shall appear that any of the articles taxed herein, unlawfully possessed, were seized, the same shall be sold as provided in this chapter.

Sec. 68. Section 82.24.210, chapter 15, Laws of 1961 and RCW 82.24.210 are each amended to read as follows:

The ~~((tax commission))~~ department of revenue may promulgate rules and regulations providing for the refund to dealers for the cost of stamps affixed to articles taxed herein, which by reason of damage become unfit for sale and are destroyed by the dealer or returned to the manufacturer or jobber. In the case of any articles to which stamps have been affixed, and which articles have been sold and shipped to a regular dealer in such articles in another state, the seller in this state shall be entitled to a refund of the actual amount of the stamps so affixed,

less the affixing discount, upon condition that the seller in this state makes affidavit that the articles were sold and shipped outside of the state and that he has received from the purchaser outside the state a written acknowledgment that he has received such articles with the amount of stamps affixed thereto, together with the name and address of such purchaser. The ~~((tax commission))~~ department of revenue may redeem any unused stamps purchased from it at the face value thereof less the affixing discount.

Sec. 69. Section 82.24.220, chapter 15, Laws of 1961 and RCW 82.24.220 are each amended to read as follows:

Every person in this state who by means of a vending machine sells any of the articles taxed herein shall be required before engaging in such business to apply to and obtain from the ~~((tax commission))~~ department of revenue a certificate to engage in business as a retailer, and shall obtain a separate certificate for each machine used in vending or selling any of the articles taxed herein and each machine so used shall be considered a separate place of business. Any articles taxed herein vended by means of any such machine shall bear stamps as evidence that the tax herein imposed has been paid and the articles taxed herein contained in such machines shall be available for inspection by the ~~((commission))~~ department or its duly authorized agents at all times.

Sec. 70. Section 82.26.010, chapter 15, Laws of 1961 and RCW 82.26.010 are each amended to read as follows:

As used in this chapter:

(1) "Tobacco products" means cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking, but shall not include cigarettes as defined in RCW 82.24.010(4);

(2) "Manufacturer" means a person who manufactures and sells tobacco products;

(3) "Distributor" means (a) any person engaged in the business of selling tobacco products in this state who brings, or causes to be brought, into this state from without the state any tobacco products for sale, (b) any person who makes, manufactures, or fabricates tobacco products in this state for sale in this state, (c) any person engaged in the business of selling tobacco products without this state who ships or transports tobacco products to retailers in this state, to be sold by those retailers;

(4) "Subjobber" means any person, other than a manufacturer or distributor, who buys tobacco products from a distributor and sells them to persons other than the ultimate consumers;

(5) "Retailer" means any person engaged in the business of selling tobacco products to ultimate consumers;

(6) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes and means all sales made by

any person. It includes a gift by a person engaged in the business of selling tobacco products, for advertising, as a means of evading the provisions of this chapter, or for any other purposes whatsoever.

(7) "Wholesale sales price" means the established price for which a manufacturer sells a tobacco product to a distributor, exclusive of any discount or other reduction;

(8) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing tobacco products in this state;

(9) "Place of business" means any place where tobacco products are sold or where tobacco products are manufactured, stored, or kept for the purpose of sale or consumption, including any vessel, vehicle, airplane, train, or vending machine;

(10) "Retail outlet" means each place of business from which tobacco products are sold to consumers;

(11) "~~((Commission))~~ Department" means the state (~~((tax commission))~~) department of revenue.

Sec. 71. Section 82.26.020, chapter 15, Laws of 1961 as last amended by section 77, chapter 299, Laws of 1971 ex. sess. and RCW 82.26.020 are each amended to read as follows:

(1) From and after June 1, 1971, there is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of forty-five percent of the wholesale sales price of such tobacco products. Such tax shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

(2) A floor stocks tax is hereby imposed upon every distributor of tobacco products at the rate of twenty-five percent of the wholesale sales price of each tobacco product in his possession or under his control on July 1, 1959.

Each distributor, within twenty days after July 1, 1959 shall file a report with the ~~((commission))~~ department, in such form as the ~~((commission))~~ department may prescribe, showing the tobacco products on hand on July 1, 1959 and the amount of tax due thereon.

The tax imposed by this subdivision shall be due and payable within twenty days after July 1, 1959 and thereafter shall bear interest at the rate of one percent per month.

Sec. 72. Section 82.26.050, chapter 15, Laws of 1961 and RCW 82.26.050 are each amended to read as follows:

From and after July 1, 1959 no person shall engage in the business of a distributor or subjobber of tobacco products at any place of business without first having received from the ~~((commission))~~ department of revenue a certificate of registration as provided in RCW 82.32.030.

Sec. 73. Section 82.26.060, chapter 15, Laws of 1961 and RCW 82.26.060 are each amended to read as follows:

Every distributor shall keep at each registered place of business complete and accurate records for that place of business, including itemized invoices, of tobacco

products held, purchased, manufactured, brought in or caused to be brought in from without the state, or shipped or transported to retailers in this state, and of all sales of tobacco products made, except sales to the ultimate consumer.

These records shall show the names and addresses of purchasers, the inventory of all tobacco products on hand on July 1, 1959, and other pertinent papers and documents relating to the purchase, sale, or disposition of tobacco products.

When a registered distributor sells tobacco products exclusively to the ultimate consumer at the address given in the certificate, no invoice of those sales shall be required, but itemized invoices shall be made of all tobacco products transferred to other retail outlets owned or controlled by that registered distributor. All books, records, and other papers and documents required by this section to be kept shall be preserved for a period of at least five years after the date of the documents, as aforesaid, or the date of the entries thereof appearing in the records, unless the ~~((commission))~~ department of revenue, in writing, authorizes their destruction or disposal at an earlier date. At any time during usual business hours the ~~((commission))~~ department, or its duly authorized agents or employees, may enter any place of business of a distributor, without a search warrant, and inspect the premises, the records required to be kept under this chapter, and the tobacco products contained therein, to determine whether or not all the provisions of this chapter are being fully complied with. If the ~~((commission))~~ department, or any of its agents or employees, are denied free access or are hindered or interfered with in making such examination, the registration certificate of the distributor at such premises shall be subject to revocation by the commission.

Sec. 74. Section 82.26.080, chapter 15, Laws of 1961 and RCW 82.26.080 are each amended to read as follows:

Every retailer and subjobber shall procure itemized invoices of all tobacco products purchased. The invoices shall show the name and address of the seller and the date of purchase. The retailer and subjobber shall preserve a legible copy of each such invoice for five years from the date of purchase. Invoices shall be available for inspection by the ~~((commission))~~ department of revenue or its authorized agents or employees at the retailer's or subjobber's place of business.

Sec. 75. Section 82.26.090, chapter 15, Laws of 1961 and RCW 82.26.090 are each amended to read as follows:

Records of all deliveries or shipments of tobacco products from any public warehouse of first destination in this state shall be kept by the warehouse and be available to the ~~((commission))~~ department of revenue for inspection. They shall show the name and address of the consignee, the date, the quantity of tobacco products delivered, and such other information as the ~~((commission))~~ department may require. These records shall be preserved for five years from the date of delivery of the tobacco products.

Sec. 76. Section 82.26.110, chapter 15, Laws of 1961 and RCW 82.26.110 are each amended to read as follows:

Where tobacco products upon which the tax imposed by this chapter has been reported and paid, are shipped or transported by the distributor to retailers without the state, to be sold by those retailers, or are returned to the manufacturer by the distributor or destroyed by the distributor, credit of such tax may be made to

the distributor in accordance with regulations prescribed by the ~~((commission))~~ department of revenue.

Sec. 77. Section 82.32.030, chapter 15, Laws of 1961 and RCW 82.32.030 are each amended to read as follows:

If any person engages in any business or performs any act upon which a tax is imposed by the preceding chapters, he shall, whether taxable or not, under such rules and regulations as the ~~((commission))~~ department of revenue shall prescribe, apply for and obtain from the ~~((commission))~~ department, upon payment of a fee of one dollar, a registration certificate. Such registration certificate shall be personal and nontransferable and shall be valid as long as the taxpayer continues in business and pays the tax accrued to the state. In case business is transacted at two or more separate places by one taxpayer, a separate registration certificate for each place at which business is transacted with the public shall be required, but, for such additional certificates no fee shall be required. Each certificate shall be numbered and shall show the name, residence, and place and character of business of the taxpayer and such other information as the ~~((tax commission))~~ department of revenue deems necessary and shall be posted in a conspicuous place at the place of business for which it is issued. Where a place of business of the taxpayer is changed, the taxpayer must return to the ~~((commission))~~ department the existing certificate, and a new certificate will be issued for the new place of business free of charge. No person shall engage in any business taxable hereunder without being registered in compliance with the provisions of this section, except that the ~~((commission))~~ department, by general regulation, may provide for the issuance of certificates of registration to temporary places of business without requiring the payment of any fee.

Sec. 78. Section 8, chapter 141, Laws of 1965 ex. sess. and RCW 82.32.105 are each amended to read as follows:

If the ~~((commission))~~ department of revenue finds that the payment by a taxpayer of a tax less than that properly due or the failure of a taxpayer to pay any tax by the due date was the result of circumstances beyond the control of the taxpayer, the ~~((commission))~~ department of revenue shall waive or cancel any interest or penalties imposed under this chapter with respect to such tax. The ~~((tax commission))~~ department of revenue shall prescribe rules for the waiver or cancellation of interest or penalties imposed by this chapter. Notwithstanding the foregoing the amount of any interest which has been waived, canceled or refunded prior to May 1, 1965 shall not be reassessed according to the provisions of this chapter.

Sec. 79. Section 82.32.110, chapter 15, Laws of 1961 and RCW 82.32.110 are each amended to read as follows:

The ~~((tax commission))~~ department of revenue or its duly authorized agent may examine any books, papers, records, or other data, or stock of merchandise bearing upon the amount of any tax payable or upon the correctness of any return, or for the purpose of making a return where none has been made, or in order to ascertain whether a return should be made; and may require the attendance of any person at a time and place fixed in a summons served by any

sheriff in the same manner as a subpoena is served in a civil case, or served in like manner by an agent of the ~~((tax commission))~~ department of revenue.

The persons summoned may be required to testify and produce any books, papers, records, or data required by the ~~((commission))~~ department with respect to any tax, or the liability of any person therefor.

The ~~((secretary of the commission))~~ director of the department of revenue, ~~((or any member,))~~ or any duly authorized agent thereof, shall have power to administer an oath to the person required to testify; and any person giving false testimony after the administration of such oath shall be guilty of perjury in the first degree.

If any person summoned as a witness before the ~~((commission))~~ department, or its authorized agent, fails or refuses to obey the summons, or refuses to testify or answer any material questions, or to produce any book, record, paper, or data when required to do so, he shall be guilty of contempt, and the ~~((commission))~~ department shall thereupon institute proceedings in the superior court of Thurston county, or of the county in which such person resides, to punish him as for contempt of court.

Sec. 80. Section 82.32.120, chapter 15, Laws of 1961 and RCW 82.32.120 are each amended to read as follows:

All officers empowered by law to administer oaths, ~~((the members of the commission))~~ the director of the department of revenue, and such officers as ~~((it))~~ he may designate shall have the power to administer an oath to any person or to take the acknowledgment of any person with respect to any return or report required by law or the rules and regulations of the ~~((commission))~~ department of revenue.

Sec. 81. Section 82.32.130, chapter 15, Laws of 1961 as amended by section 20, chapter 237, Laws of 1967 and RCW 82.32.130 are each amended to read as follows:

Any notice or order required by this title to be mailed to any taxpayer shall be sent by mail, addressed to the address of the taxpayer as shown by the records of the ~~((tax commission))~~ department of revenue, or, if no such address is shown, to such address as the ~~((commission))~~ department is able to ascertain by reasonable effort. Failure of the taxpayer to receive such notice or order mailed shall not release the taxpayer from any tax or any increases or penalties thereon.

Sec. 82. Section 82.32.140, chapter 15, Laws of 1961 and RCW 82.32.140 are each amended to read as follows:

Whenever any taxpayer quits business, or sells out, exchanges, or otherwise disposes of his business or his stock of goods, any tax payable hereunder shall become immediately due and payable, and such taxpayer shall, within ten days thereafter, make a return and pay the tax due; and any person who becomes a successor to such business shall become liable for the full amount of the tax and withhold from the purchase price a sum sufficient to pay any tax due from the taxpayer until such time as the taxpayer shall produce a receipt from the ~~((commission))~~ department of revenue showing payment in full of any tax due or a certificate that no tax is due and, if such tax is not paid by the taxpayer within ten days from the date of such sale, exchange, or disposal, the purchaser or successor shall become liable for the payment of the full amount of tax, and the payment

thereof by such purchaser or successor shall, to the extent thereof, be deemed a payment upon the purchase price, and if such payment is greater in amount than the purchase price the amount of the difference shall become a debt due such purchaser or successor from the taxpayer.

No successor shall be liable for any tax due from the person from whom he has acquired a business or stock of goods if he gives written notice to the ~~((tax commission))~~ department of revenue of such acquisition and no assessment is issued by the ~~((tax commission))~~ department of revenue within six months of receipt of such notice against the former operator of the business and a copy thereof mailed to such successor.

Sec. 83. Section 82.32.200, chapter 15, Laws of 1961 and RCW 82.32.200 are each amended to read as follows:

When any assessment or additional assessment has been made, the taxpayer may obtain a stay of collection, under such circumstances and for such periods as the ~~((tax commission))~~ department of revenue may by general regulation provide, of the whole or any part thereof, by filing with the ~~((commission))~~ department a bond in an amount, not exceeding twice the amount on which stay is desired, and with sureties as the ~~((commission))~~ department deems necessary, conditioned for the payment of the amount of the assessments, collection of which is stayed by the bond, together with the interest thereon at the rate of one percent of the amount of such assessment for each thirty days or portion thereof from the due date thereof until paid.

Sec. 84. Section 82.32.230, chapter 15, Laws of 1961 and RCW 82.32.230 are each amended to read as follows:

In the discretion of the ~~((tax commission))~~ department of revenue, a warrant of like terms, force, and effect may be issued and directed to any agent of the ~~((commission))~~ department authorized to collect taxes, and in the execution thereof such agent shall have all the powers conferred by law upon sheriffs, but shall not be entitled to any fee or compensation in excess of the actual expenses paid in the performance of such duty, which shall be added to the amount of the warrant.

Sec. 85. Section 11, chapter 28, Laws of 1963 ex. sess. as amended by section 22, chapter 299, Laws of 1971 ex. sess. and RCW 82.32.235 are each amended to read as follows:

In addition to the remedies provided in this chapter the department is hereby authorized to issue to any person, or to any political subdivision or department of the state, a notice and order to withhold and deliver property of any kind whatsoever when there is reason to believe that there is in the possession of such person, political subdivision or department, property which is or shall become due, owing, or belonging to any taxpayer against whom a warrant has been filed.

The notice and order to withhold and deliver shall be served by the sheriff of the county wherein the service is made, or by his deputy, or by any duly authorized representative of the department. Any person, or any political subdivision or department upon whom service has been made is hereby required to answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice.

In the event there is in the possession of any such person or political subdivision or department, any property which may be subject to the claim of the department, such property shall be delivered forthwith to the ~~((commission))~~ department of revenue or its duly authorized representative upon demand to be held in trust by the department for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability, or in the alternative, there shall be furnished a good and sufficient bond satisfactory to the department conditioned upon final determination of liability.

Should any person or political subdivision fail to make answer to an order to withhold and deliver within the time prescribed herein, it shall be lawful for the court, after the time to answer such order has expired, to render judgment by default against such person or political subdivision for the full amount claimed by the department in the notice to withhold and deliver, together with costs.

Sec. 86. Section 82.32.240, chapter 15, Laws of 1961 and RCW 82.32.240 are each amended to read as follows:

Any tax due and unpaid and all increases and penalties thereon, shall constitute a debt to the state and may be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to any and all other existing remedies.

In all cases of probate, insolvency, assignment for the benefit of creditors, or bankruptcy, involving any taxpayer, the claim of the state for said taxes and all increases and penalties thereon shall be a lien upon all real and personal property of the taxpayer, and the mere existence of such cases or conditions shall be sufficient to create such lien without any prior or subsequent action by the state, and in all such cases it shall be the duty of all administrators, executors, guardians, receivers, trustees in bankruptcy or assignees for the benefit of creditors, to notify the ~~((tax commission))~~ department of revenue of such administration, receivership or assignment within thirty days from the date of their appointment and qualification.

The lien provided for by this section shall attach as of the date of the assignment for the benefit of creditors or of the initiation of the probate, insolvency, or bankruptcy proceedings: PROVIDED, That this sentence shall not be construed as affecting the validity or priority of any earlier lien that may have attached previously in favor of the state under any other section of this title.

Any administrator, executor, guardian, receiver or assignee for the benefit of creditors not giving the notification as provided for above shall become personally liable for payment of the taxes and all increases and penalties thereon.

Sec. 87. Section 82.32.260, chapter 15, Laws of 1961 and RCW 82.32.260 are each amended to read as follows:

In the case of any corporation organized under the laws of this state, the courts shall not enter or sign any decree of dissolution, nor shall the secretary of state file in his office any certificate of dissolution, and in the case of any corporation organized under the laws of another jurisdiction and admitted to do business in this state, the secretary of state shall withhold the issuance of any certificate of withdrawal, until proof, in the form of a certificate from the ~~((tax commission))~~ department of revenue, has been furnished by the applicant for such

dissolution or withdrawal, that every license fee, tax, increase, or penalty has been paid or provided for.

Sec. 88. Section 82.32.270, chapter 15, Laws of 1961 and RCW 82.32.270 are each amended to read as follows:

The taxes imposed hereunder, and the returns required therefor, shall be upon a calendar year basis; but, if any taxpayer in transacting his business, keeps books reflecting the same on a basis other than the calendar year, he may, with consent of the ~~((tax commission))~~ department of revenue, make his returns, and pay taxes upon the basis of his accounting period as shown by the method of keeping the books of his business.

Sec. 89. Section 82.32.290, chapter 15, Laws of 1961 and RCW 82.32.290 are each amended to read as follows:

It shall be unlawful for any person to engage in business without having obtained a certificate of registration as provided herein; or to engage in business after his certificate of registration has been revoked by order of the ~~((tax commission))~~ department of revenue; or to tear down or remove any order or notice posted by the ~~((commission))~~ department; or to make any false or fraudulent return or false statement in any return, with intent to defraud the state or evade the payment of any tax or part thereof; or for any person to aid or abet another in any attempt to evade the payment of such tax or any part thereof; or for the president, vice president, secretary, treasurer, or other officer of any company to make or permit to be made for any company any false return, or any false statement in any return, with intent to evade payment of any tax hereunder; or for the president, vice president, secretary, treasurer, or other officer of any company to carry on the business of any company which has not obtained a certificate of registration or whose certificate of registration has been revoked by order of the ~~((commission))~~ department; or for any purchaser to fraudulently sign a resale certificate without intent to resell the property purchased; or for any person to fail or refuse to permit the examination of any book, paper, account, record, or other data by the ~~((commission))~~ department or its duly authorized agent; or to fail or refuse to permit the inspection or appraisal of any property by the ~~((commission))~~ department or its duly authorized agent; or to refuse to offer testimony or produce any record as required.

Any person violating any of the provisions of this section shall be guilty of a gross misdemeanor.

In addition to the foregoing penalties, any person who knowingly swears to or verifies any false or fraudulent return, or any return containing any false or fraudulent statement with the intent aforesaid, shall be guilty of the offense of perjury in the second degree; and any company for which a false return, or a return containing a false statement, as aforesaid, is made, shall be punished, upon conviction thereof, by a fine of not more than one thousand dollars. All penalties or punishments provided in this section shall be in addition to all other penalties provided by law.

Sec. 90. Section 82.32.300, chapter 15, Laws of 1961 and RCW 82.32.300 are each amended to read as follows:

The administration of this and chapters 82.04 through 82.28 RCW of this title is vested in the ~~((tax commission))~~ department of revenue which shall prescribe forms and rules of procedure for the determination of the taxable status of any person, for the making of returns and for the ascertainment, assessment and collection of taxes and penalties imposed thereunder.

The ~~((tax commission))~~ department of revenue shall make and publish rules and regulations, not inconsistent therewith, necessary to enforce their provisions, which shall have the same force and effect as if specifically included therein, unless declared invalid by the judgment of a court of record not appealed from.

The ~~((commission))~~ department may employ such clerks, specialists, and other assistants as are necessary. Salaries and compensation of such employees shall be fixed by the ~~((commission))~~ department and shall be charged to the proper appropriation for the ~~((commission))~~ department.

The ~~((commission))~~ department shall exercise general supervision of the collection of taxes and, in the discharge of such duty, may institute and prosecute such suits or proceedings in the courts as may be necessary and proper.

Sec. 91. Section 82.32.310, chapter 15, Laws of 1961 and RCW 82.32.310 are each amended to read as follows:

When recovery is had in any suit or proceeding against an officer, agent, or employee of the ~~((tax commission))~~ department of revenue for any act done by him or for the recovery of any money exacted by or paid to him and by him paid over to the ~~((commission))~~ department, in the performance of his official duty, and the court certifies that there was probable cause for the act done by such officer, agent, or employee, or that he acted under the direction of the ~~((commission))~~ department or an officer thereof, no execution shall issue against such officer, agent, or employee, but the amount so recovered shall, upon final judgment, be paid by the ~~((commission))~~ department as an expense of operation.

Sec. 92. Section 82.32.320, chapter 15, Laws of 1961 and RCW 82.32.320 are each amended to read as follows:

The ~~((tax commission))~~ department of revenue, on the next business day following the receipt of any payments hereunder, shall transmit them to the state treasurer, taking his receipt therefor.

Sec. 93. Section 82.32.360, chapter 15, Laws of 1961 and RCW 82.32.360 are each amended to read as follows:

Upon approval of such agreement, evidenced by execution thereof by the ~~((tax commission))~~ department of revenue and the person so agreeing, the agreement shall be final and conclusive as to tax liability or tax immunity covered thereby, and, except upon a showing of fraud or malfeasance, or of misrepresentation of a material fact:

(1) The case shall not be reopened as to the matters agreed upon, or the agreement modified, by any officer, employee, or agent of the state, or the taxpayer, and

(2) In any suit, action or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded.

Sec. 94. Section 82.44.040, chapter 15, Laws of 1961 and RCW 82.44.040 are each amended to read as follows:

The ~~((commission))~~ department of revenue and association of county assessors of the state shall prepare and, on or before December 1st of each year, furnish to the county auditor of each county in the state a schedule for use in the collection of the excise tax imposed by this chapter. Such schedule shall be based upon such information as may be available to them pertaining to the fair market value of motor vehicles. Such vehicles shall be classified therein into a convenient number of classes on the basis of make, type, year of manufacture, or any other reasonable basis, and to the value of vehicles within the classes as thus determined shall be applied the rate of tax prescribed in RCW 82.44.020. In determining fair market value, the ~~((commission))~~ department of revenue and county assessors may use any guidebook, report, or compendium of recognized standing in the automotive industry. The schedule shall show, so far as possible, the amount of excise tax for vehicles within each class and shall sufficiently describe the various motor vehicles included within each classification to enable the county auditor to ascertain readily the amount of tax applicable to any particular motor vehicle.

Sec. 95. Section 82.44.120, chapter 15, Laws of 1961 as last amended by section 4, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.120 are each amended to read as follows:

Whenever any person has paid a motor vehicle license fee, and together therewith has paid an excise tax imposed under the provisions of this chapter, and the director of motor vehicles determines that the payor is entitled to a refund of the entire amount of the license fee as provided by law, then he shall also be entitled to a refund of the entire excise tax collected under the provisions of this chapter. In case the director determines that any person is entitled to a refund of only a part of the license fee so paid, the payor shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected and the state treasurer shall determine the amount of such refund by reference to the applicable excise tax schedule prepared by the ~~((tax commission))~~ department of revenue and the association of county assessors.

In case no claim is to be made for the refund of the license fee or any part thereof but claim is made by any person that he has paid an erroneously excessive amount of excise tax, the department of motor vehicles shall determine in the manner generally provided in this chapter the amount of such excess, if any, that has been paid and shall certify to the state treasurer that such person is entitled to a refund in such amount.

No refund of excise tax shall be allowed under the first paragraph of this section unless application for a refund of license fee is filed with the director of motor vehicles within the period provided by law, and no such refund shall be allowed under the second paragraph of this section unless filed with the department of motor vehicles within thirteen months after such claimed excessive excise tax was paid.

Any person authorized by the utilities and transportation commission to operate a motor vehicle for the conveyance of freight or passengers for hire as a common carrier or as a contract carrier, and so operating such vehicle partly within

and partly outside of this state during any calendar year, shall be entitled to a refund of that portion of the full excise tax for such vehicle for such year that the mileage actually operated by such vehicle outside the state bears to the total mileage so operated both within and outside of the state: PROVIDED, If only one-half of the full excise fee was paid, the unpaid one-half shall be deducted from the amount of refund so determined: PROVIDED FURTHER, If only a one-half fee was paid, and the vehicle was operated in this state more than fifty percent of the total miles operated, a balance of the tax is due equal to an amount which is the same percentage of the full excise fee as is the percentage of mileage the vehicle was operated in this state minus the one-half fee previously paid, and any balance due, is payable on or before the first day of June of the year in which the amount of the excise fee due the state has been determined, and until any such balance has been paid no identification plate or permit shall be thereafter issued for such vehicle or any other vehicle owned by the same person. Any claim for such refund shall be filed with the department of motor vehicles at Olympia not later than December 31st of the calendar year following the year for which refund is claimed and any claim filed after said date shall not be allowed. When a claim is filed the applicant must therewith furnish to the department his affidavit, verified by oath, of the mileage so operated by such vehicle during the preceding year, within the state, outside of the state, and the total of all mileage so operated.

If the department approves the claim it shall notify the state treasurer to that effect, and the treasurer shall make such approved refunds and the other refunds herein provided for from the general fund and shall mail or deliver the same to the person entitled thereto.

Any person making any false statement, in the affidavit herein mentioned, under which he obtains any amount of refund to which he is not entitled under the provisions of this section, shall be guilty of a gross misdemeanor.

Sec. 96. Section 82.48.090, chapter 15, Laws of 1961 and RCW 82.48.090 are each amended to read as follows:

In case a claim is made by any person that he has paid an erroneously excessive amount of excise tax under this chapter, he may apply to the ~~((tax commission))~~ department of revenue for a refund of the claimed excessive amount. The ~~((commission))~~ department shall review such application, and if it determines that an excess amount of tax has actually been paid by the taxpayer, such excess amount shall be refunded to the taxpayer by means of a voucher approved by the ~~((tax commission))~~ department of revenue and by the issuance of a state warrant drawn upon and payable from such funds as the legislature may provide for that purpose. No refund shall be allowed, however, unless application for the refund is filed with the ~~((tax commission))~~ department of revenue within ninety days after the claimed excessive excise tax was paid.

Sec. 97. Section 82.50.170, chapter 15, Laws of 1961 as amended by section 9, chapter 54, Laws of 1974 ex. sess. and RCW 82.50.170 are each amended to read as follows:

In case a claim is made by any person that he has erroneously paid the tax or a part thereof or any charge hereunder, he may apply in writing to the ~~((commission))~~ department of revenue for a refund of the amount of the claimed erroneous payment within ninety days of the time of payment of the tax on such a form as is

prescribed by the ~~((commission))~~ department of revenue. The ~~((commission))~~ department of revenue shall review such application for refund, and, if it determines that an erroneous payment has been made by the taxpayer, it shall certify the amount to be refunded to the state treasurer that such person is entitled to a refund in such amount, and the treasurer shall make such approved refund herein provided for from the general fund and shall mail or deliver the same to the person entitled thereto.

Any person making any false statement in the affidavit herein mentioned, under which he obtains any amount of refund to which he is not entitled under the provisions of this section, shall be guilty of a gross misdemeanor.

Sec. 98. Section 6, chapter 292, Laws of 1961 and RCW 83.04.023 are each amended to read as follows:

Unless the tax is sooner paid in full, it shall be a lien upon the gross estate of the decedent for ten years from the date of death, except that such part of the gross estate as is used for the payment of charges against the estate and expenses of its administration, allowed by any court having jurisdiction thereof, shall be divested of such lien. If the ~~((tax commission))~~ department of revenue is satisfied that the tax liability of an estate has been fully discharged or provided for, it may, under regulations prescribed by it, issue its certificate, releasing any or all property of such estate from the lien herein imposed. The limitation period shall in each case be extended for a period of time equal to the period of pendency of litigation of questions affecting the determination of the amount of tax due, provided a lis pendens has been filed with the county auditor.

Any part of the gross estate as is sold, pursuant to an order of the court for the payment of charges against the estate and the expenses of its administration, shall be divested of such lien and such lien shall be transferred to the proceeds. A mortgage on property pursuant to an order of court for payment of charges against the estate and expenses of administration shall constitute a lien upon said property prior and superior to the inheritance tax lien which inheritance tax lien shall attach to the proceeds.

Sec. 99. Section 83.05.010, chapter 15, Laws of 1961 and RCW 83.05.010 are each amended to read as follows:

As used in this chapter:

"Grantor" means any person who creates a power of appointment.

"Donee" means any person given the power to exercise the appointment.

"Property" means any property subject to the power of appointment which is within the jurisdiction of this state.

"Trustee" means any person, including a donee, who holds the property or the title thereto in trust or otherwise.

"Ultimate beneficiary" means any person who becomes entitled to the property through exercise of the power, or by reason of nonexercise of the power, or by reason of renouncement of the power by the donee, or by reason of renouncement or waiver by the person appointed to receive the property.

"Greatest possible tax" means a tentative tax computed on an assumed devolution of the property to an ultimate beneficiary within the limitations of the power who would be taxable at the highest rates provided by the inheritance tax laws of this state.

"Final tax" means the tax determined under the inheritance tax laws of this state when the power is exercised or terminated.

"~~((Commission))~~ Department" means the ~~((tax commission))~~ department of revenue of this state.

Sec. 100. Section 83.05.040, chapter 15, Laws of 1961 and RCW 83.05.040 are each amended to read as follows:

Upon the exercise or termination of the power, prior to furnishing the bond or other security for the tax as hereinafter provided, it shall be the duty of the donee to immediately notify the ~~((commission))~~ department of revenue thereof, together with the name and address of the ultimate beneficiary and his relationship to the grantor. If the donee fails to so notify the ~~((commission))~~ department, which failure results in loss of tax, he shall be liable for such tax.

Sec. 101. Section 83.05.050, chapter 15, Laws of 1961 and RCW 83.05.050 are each amended to read as follows:

Unless the greatest possible tax is paid in full within thirty days after receipt of the property by the trustee or within thirty days after the death of the grantor, whichever occurs last, a surety company bond shall be executed in favor of the state of Washington by the trustee and filed with the ~~((commission))~~ department of revenue, which bond shall be binding on his successors or representatives, in an amount equal to the greatest possible tax, conditioned that upon the exercise or termination of the power the ~~((commission))~~ department will be notified and the final tax paid in full: PROVIDED, That the trustee may elect to pay a tentative tax based on the probabilities of devolution of the property, and file a bond only for the difference between the tentative tax paid and the greatest possible tax. The ~~((commission))~~ department, in its discretion, may accept other adequate security in lieu of any bond or payment of tentative tax. If at any time the ~~((commission))~~ department has cause to believe that the bond or security furnished is inadequate to insure payment of the final tax, it may require such further security from the remaining property as it deems necessary. If the trustee fails or refuses to pay such tax, or furnish a bond or adequate security, the greatest possible tax shall immediately become due and payable, and may be enforced against the property by the ~~((commission))~~ department through foreclosure proceedings. Any bond executed by the trustee as above provided shall not be released or exonerated without written consent of the ~~((commission))~~ department.

Sec. 102. Section 83.05.060, chapter 15, Laws of 1961 and RCW 83.05.060 are each amended to read as follows:

In the event any tentative tax paid as provided heretofore is determined to be in excess of the final tax, a refund for the excess shall be granted by the ~~((commission))~~ department of revenue, without interest.

Sec. 103. Section 83.12.020, chapter 15, Laws of 1961 and RCW 83.12.020 are each amended to read as follows:

Where there is property belonging to decedent both within the state of Washington and without the state of Washington exemptions allowed under the inheritance tax provisions of this title shall be prorated, and that portion allowed in the state of Washington shall be in that proportion that the value of the property within the state of Washington bears to all the property within and without

the state of Washington. In order to secure an exemption where the property is thus situated, the representative must file with the inheritance tax division of the ((tax commission)) department of revenue a certified copy of the inventory of all the properties without the state of Washington, and upon his failure so to do, no exemptions will be allowed in this state, whether there is property within this state or without this state.

Sec. 104. Section 83.14.010, chapter 15, Laws of 1961 and RCW 83.14.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Executor" means an executor of a will or administrator of the estate of the decedent, but does not include an ancillary administrator nor an administrator with the will annexed if an executor named in the will has been appointed and has qualified in another state.

(2) "Taxing official" means the state ((tax commission)) department of revenue and the designated authority of a reciprocal state charged with the duty of collecting its death taxes.

(3) "Death tax" means any tax levied by a state on account of the transfer or shifting of economic benefits in property at death, or in contemplation thereof, or intended to take effect in possession or enjoyment at or after death, whether denominated an "inheritance tax", "transfer tax", "succession tax", "estate tax", "death duty", "death dues", or otherwise.

(4) "Interested person" means any person who may be entitled to receive or who has received any property or interest which may be required to be considered in computing the death taxes of any state involved in the dispute.

(5) "State" means the District of Columbia and any state, territory or possession of the United States.

(6) "This state" means the state of Washington.

(7) "Board" means board of arbitration.

Sec. 105. Section 83.14.030, chapter 15, Laws of 1961 and RCW 83.14.030 are each amended to read as follows:

In any case in which an election is made and not rejected, as provided in RCW 83.14.020, the state ((tax commission)) department of revenue may enter into a written agreement with the other taxing officials involved and with the executor to accept a sum certain in full payment of any death taxes, together with interest and penalties, which may be due this state, provided the agreement fixes the amount of death taxes with interest and penalties to be paid to the other states involved in the dispute.

Sec. 106. Section 83.14.040, chapter 15, Laws of 1961 and RCW 83.14.040 are each amended to read as follows:

When it appears by the written admission of the executor and the tax official of each state involved in the dispute that an agreement contemplated in RCW 83.14.030 cannot be reached or, in all events, if one year has elapsed from the date of the election without such an agreement having been reached, the domicile of the decedent at the time of his death shall be determined solely for death tax purposes as follows:

(1) When this state and one other state only are involved in the dispute, the state (~~(tax commission)~~) department of revenue and the taxing official of the other state shall each appoint a member of a board of arbitration and those members shall appoint the third member of the board. If this state and more than one other state are involved, the taxing officials thereof shall agree upon the authorities charged with the duty of administering death tax laws in three states not involved in the dispute and each of these authorities shall appoint one member of the board of arbitration. The board shall select one of its members as chairman.

(2) The board shall hold hearings at such places as it deems necessary, upon reasonable notice to the executor, ancillary administrators, all interested persons and the taxing officials of the state involved, all of whom are entitled to be heard.

(3) The board may administer oaths, take testimony, subpoena witnesses and require their attendance, require the production of books, papers and documents and issue commissions to take testimony. Subpoenas may be issued by any member of the board. Failure to obey a subpoena of the board may be punished by any court of record in the same manner as if the subpoena had been issued by such court.

(4) Whenever practicable the board shall apply the rules of evidence then prevailing in the federal courts under the federal rules of civil procedure.

(5) The board, by the decision of its majority, shall determine the domicile of the decedent at the time of his death. The decision of the board is final and conclusive and binds this state and all its judicial and administrative officials on all questions concerning the domicile of the decedent for death tax purposes. If the board does not render a decision within one year from the time that it is fully constituted, all authority of the board shall cease and the bar to court proceedings set forth in RCW 83.14.020 shall no longer exist.

(6) The decision of the board and the record of its proceeding shall be filed with the authority having jurisdiction to assess death taxes in the state determined to be the domicile of the decedent and with the authorities which would have had jurisdiction to assess death taxes in each of the other states involved if the decedent had been found to be domiciled therein.

(7) The reasonable compensation and expenses of the members of the board and its employees shall be agreed upon among such members, the taxing officials involved, and the executor. If such an agreement cannot be reached, the compensation and expenses shall be determined by such taxing officials and, if they cannot agree, by the appropriate probate court of the state determined to be the domicile of the decedent. Such amount so determined shall be borne by the decedent's estate and shall be deemed an administration expense thereof.

Sec. 107. Section 83.14.050, chapter 15, Laws of 1961 and RCW 83.14.050 are each amended to read as follows:

Notwithstanding the commencement of a legal action for determination of domicile within this state or the commencement of an arbitration proceeding as provided in RCW 83.14.040, the state (~~(tax commission)~~) department of revenue, at any time prior to the conclusion of such action or proceeding, may in any case enter into a written agreement with the other taxing officials involved and with the executor to accept a sum certain in full payment of any death tax, together with interest and penalties, which may be due this state, provided the agreement fixes

the amount of death taxes with interest and penalties to be paid the other states involved in the dispute. Upon the filing of the agreement with the authority which would have jurisdiction to assess the death taxes of this state if the decedent died domiciled in this state, an assessment shall be made as provided in such agreement, and such assessment shall finally and conclusively fix the amount of death taxes due this state. If the aggregate amount payable under such agreement or under an agreement made in accordance with the provisions of RCW 83.14.030 to the states involved in the dispute is less than the minimum credit allowable to the estate against the United States estate tax imposed with respect thereto, the executor forthwith shall also pay to the state ~~((tax commission))~~ department of revenue of this state the same percentage of the difference between such aggregate amount of such credit as the amount payable to the state ~~((tax commission))~~ department of revenue under such agreement bears to such aggregate amount.

Sec. 108. Section 83.16.020, chapter 15, Laws of 1961 and RCW 83.16.020 are each amended to read as follows:

When the estate of a deceased person is subject to an inheritance tax, and there is an annuity, life estate, or an estate for a term of years given to one or more persons and the remainder to another or others, the entire estate shall be appraised as other estates are required to be appraised by the laws of this state. The value of the annuity, life or term estate shall be determined in accordance with the rules, methods, and standards of mortality and value that are set forth in tables to be furnished by the insurance commissioner of this state upon request of the ~~((tax commission))~~ department of revenue based upon such mortality tables as is from time to time required by law for use by life insurance companies in this state in determining nonforfeiture values under ordinary life insurance policies, except that the rate of interest used in computing the present value of the annuity, life or term estate shall be three and one-half percent per annum, and the value of the remainder interest shall be determined by deducting such computed value from the value of the entire property. After the values shall have been determined as provided in this section, the tax shall be computed and collected in the same manner that the tax on other estates is computed and collected: **PROVIDED**, That any person owning the beneficial interest in the remainder may defer the payment of the tax thereon until he comes into possession of the same by filing in the office of the county clerk within thirty days after the determination of the tax, a good and sufficient surety company bond to the state, or such other security as is deemed by the ~~((tax commission))~~ department of revenue to be adequate, in a sum equal to the amount of the tax conditioned that he will pay such tax in full within sixty days after coming into possession of the estate. The bond shall not operate to defer payment of the tax unless it is approved by the ~~((tax commission))~~ department of revenue, and if it shall appear to the ~~((commission))~~ department at any time that a bond previously filed and approved has become insufficient it may require a new bond to be filed. If the person owning the beneficial interest in the remainder shall fail to file a bond within the time herein provided, or if he shall fail to file a new bond when directed by the ~~((commission))~~ department, the tax shall immediately become due and payable.

Sec. 109. Section 83.16.070, chapter 15, Laws of 1961 and RCW 83.16.070 are each amended to read as follows:

As used in this section:

"Property" includes property which can be identified as having been acquired in exchange for or with the proceeds of property previously taxed.

"Property previously taxed" means property transferred by a present decedent to any person who is a class A transferee, as defined by the inheritance tax laws of this state, with respect to the present decedent, where the property had previously been transferred to the present decedent by a prior decedent, whose death occurred not more than five years prior to that of the present decedent, and in relation to whom the present decedent was a class A transferee, and where an inheritance tax was paid to this state on such transfer.

There shall be allowed as an exemption in the estate of the present decedent an amount equal to that portion of the property previously taxed which is exclusive of the proportion of deductions chargeable against and any exemption allowed against the property previously taxed in the estate of the prior decedent and the proportion of deductions chargeable against the property previously taxed in the present decedent's estate, which shall be determined under rules prescribed by the ~~((tax commission))~~ department of revenue. For the purpose of computing such exemption, the value of each item of the property previously taxed shall be the gross value thereof as of the date of death of the prior decedent or as of the date of death of the present decedent, whichever is lower.

Sec. 110. Section 83.24.010, chapter 15, Laws of 1961 as amended by section 12, chapter 292, Laws of 1961 and RCW 83.24.010 are each amended to read as follows:

When any person dies leaving property within the jurisdiction of the state of Washington, which shall pass by the statutes of inheritance of this or any other state, or by deed, grant, sale or gift made in contemplation of the death of the grantor or donor, or by deed, grant, sale or gift made or intended to take effect in possession or in enjoyment after the death of the grantor or donor, to any person in trust or otherwise, and there has been no application for letters of administration of the estate of such deceased person, or when administration of any estate has been completed without an adjudication of the inheritance tax, the liability of such property for the payment of an inheritance tax may be determined without administration in the manner hereinafter provided.

Any person interested in such property may file an affidavit with the inheritance tax division of the ~~((tax commission))~~ department of revenue and request a determination of the questions arising under the inheritance tax provisions of this title. Such affidavit shall contain the name and date of death of decedent, the description and estimated value of all property involved, the names and places of residence of all persons interested in the same, and such other facts as are necessary for a determination of such questions.

Upon the receipt of such affidavit, and after such investigation as is necessary to determine the fair market value of all of the property becoming subject to the inheritance tax laws, the ~~((tax commission))~~ department of revenue through its inheritance tax division shall determine the amount of inheritance tax due, if any.

Where the ~~((tax commission))~~ department of revenue, through its inheritance tax division, has determined that no tax is due, or that the amount of tax as determined has been fully paid, it may issue its release and receipt, but such release

shall be only as to the assets of the estate shown and disclosed by such affidavit and supplementary exhibits filed in such proceedings.

In any such case, the ~~((supervisor of the inheritance tax division))~~ department of revenue may compromise such tax and issue a satisfaction therefor, without probate proceedings, where the necessary facts are furnished and filed by affidavit, but such release shall be only as to the assets of the estate shown and disclosed by such proceedings.

Sec. 111. Section 83.28.010, chapter 15, Laws of 1961 and RCW 83.28.010 are each amended to read as follows:

All the powers of a referee of the superior court having jurisdiction of the estate of a decedent shall be vested in the ~~((tax commission))~~ department of revenue and its ~~((supervisor))~~ director shall have jurisdiction to require the attendance before him of the executor or administrator of said estate or any person interested therein or any other person whom he may have reason to believe possesses knowledge of the estate of said decedent or knowledge of any property transferred by said decedent within the meaning of the inheritance tax provisions of this title or knowledge of any facts that will aid the ~~((supervisor))~~ department of revenue or the court in the determination of said tax, but no person shall be required to attend at any place outside of the county in which such decedent resided at the time of his death or in which letters of administration could lawfully issue upon the estate of such decedent.

Sec. 112. Section 83.28.020, chapter 15, Laws of 1961 and RCW 83.28.020 are each amended to read as follows:

For the purpose of compelling the attendance of such person or persons, and for the purpose of appraising any property or interest subject to or liable for any inheritance tax hereunder, and for the purpose of determining the amount of tax due thereon, the ~~((tax commission through its supervisor))~~ department of revenue is hereby authorized to issue subpoenas compelling the attendance of witnesses before said ~~((supervisor))~~ department. The ~~((supervisor))~~ department may examine and take evidence of such witnesses or of such executor or administrator or other person under oath concerning such property and the value thereof, and concerning the property or the estate of such decedent subject to probate. Any person or persons who shall be subpoenaed by the said ~~((supervisor))~~ department to appear and testify or to produce books and papers and who shall refuse and neglect to appear and produce books relative to such appraisal shall be guilty of contempt.

Sec. 113. Section 83.32.010, chapter 15, Laws of 1961 and RCW 83.32.010 are each amended to read as follows:

If it shall appear that any transfer has been made within the meaning of the inheritance tax provisions of this title, and the taxability thereof and the liability for such tax and the amount thereof have not been determined and that no proceedings are pending in any court in this state wherein the taxability of such transfer and liability therefor and the amount thereof may be determined, the ~~((tax commission through its supervisor))~~ department of revenue shall issue a citation ordering and directing the persons who may appear liable therefor or known to own any interest in or part of the property transferred to appear before

the ~~((said supervisor))~~ director or other duly authorized agent of the ~~((tax commission))~~ department of revenue in any county in which, under the law, letters of administration could issue upon the estate of the decedent, at a time and place in said citation named not less than ten days nor more than thirty days from the issuance of such citation to be examined under oath by said ~~((supervisor))~~ director of the department of revenue or agent concerning property transferred and the character and value thereof.

Sec. 114. Section 83.36.010, chapter 15, Laws of 1961 and RCW 83.36.010 are each amended to read as follows:

The ~~((tax commission))~~ department of revenue shall take charge of and exercise general supervision of the enforcement and collection of the direct and collateral inheritance taxes under this title, and in the discharge of such duty the ~~((tax commission through its supervisor))~~ department of revenue may institute and prosecute such suits or proceedings in the courts of the state as may be necessary and proper, appearing therein for such purpose; and it shall be the duty of the several prosecuting attorneys to render assistance therein when called upon by the ~~((tax commission))~~ department of revenue so to do.

The ~~((tax commission))~~ department of revenue shall make and publish rules and regulations not inconsistent with the inheritance tax provisions of this title, necessary in enforcing its provisions, which rules and regulations shall have the same force and effect as if specifically included herein, unless declared invalid by the judgment of a court of record not appealed from.

The ~~((tax commission))~~ department of revenue shall keep a record in which shall be entered memoranda of all the proceedings had in each case, and shall also keep an itemized account showing the amount of such taxes collected, in detail, charging the state treasurer therewith.

Sec. 115. Section 83.36.020, chapter 15, Laws of 1961 and RCW 83.36.020 are each amended to read as follows:

Whenever the ~~((supervisor))~~ department of revenue shall have reasonable cause to believe that a tax is due under the inheritance tax provisions of this title, upon any transfer of any property, and that any person, firm, institution, company, association or corporation has possession, custody or control of any books, accounts, papers, or documents relating to or evidencing such transfer, the ~~((supervisor))~~ department of revenue or his duly authorized agent, is hereby authorized and empowered to inspect the books, records, accounts, papers and documents of any such person, firm, institution, company, association or corporation, including the stock transfer book of any corporation, and to administer oaths to and examine any such person or any officer or agent of such firm, institution, company, association or corporation, for the purpose of acquiring any information deemed necessary or desirable by said ~~((supervisor))~~ director or his assistants, for the proper enforcement of the inheritance tax provisions of this title, and for the collection of the full amount of the tax which may be due the state hereunder. Any and all information and records acquired by said ~~((supervisor))~~ director, or his assistants, shall be deemed and held by said ~~((supervisor))~~ director and said ~~((supervisor's))~~ director's assistants and each of them, as confidential, and shall not be divulged, disclosed or made known by them or any of them except insofar as may be necessary for the enforcement of the provisions of the inheritance tax

provisions of this title. Any ~~((supervisor))~~ director of the department of revenue or assistant ~~((supervisor))~~ director of the department of revenue, or ~~((ex-supervisor))~~ ex-director or ex-assistant ~~((supervisor))~~ director, or inheritance tax attorney, or ex-inheritance tax attorney, or assistant inheritance tax attorney, or ex-assistant inheritance tax attorney, who shall divulge, disclose, or make known any information acquired by such inspection and examination aforesaid, except insofar as the same may be necessary for the enforcement of the provisions of the inheritance tax provisions of this title, shall be guilty of a gross misdemeanor.

Sec. 116. Section 83.36.030, chapter 15, Laws of 1961 and RCW 83.36.030 are each amended to read as follows:

An officer or agent of any firm, institution, company, association or corporation having or keeping an office within this state, who has in his custody or under his control any book, record, account, paper or document of such firm, institution, company, association or corporation, and any person having in his custody or under his control such book, record, account, paper or document who refuses to give to the ~~((supervisor))~~ department of revenue, or said inheritance tax attorney, or any of said assistant inheritance tax attorneys, lawfully demanding as provided in this section, during office hours to inspect or take a copy of the same, or any part thereof, for the purposes provided in RCW 83.36.020, a reasonable opportunity so to do, shall be liable to a penalty of not less than one thousand dollars nor more than twenty thousand dollars, and in addition thereto shall be liable for the amount of the taxes, interest and penalties due under the inheritance tax provisions of this title on such transfer, and the said penalties and liabilities for the violation of this section may be enforced in an action brought by the ~~((supervisor))~~ department of revenue in any court of competent jurisdiction.

Sec. 117. Section 83.36.040, chapter 15, Laws of 1961 and RCW 83.36.040 are each amended to read as follows:

Upon the filing of any petition for letters of administration or for the probate of any will, the petitioner shall file with the clerk of the court a statement in such form as the ~~((tax commission))~~ department of revenue may prescribe, which statement shall contain a list of heirs, legatees or devisees of said estate, if known, and the relationship which each bears to the decedent, together with a statement of the location, nature and probable value of the entire estate, and an estimate of the amount or value of each distributive share, the residence and date of death of decedent, and shall state whether such deceased died testate or intestate, and the clerk of the court shall not accept such petition for filing unless the same is accompanied by such statement. The clerk of the court shall immediately forward such statement to the ~~((tax commission))~~ department of revenue.

Sec. 118. Section 83.36.050, chapter 15, Laws of 1961 and RCW 83.36.050 are each amended to read as follows:

Administrators, executors and trustees of the estates subject to the inheritance tax shall, when demanded by the ~~((tax commission))~~ department of revenue, send certified copies of such parts of their reports as may be demanded by it, and upon refusal of said parties to comply with such demand, it is the duty of the clerk of the court to furnish such copies, and the expense of making the same shall be charged against the estate as are other costs in probate, and such administrator,

executor, or trustee, shall also upon request of the (~~(tax commission)~~) department of revenue, furnish copies of all deeds, mortgages, trust agreements, insurance policies, and other instruments in writing that within his judgment are necessary for the determination of the inheritance taxes due the state of Washington, and shall also furnish to the (~~(tax commission)~~) department of revenue an inheritance tax report in such form as prescribed by the (~~(tax commission)~~) department of revenue, listing under oath the debts and expenses of administration which are allowable as deductions, and including such other information under oath, concerning the inheritance tax liability of the estate as may be required.

Sec. 119. Section 83.36.060, chapter 15, Laws of 1961 and RCW 83.36.060 are each amended to read as follows:

Whenever any of the real estate of which any decedent may die seized shall pass to any body politic or corporate, or to any person or persons, or in trust for them, or some of them, it shall be the duty of the executor, administrator, or trustee of said decedent to give information thereof in writing to the (~~(tax commission)~~) department of revenue within three months after they undertake the execution of their expected duties, or if the fact be not known to them within that period, then within three months after the same shall have come to their knowledge.

Sec. 120. Section 83.44.030, chapter 15, Laws of 1961 and RCW 83.44.030 are each amended to read as follows:

If a foreign executor, administrator or trustee shall assign any corporate stock, or obligations in this state standing in the name of a decedent, or in trust for a decedent, liable to such tax, the tax shall be paid to the state treasurer on or before the transfer thereof, otherwise, the corporation permitting its stock to be so transferred on its books shall be liable to pay such tax. No safe deposit company, bank or other institution, person or persons, holding any securities, property or assets of any nonresident decedent, shall deliver or transfer the same to any nonresident executor, administrator or representative of such decedent, until after a notice in writing of the time and place of such transfer shall have been duly given the (~~(tax commission)~~) department of revenue at least ten days prior thereto, and the tax imposed by the inheritance tax provisions of this title paid thereon, and every such safe deposit company, bank or other institution, person or persons, shall be liable for the payment of such tax.

Sec. 121. Section 83.44.040, chapter 15, Laws of 1961 and RCW 83.44.040 are each amended to read as follows:

Whenever a decedent appoints one or more executors or trustees and in lieu of their allowance or commission, makes a bequest or devise of property to them which would otherwise be liable to said tax, or appoints them his residuary legatees, and said bequests, devises, or residuary legacies exceed what would be a reasonable compensation for their services, such excess shall be liable to such tax, and the court having jurisdiction of their accounts, upon its own motion, or on the application of the (~~(tax commission)~~) department of revenue, shall fix such compensation.

Sec. 122. Section 83.44.050, chapter 15, Laws of 1961 and RCW 83.44.050 are each amended to read as follows:

Whenever any legacies subject to said tax are charged upon or payable out of any real estate, the heir or devisee, before paying the legacies, shall deduct said tax therefrom and pay it to the executor, administrator, trustee or state treasurer, and the same shall remain a charge and be a lien upon said real estate until it is paid; and payment thereof shall be enforced by the executor, administrator, trustee or ~~((tax commission))~~ department of revenue, in the same manner as the payment of the legacy itself could be enforced.

Sec. 123. Section 83.44.070, chapter 15, Laws of 1961 and RCW 83.44.070 are each amended to read as follows:

Whenever an estate charged, or sought to be charged with the inheritance tax, is of such a nature, or is so disposed, that the liability of the estate is doubtful, or the value thereof cannot, with reasonable certainty, be ascertained under the provisions of law, the ~~((tax commission))~~ department of revenue may compromise with the beneficiaries or representatives of such estates, and compound the tax thereon; but said settlement must be approved by the superior court having jurisdiction of the estate, and after such approval, the payment of the amount of the taxes so agreed upon shall discharge the lien against the property of the estate.

Sec. 124. Section 83.48.010, chapter 15, Laws of 1961 and RCW 83.48.010 are each amended to read as follows:

Actions may be brought against the state by any interested person for the purpose of quieting the title to any property against the lien or claim of lien of any tax or taxes under the inheritance tax provisions of this title, or for the purpose of having it determined that any property is not subject to any lien for taxes nor chargeable with any tax under the inheritance tax provisions of this title. No such action shall be maintained where any proceedings are pending in any court or before the ~~((tax commission))~~ department of revenue or the ~~((supervisor))~~ director thereof in this state wherein the taxability of such transfer and the liability therefor and the amount thereof may be determined. All parties interested in said transfer and in the taxability thereof shall be made parties thereto and any interested person who refuses to join as plaintiff therein may be made a defendant. Summons for the state in said action shall be served upon the ~~((tax commission))~~ department of revenue by delivering a copy thereof to the ~~((supervisor))~~ director.

Upon the filing of the complaint the court shall enter an order directing the ~~((supervisor))~~ department of revenue to hear said matter and to report to the court thereon, and shall direct notice of such time and place to be given for such hearing as the court shall deem proper, and shall refer said matter to said ~~((supervisor, who))~~ department, which shall have all of the powers of a referee of said court, including the powers prescribed in RCW 83.28.020. The procedure subsequent to said reference to said ~~((supervisor))~~ department shall conform to the provisions of RCW 83.28.030, 83.28.040, 83.28.050, 83.28.060 and 83.28.070. Should the court determine that the property described in the complaint is subject to the lien of said tax and that said property has been transferred within the meaning of the inheritance tax provisions of this title, the court shall grant affirmative relief to the state in said action and judgment shall be rendered therein in favor of the state, ascertaining and determining the amount of said tax and the person or persons liable therefor, and the property chargeable therewith or subject to lien therefor. If the court shall determine that such property or estate is not liable to be charged

with any tax under the provisions of the inheritance tax provisions of this title, it shall enter its decree quieting title to such property against any and all such taxes, and discharging such person or persons from liability therefor.

Sec. 125. Section 83.56.080, chapter 15, Laws of 1961 and RCW 83.56.080 are each amended to read as follows:

If the gift is made in property other than money, the amount thereof shall be its true and fair value in money, less any encumbrance thereon at the time such gift is made, and such value shall be determined by the ~~((tax commission))~~ department of revenue, and any party in interest may, within thirty days, appeal to the superior court from such determination. If the gift is made by transfer of property in trust or otherwise and constitutes a present or future interest less than a fee simple interest therein, the value thereof shall be computed in the same manner as provided by statute for the determination of inheritance taxes on like interests at the time the gift is made.

Sec. 126. Section 83.56.090, chapter 15, Laws of 1961 and RCW 83.56.090 are each amended to read as follows:

Any individual who within any calendar year makes any transfers by gift (except those which are not to be included in the total amount of gifts for such year) shall make a return under oath which shall set forth such information as is required by the ~~((tax commission))~~ department of revenue.

The return shall be filed with the ~~((tax commission))~~ department of revenue of the state of Washington on or before the fifteenth day of April following the close of the calendar year in which the gift is made.

Sec. 127. Section 83.56.100, chapter 15, Laws of 1961 and RCW 83.56.100 are each amended to read as follows:

(1) Every person liable to any tax imposed by this chapter or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the ~~((tax commission))~~ department of revenue may from time to time prescribe;

(2) Whenever it is necessary in the judgment of the ~~((tax commission))~~ department of revenue it may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records, as the ~~((tax commission))~~ department of revenue deems sufficient to show whether or not such person is liable to tax under this chapter.

Sec. 128. Section 83.56.110, chapter 15, Laws of 1961 and RCW 83.56.110 are each amended to read as follows:

The tax imposed by this chapter shall be paid by the donor to the ~~((tax commission))~~ department of revenue on or before the fifteenth day of April following the close of the calendar year in which the gift is made.

All moneys paid to the ~~((tax commission))~~ department of revenue under this chapter shall forthwith be transmitted to the state treasurer and credited to the general fund.

Sec. 129. Section 83.56.130, chapter 15, Laws of 1961 and RCW 83.56.130 are each amended to read as follows:

In any case in which any tax, interest, or penalty imposed by this chapter is not paid when due, the ~~((tax commission))~~ department of revenue may file for

record in the office of the county auditor of any county a certificate giving the name of the donor and the donee or either of them and the amount of taxes, interest and penalties due. From the time of the recording of any such certificate the amount of the tax, interest and penalties therein set forth shall constitute a lien upon any real property then owned or thereafter acquired by any donor or donee named in such certificate located in the county in which said certificate is recorded, which lien shall have the same force, effect and priority as a lien created by the recording of a judgment. Said lien shall continue, however, for ten years after the time the tax becomes delinquent or until the tax is paid, the property sold for the nonpayment thereof until the lien is released or otherwise extinguished.

Sec. 130. Section 83.56.140, chapter 15, Laws of 1961 and RCW 83.56.140 are each amended to read as follows:

If the ~~((tax commission))~~ department of revenue is satisfied that the gift tax liability of any person has been provided for or will be provided for or that no gift tax liability exists, it may issue its certificate releasing any property of such person from the lien imposed by this chapter.

Sec. 131. Section 83.56.150, chapter 15, Laws of 1961 and RCW 83.56.150 are each amended to read as follows:

As soon as practicable after the return is filed the ~~((tax commission))~~ department of revenue shall examine it and shall determine the correct amount of the tax.

Sec. 132. Section 83.56.170, chapter 15, Laws of 1961 and RCW 83.56.170 are each amended to read as follows:

Interest upon the amount determined as a deficiency shall be assessed at the same time as the deficiency, shall be paid upon notice and demand from the ~~((tax commission))~~ department of revenue, and shall be collected as a part of the tax, at the rate of six percent per annum from the due date of the tax to the date the deficiency is assessed, or, in case of waiver under RCW 83.56.160(4), to the thirtieth day after the filing of such waiver or the date the deficiency is assessed, whichever is the earlier.

Sec. 133. Section 83.56.180, chapter 15, Laws of 1961 and RCW 83.56.180 are each amended to read as follows:

(1) If the ~~((tax commission))~~ department of revenue believes that the assessment or collection of a deficiency will be jeopardized by delay, it shall immediately assess such deficiency (together with all interest, additional amounts or additions to the tax provided for by law) and notice and demand shall be made by the ~~((tax commission))~~ department of revenue for the payment thereof;

(2) If the jeopardy assessment is made before any notice in respect of the tax to which the jeopardy assessment relates has been mailed, then the ~~((tax commission))~~ department of revenue shall mail a notice within sixty days after the making of the assessment;

(3) The jeopardy assessment may be made in respect of a deficiency greater or less than that notice of which has been mailed to the donor, despite the provisions of this chapter prohibiting the determination of additional deficiencies, and whether or not the donor has theretofore filed a petition with the superior court;

(4) When a jeopardy assessment has been made, the donor, within ten days after notice and demand for the payment of the amount of the assessment, may obtain a stay of collection of the whole or any part of the amount of the assessment by filing with the ~~((tax commission))~~ department of revenue a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties as the ~~((tax commission))~~ department of revenue deems necessary, conditioned upon the payment of so much of the amount, the collection of which is stayed by the bond, as is not abated by a decision of the superior court which has become final, together with interest thereon as provided herein;

(5) If the bond is given before the donor has filed his petition with the superior court the bond shall contain a further condition that if a petition is not filed within the period provided in this chapter, then the amount, the collection of which is stayed by the bond, will be paid on notice and demand at any time after the expiration of such period, together with interest thereon at the rate of six per cent per annum from the date of the jeopardy notice and demand to the date of notice and demand under this subsection;

(6) Upon the filing of the bond the collection of so much of the amount assessed as is covered by the bond shall be stayed. The donor shall have the right to waive such stay at any time in respect of the whole or any part of the amount covered by the bond, and if as a result of such waiver any part of the amount covered by the bond is paid, then the bond shall, at the request of the donor, be proportionately reduced. If the ~~((tax commission))~~ department of revenue determines that the amount assessed is greater than the amount which should have been assessed then when the decision of the superior court is rendered the bond shall, at the request of the donor, be proportionately reduced;

(7) When the petition has been filed with the superior court and when the amount which should have been assessed has been determined by a decision of the court which has become final, then any unpaid portion, the collection of which has been stayed by the bond, shall be collected as part of the tax upon notice and demand from the ~~((commission))~~ department of revenue, and any remaining portion of the assessment shall be abated. If the amount already collected exceeds the amount determined as the amount which should have been assessed, such excess shall be credited or refunded by the state of Washington. If the amount determined as the amount which should have been assessed is greater than the amount actually assessed, then the difference shall be assessed and shall be collected as part of the tax upon notice and demand from the ~~((tax commission))~~ department of revenue.

Sec. 134. Section 83.56.200, chapter 15, Laws of 1961 and RCW 83.56.200 are each amended to read as follows:

(1) Except as otherwise herein provided, the amount of taxes imposed by this chapter shall be assessed within one year after the return is filed, and no proceeding in court without assessment for the collection of such taxes shall be begun after the expiration of three years after the return was filed;

(2) In the case of false or fraudulent return with intent to evade tax or of failure to file return the tax may be assessed or a proceeding in court for the collection of such tax may be begun without assessment at any time;

(3) Where the assessment of any tax imposed by this chapter has been made within the statutory period of limitation properly applicable thereto such tax may be collected by distraint or by a proceeding in court, but only if begun (a) within six years after the assessment of the tax, or (b) prior to the expiration of any period for collection agreed upon in writing by the ~~((tax commission))~~ department of revenue and the donor.

Sec. 135. Section 83.56.210, chapter 15, Laws of 1961 and RCW 83.56.210 are each amended to read as follows:

The running of the statute of limitations provided herein on the making of assessments and the beginning of distraint or a proceeding in court for collection, in respect of any deficiency, shall (after the mailing of notice) be suspended for the period during which the ~~((tax commission))~~ department of revenue is prohibited from making the assessment or beginning distraint or a proceeding in court, and for sixty days thereafter.

Sec. 136. Section 83.56.220, chapter 15, Laws of 1961 and RCW 83.56.220 are each amended to read as follows:

(1) Where the amount determined by the donor as the tax imposed by this chapter, or any part of such amount, is not paid on the due date of the tax, there shall be collected as a part of the tax, interest, upon the unpaid amount at the rate of one percent per month from the due date until it is paid;

(2) Where an extension of time for payment of the amount so determined as the tax by the donor has been granted, and the amount the time for payment of which has been extended, and the interest thereon determined under RCW 83.56-.230(1), is not paid in full prior to the expiration of the period of the extension, then, in lieu of the interest provided for in subsection (1) of this section, interest at the rate of one percent per month shall be collected on such unpaid amount from the date of the expiration of the period of the extension until it is paid;

(3) Where a deficiency, or any interest assessed in connection therewith under RCW 83.56.170 or any addition to the tax provided for in this chapter, is not paid in full within ten days from the date of notice and demand from the ~~((tax commission))~~ department of revenue, there shall be collected as part of the tax, interest upon the unpaid amount at the rate of one percent a month from the date of such notice and demand until it is paid;

(4) If a bond is filed, as provided in RCW 83.56.180, the provisions of subsection (1) of this section shall not apply to the amount covered by the bond;

(5) If the part of the deficiency, the time for payment of which is extended as provided in RCW 83.56.160(9) is not paid in accordance with the terms of the extensions, there shall be collected, as a part of the tax, interest on such amount at the rate of one percent per month for the period from the time fixed by the terms of the extension for its payment until it is paid, and no other interest shall be collected on such unpaid amount for such period;

(6) If the amount included in the notice and demand from the ~~((tax commission))~~ department of revenue under RCW 83.56.180(7) is not paid in full within ten days after such notice and demand, then there shall be collected, as part of the tax, interest upon the unpaid amount at the rate of one percent a month from the date of such notice and demand until it is paid.

Sec. 137. Section 83.56.240, chapter 15, Laws of 1961 and RCW 83.56.240 are each amended to read as follows:

(1) Where there has been an overpayment of any tax imposed by this chapter, the amount of such overpayment shall be credited against any gift tax then due from the taxpayer, and any balance shall be refunded by the state of Washington to the taxpayer;

(2) Limitation on allowance. (a) No such credit or refund shall be allowed or made after two years from the time the tax was paid, unless before the expiration of such period a claim therefor is filed by the taxpayer; (b) The amount of the credit or refund shall not exceed the portion of the tax paid during the three years immediately preceding the filing of the claim, or if no claim was filed, then during the three years immediately preceding the allowance of the credit or refund;

(3) If the ~~((tax commission))~~ department of revenue has mailed to the taxpayer a notice of deficiency under RCW 83.56.160(1) and if the taxpayer files a petition with the superior court within the time prescribed in such section, no credit or refund in respect of the tax for the calendar year in respect of which the ~~((tax commission))~~ department of revenue has determined the deficiency shall be allowed or made and no suit by the taxpayer for the recovering of any part of such tax shall be instituted in any court except: (a) As to the overpayments determined by a decision of the court which has become final; and (b) as to any amount collected in excess of an amount computed in accordance with the decision of the court which has become final; and (c) as to any amount collected after the period of limitation upon the beginning of distraint or a proceeding in court for collection has expired; but in any such claim for credit or refund or in any such suit for refund the decision of the court which has become final, as to whether such period has expired before the notice of deficiency was mailed, shall be conclusive;

(4) If the court finds that there is no deficiency and further finds that the taxpayer has made an overpayment of tax in respect of the taxable year in respect of which the ~~((tax commission))~~ department of revenue determined the deficiency, the court shall have jurisdiction to determine the amount of such overpayment, and such amount shall, when the decision of the court has become final, be credited or refunded to the taxpayer. No such credit or refund shall be made of any portion of the tax paid more than three years before the filing of the claim or the filing of the petition, whichever is earlier.

Sec. 138. Section 83.56.250, chapter 15, Laws of 1961 and RCW 83.56.250 are each amended to read as follows:

(1) The amount of the following liabilities shall, except as hereinafter provided, be assessed, collected and paid in the same manner and subject to the same provisions and limitations as in the case of a deficiency in the tax imposed by this chapter (including the provisions in case of a delinquency in payment after notice and demand, the provisions authorizing distraint and proceedings in court for collection, and the provisions prohibiting claims and suits for refunds):

(a) The liability, at law or in equity, of a transferee of property of a donor, in respect to the tax (including interest, additional amounts, and additions to the tax provided by law) imposed by this chapter;

(b) The liability of a fiduciary in respect of the payment of any such tax from the estate of the donor;

Any such liability may be either as to the amount of tax shown on the return or as to any deficiency in tax;

(2) The period of limitation for assessment of any such liability of a transferee or fiduciary shall be as follows:

(a) Within one year after the expiration of the period of limitation for assessment against the donor;

(b) If a court proceeding against the donor for the collection of the tax has been begun within the period provided in paragraph (a), then within one year after return of execution in such proceedings;

(3) For the purpose of this section, if the donor is deceased, the period of limitation for assessment against the donor shall be the period that would be in effect had the death not occurred;

(4) The running of the statute of limitations upon the assessment of the liability of a transferee or fiduciary shall, after mailing of the notice under RCW 83.56.160(1) to the transferee or fiduciary, be suspended for the period during which the ~~((tax commission))~~ department of revenue is prohibited from making the assessment in respect of the liability of the transferee or fiduciary (and in any event, if a proceeding in respect of the liability is placed on the docket of the superior court, until the decision of the court becomes final, and for sixty days thereafter);

(5) No suit shall be maintained in any court for the purpose of restraining the assessment or collection of (a) the amount of the liability, at law or in equity of a transferee of property of a donor in respect of any gift tax, or (b) the amount of the liability of a fiduciary under this chapter, in respect of any such tax;

(6) As used in this section, the term "transferee" includes donee, heir, legatee, devisee, and distributee;

(7) In the absence of notice to the ~~((tax commission))~~ department of revenue under RCW 83.56.270(2) of the existence of a fiduciary relationship, notice of liability enforceable under this section in respect of a tax imposed by this chapter, if mailed to the person subject to the liability at his last known address, shall be sufficient for the purposes of this chapter even if such person is deceased, or is under legal disability, or, in the case of a corporation, has terminated its existence.

Sec. 139. Section 83.56.270, chapter 15, Laws of 1961 and RCW 83.56.270 are each amended to read as follows:

(1) Upon notice to the ~~((tax commission))~~ department of revenue that any person is acting in a fiduciary capacity such fiduciary shall assume the powers, rights, duties and privileges of the donor in respect of a tax imposed by this chapter (except as otherwise specifically provided and except that the tax shall be collected from the estate of the donor), until notice is given that the fiduciary capacity has terminated;

(2) Upon notice to the ~~((tax commission))~~ department of revenue that any person is acting in a fiduciary capacity for a person subject to the liability of the tax imposed under this chapter, the said fiduciary shall assume on behalf of such person, the powers, rights, duties, and all the privileges of such person (except, however, that the liability shall be collected from the estate of such person), until notice is given that the fiduciary capacity has terminated;

(3) Notice shall be given in accordance with the regulations prescribed by the ~~((tax commission))~~ department of revenue.

Sec. 140. Section 83.56.280, chapter 15, Laws of 1961 and RCW 83.56.280 are each amended to read as follows:

In case of any failure to make and file a return required by this chapter, within the time prescribed by law or by the (~~tax commission~~) department of revenue in pursuance of law, twenty-five percent of the tax shall be added to the tax, except that when a return is filed after such time and it is shown that the failure to file it was not due to wilful neglect no such addition shall be made to the tax. The amount so added to any tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, in which case the amount so added shall be collected in the same manner as the tax.

Sec. 141. Section 83.56.310, chapter 15, Laws of 1961 and RCW 83.56.310 are each amended to read as follows:

The (~~tax commission~~) department of revenue shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

Sec. 142. Section 83.56.320, chapter 15, Laws of 1961 and RCW 83.56.320 are each amended to read as follows:

The (~~tax commission~~) department of revenue may, for good cause shown, compromise or waive any interest assessed under the provisions of this chapter.

Sec. 143. Section 83.60.010, chapter 15, Laws of 1961 and RCW 83.60.010 are each amended to read as follows:

As used in this chapter:

"Donor" means any person who creates a power of appointment.

"Donee" means any person given the power to exercise the appointment.

"Property" means any property subject to the power of appointment which is within the jurisdiction of this state.

"Trustee" means any person, including a donee, who holds the property or the title thereto in trust or otherwise.

"Ultimate beneficiary" means any person who becomes entitled to the property through exercise of the power, or by reason of nonexercise of the power, or by reason of renouncement of the power by the donee, or by reason of renouncement or waiver by the person appointed to receive the property.

"Greatest possible tax" means a tentative tax computed on an assumed devolution of the property to an ultimate beneficiary within the limitations of the power, who would be taxable at the highest rates provided by the gift tax laws of this state.

"Final tax" means the tax determined under the gift tax laws of this state when the power is exercised or terminated.

"Due date" means the fifteenth day of March following the close of the calendar year in which any gift is made.

"(~~Commission~~) Department" means the (~~tax commission~~) department of revenue of this state.

Sec. 144. Section 83.60.040, chapter 15, Laws of 1961 and RCW 83.60.040 are each amended to read as follows:

Upon the exercise or termination of the power, prior to furnishing the bond or other security for the tax as hereinafter provided, it shall be the duty of the donee

to immediately notify the ~~((commission))~~ department of revenue thereof, together with the name and address of the ultimate beneficiary and his relationship to the donor. If the donee fails to so notify the ~~((commission))~~ department of revenue, which failure results in loss of tax, he shall be liable for such tax.

Sec. 145. Section 83.60.050, chapter 15, Laws of 1961 and RCW 83.60.050 are each amended to read as follows:

Unless the greatest possible tax is paid in full on or before the due date, a surety company bond shall be executed in favor of the state of Washington by the trustee and filed with the ~~((commission))~~ department of revenue, which bond shall be binding on his successors or representatives in an amount equal to the greatest possible tax, conditioned that upon the exercise or termination of the power the ~~((commission))~~ department of revenue will be notified and the final tax paid in full: PROVIDED, That the trustee may elect to pay a tentative tax based on the probabilities of devolution of the property, and file a bond only for the difference between the tentative tax paid and the greatest possible tax. The ~~((commission))~~ department, in its discretion, may accept other adequate security in lieu of any bond or payment of tax. If at any time the ~~((commission))~~ department has cause to believe that the bond or security furnished is inadequate to insure payment of the final tax, it may require such further security from the remaining property as it deems necessary. If the trustee fails or refuses to pay such tax, or furnish a bond or adequate security, the greatest possible tax shall immediately become due and payable, and may be enforced against the property by the ~~((commission))~~ department of revenue through foreclosure proceedings. Any bond executed by the trustee as above provided shall not be released or exonerated without written consent of the ~~((commission))~~ department of revenue.

Sec. 146. Section 83.60.060, chapter 15, Laws of 1961 and RCW 83.60.060 are each amended to read as follows:

In the event any tentative tax paid as provided heretofore is determined to be in excess of the final tax, a refund for the excess shall be granted by the ~~((commission))~~ department of revenue, without interest.

Sec. 147. Section 84.08.010, chapter 15, Laws of 1961 and RCW 84.08.010 are each amended to read as follows:

The ~~((tax commission))~~ department of revenue shall:

(1) Exercise general supervision and control over the administration of the assessment and tax laws of the state, over county assessors, and county boards of equalization, and over boards of county commissioners, county treasurers and county auditors and all other county officers, in the performance of their duties relating to taxation, and perform any act or give any order or direction to any county board of equalization or to any county assessor or to any other county officer as to the valuation of any property, or class or classes of property in any county, township, city or town, or as to any other matter relating to the administration of the assessment and taxation laws of the state, which, in the ~~((commission's))~~ department's judgment may seem just and necessary, to the end that all taxable property in this state shall be listed upon the assessment rolls and valued and assessed according to the provisions of law, and equalized between persons, firms, companies and corporations, and between the different counties of this

state, and between the different taxing units and townships, so that equality of taxation and uniformity of administration shall be secured and all taxes shall be collected according to the provisions of law.

(2) Formulate such rules and processes for the assessment of both real and personal property for purposes of taxation as are best calculated to secure uniform assessment of property of like kind and value in the various taxing units of the state, and relative uniformity between properties of different kinds and values in the same taxing unit. The ~~((tax commission))~~ department of revenue shall furnish to each county assessor a copy of the rules and processes so formulated. The ~~((tax commission))~~ department of revenue may, from time to time, make such changes in the rules and processes so formulated as it deems advisable to accomplish the purpose thereof, and it shall inform all county assessors of such changes.

(3) Visit the counties in the state, unless prevented by necessary official duties, for the investigation of the methods adopted by the county assessors and county boards of commissioners in the assessment and equalization of taxation of real and personal property; carefully examine into all cases where evasion of property taxation is alleged, and ascertain where existing laws are defective, or improperly or negligently administered.

Sec. 148. Section 84.08.020, chapter 15, Laws of 1961 and RCW 84.08.020 are each amended to read as follows:

The ~~((tax commission))~~ department of revenue shall:

(1) Confer with, advise and direct assessors, boards of equalization, county boards of commissioners, county treasurers, county auditors and all other county and township officers as to their duties under the law and statutes of the state, relating to taxation, and direct what proceedings, actions or prosecutions shall be instituted to support the law relating to the penalties, liabilities and punishment of public officers, persons, and officers or agents of corporations for failure or neglect to comply with the provisions of the statutes governing the return, assessment and taxation of property, and the collection of taxes, and cause complaint to be made against any of such public officers in the proper county for their removal from office for official misconduct or neglect of duty. In the execution of these powers and duties the said ~~((commission))~~ department or any member thereof may call upon prosecuting attorneys or the attorney general, who shall assist in the commencement and prosecution for penalties and forfeiture, liabilities and punishments for violations of the laws of the state in respect to the assessment and taxation of property.

(2) Prescribe all forms of books and blanks to be used in the assessment and collection of taxes, and change such forms when prescribed by law, and recommend to the legislature such changes as may be deemed most economical to the state and counties, and such recommendation shall be accompanied by carefully prepared bill or bills for this end.

(3) Require county, city and town officers to report information as to assessments of property, equalization of taxes, the expenditure of public funds for all purposes, and other information which said ~~((commission))~~ department of revenue may request.

Sec. 149. Section 84.08.040, chapter 15, Laws of 1961 and RCW 84.08.040 are each amended to read as follows:

The (~~tax commission~~) department of revenue shall secure, tabulate, and keep records of valuations of all classes of property throughout the state, and for that purpose, shall have access to all records and files of state offices and departments and county and municipal offices and shall require all public officers and employees whose duties make it possible to ascertain valuations, including valuations of property of public service corporations for rate making purposes to file reports with the (~~commission~~) department of revenue, giving such information as to such valuation and the source thereof: PROVIDED, That the nature and kind of the tabulations, records of valuation and requirements from public officers, as stated herein, shall be in such form, and cover such valuations, as the (~~tax commission~~) department of revenue shall prescribe.

Sec. 150. Section 84.08.060, chapter 15, Laws of 1961 and RCW 84.08.060 are each amended to read as follows:

The (~~tax commission~~) department of revenue shall have power to direct and to order any county board of equalization to raise or lower the valuation of any taxable property, or to add any property to the assessment list, or to perform or complete any other duty required by statute. The (~~tax commission~~) department of revenue may require any such board of equalization to reconvene after its adjournment for the purpose of performing any order or requirement made by the (~~tax commission~~) department of revenue and may make such orders as it shall determine to be just and necessary. The (~~commission~~) department may require any county board of equalization to reconvene at any time for the purpose of performing or completing any duty or taking any action it might lawfully have performed or taken at any of its previous regular July, November or April meetings. If such board of equalization shall fail or refuse forthwith to comply with any such order or requirement of the (~~tax commission~~) department of revenue, the (~~tax commission~~) department of revenue shall have power to take any other appropriate action, or to make such correction or change in the assessment list, and such corrections and changes shall be a part of the record of the proceedings of the said board of equalization: PROVIDED, That in all cases where the (~~tax commission~~) department of revenue shall raise the valuation of any property or add property to the assessment list, it shall give notice either for the same time and in the same manner as is now required in like cases of county boards of equalization, or if it shall deem such method of giving notice impracticable it shall give notice by publication thereof in a newspaper of general circulation within the county in which the property affected is situated once each week for two consecutive weeks, and the (~~tax commission~~) department of revenue shall not proceed to raise such valuation or add such property to the assessment list until a period of five days shall have elapsed subsequent to the date of the last publication of such notice. Such notice shall give the legal description of each tract of land involved, or a general description in case of personal property; the tax record-owner thereof; the assessed value thereof determined by the county board of equalization in case the property is on the assessment roll; and the assessed value thereof as determined by the (~~tax commission~~) department of revenue and shall state that the (~~tax commission~~) department of revenue proposes to increase the assessed valuation of such property to the amount stated and to add such property to the assessment list at the assessed valuation stated. The necessary expense

incurred by the (~~tax commission~~) department of revenue in making such reassessment and/or adding such property to the assessment list shall be borne by the county or township in which the property as reassessed and/or so added to the assessment list is situated and shall be paid out of the proper funds of such county upon the order of the (~~tax commission~~) department of revenue.

Sec. 151. Section 84.08.070, chapter 15, Laws of 1961 and RCW 84.08.070 are each amended to read as follows:

The (~~tax commission~~) department of revenue shall make such rules and regulations as may be necessary to carry out the powers granted by this chapter, and for conducting hearings and other proceedings before it.

Sec. 152. Section 84.08.080, chapter 15, Laws of 1961 and RCW 84.08.080 are each amended to read as follows:

The (~~tax commission~~) department of revenue shall, with the advice of the attorney general, decide all questions that may arise in reference to the true construction or interpretation of this title, or any part thereof, with reference to the powers and duties of taxing district officers, and such decision shall have force and effect until modified or annulled by the judgment or decree of a court of competent jurisdiction.

Sec. 153. Section 84.08.090, chapter 15, Laws of 1961 and RCW 84.08.090 are each amended to read as follows:

The (~~tax commission~~) department of revenue shall make diligent investigation concerning the revenue laws and systems of other states and countries, so far as the same may be known by reports and statistics and can be ascertained by correspondence, and with the aid of information thus obtained, together with the experience and observation of our own laws and the operation thereof, recommend to the governor, in a biennial report at least sixty days before the meeting of the legislature, such amendments, changes and modification of our revenue laws as seem proper and requisite to remedy injustice and irregularities in taxation, and to facilitate the assessment and collection of public revenue in the most economical manner. All such recommendations shall be accompanied by suitable bill or bills necessary to carry into effect such recommendations. This report shall also show in tabulated form the whole amount of taxes collected in the state for all purposes, classified as state, county and municipal, with the sources thereof, the amount lost, the cause of the loss and such other pertinent statistics, matter and information concerning revenue and taxation as may be deemed of public interest.

Sec. 154. Section 84.08.110, chapter 15, Laws of 1961 and RCW 84.08.110 are each amended to read as follows:

The (~~tax commission~~) department of revenue shall compile the laws of this state relating to assessment and collection of taxes, with such annotations, instructions and references to the decisions of the courts concerning the same as it may deem proper. It shall cause the same to be printed and distributed to the several county assessors, deputy county assessors, prosecuting attorneys, county commissioners, in the state, and to such other officers and persons as may request the same.

Sec. 155. Section 84.08.120, chapter 15, Laws of 1961 and RCW 84.08.120 are each amended to read as follows:

It shall be the duty of every public officer to comply with any lawful order, rule or regulation of the ~~((tax commission))~~ department of revenue made under the provisions of this title, and whenever it shall appear to the ~~((tax commission))~~ department of revenue that any public officer or employee whose duties relate to the assessment or equalization of assessments of property for taxation or to the levy or collection of taxes has failed to comply with the provisions of this title or with any other law relating to such duties or the rules of the ~~((commission))~~ department made in pursuance thereof, the ~~((commission))~~ department after a hearing on the facts may issue its order directing such public officer or employee to comply with such provisions of law or of its rules, and if such public officer or employee for a period of ten days after service on him of the ~~((commission's))~~ department's order shall neglect or refuse to comply therewith, the ~~((commission))~~ department of revenue may apply to a judge of the superior court or court commissioner of the county in which said public officer or employee holds office for an order returnable within five days from the date thereof to compel such public officer or employee to comply with such provisions of law or of the ~~((commission's))~~ department's order, or to show cause why he should not be compelled so to do, and any order issued by the judge pursuant thereto shall be final. The remedy herein provided shall be cumulative and shall not exclude the ~~((tax commission))~~ department of revenue from exercising any power or rights otherwise granted.

Sec. 156. Section 84.08.130, chapter 15, Laws of 1961 and RCW 84.08.130 are each amended to read as follows:

Any taxpayer or taxing unit feeling aggrieved by the action of any county board of equalization may appeal to the ~~((tax commission))~~ board of tax appeals by filing with the county auditor a notice of appeal in duplicate within ten days after the action of such board of equalization, which notice shall specify the actions complained of, and said auditor shall forthwith transmit one of said notices to the ~~((tax commission))~~ board of tax appeals; and in like manner any county assessor may appeal to the ~~((commission))~~ board of tax appeals from any action of any county board of equalization. The ~~((tax commission))~~ board of tax appeals shall require the board appealed from to certify the minutes of its proceedings resulting in such action and all evidence taken in connection therewith, and may receive further evidence, and shall make such order as in its judgment is just and proper.

Sec. 157. Section 84.08.140, chapter 15, Laws of 1961 and RCW 84.08.140 are each amended to read as follows:

Any taxpayer feeling aggrieved by the levy or levies of any taxing district except levies authorized by a vote of the people of the district may appeal therefrom to the ~~((tax commission))~~ department of revenue as hereinafter provided. Such taxpayer, upon the execution of a bond, with two or more sufficient sureties to be approved by the county auditor, payable to the state of Washington, in the penal sum of two hundred dollars and conditioned that if the petitioner shall fail in his appeal for a reduction of said levy or levies he will pay the taxable costs of the hearings hereinafter provided, not exceeding the amount of such bond, may file a written complaint with the county auditor wherein such taxing district is located not later than ten days after the making and entering of such levy or levies, setting

forth in such form and detail as the ~~((tax commission))~~ department of revenue shall by general rule prescribe, his objections to such levy or levies. Upon the filing of such complaint, the county auditor shall immediately transmit a certified copy thereof, together with a copy of the budget or estimates of such taxing district as finally adopted, including estimated revenues and such other information as the ~~((tax commission))~~ department of revenue shall by rule require, to the ~~((tax commission))~~ department of revenue. The ~~((tax commission))~~ department of revenue shall fix a date for a hearing on said complaint at the earliest convenient time after receipt of said record, which hearing shall be held in the county in which said taxing district is located, and notice of such hearing shall be given to the officials of such taxing district, charged with determining the amount of its levies, and to the taxpayer on said complaint by registered mail at least five days prior to the date of said hearing. At such hearings all interested parties may be heard and the ~~((tax commission))~~ department of revenue shall receive all competent evidence. After such hearing, the ~~((tax commission))~~ department of revenue shall either affirm or decrease the levy or levies complained of, in accordance with the evidence, and shall thereupon certify its action with respect thereto to the county auditor, who, in turn, shall certify it to the taxing district or districts affected, and the action of the ~~((tax commission))~~ department of revenue with respect to such levy or levies shall be final and conclusive.

Sec. 158. Section 84.08.190, chapter 15, Laws of 1961 and RCW 84.08.190 are each amended to read as follows:

For the purpose of instruction on the subject of taxation, the county assessors of the state shall meet with the ~~((tax commission))~~ department of revenue at the capital of the state, or at such place within the state as they may determine at their previous meeting, on the second Monday of October of each year or on such other date as may be fixed by the ~~((tax commission))~~ department of revenue. Each assessor shall be paid by the county of his residence his actual expenses in attending such meeting, upon presentation to the county auditor of proper vouchers.

Sec. 159. Section 84.12.200, chapter 15, Laws of 1961 and RCW 84.12.200 are each amended to read as follows:

For the purposes of this chapter and unless otherwise required by the context:

(1) "~~((Commission))~~ Department" without other designation means the ~~((tax commission))~~ department of revenue of the state of Washington.

(2) "Railroad company" shall mean and include any person owning or operating a railroad, street railway, suburban railroad or interurban railroad in this state, whether its line of railroad be maintained at the surface, or above or below the surface of the earth, or by whatever power its vehicles are transported; or owning any station, depot, terminal or bridge for railroad purposes, as owner, lessee or otherwise.

(3) "Motor vehicle transportation company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the conveyance and transportation of persons and/or property by motor propelled vehicles over any public street and/or highway in this state, between fixed termini or over a regular route, and engaged in the business of transporting persons and/or property for compensation as owner, lessee or otherwise.

(4) "Airplane company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the conveyance and transportation of persons and/or property by aircraft, and engaged in the business of transporting persons and/or property for compensation, as owner, lessee or otherwise.

(5) "Electric light and power company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the generation, transmission or distribution of electricity in this state, and engaged in the business of furnishing, transmitting, distributing or generating electrical energy for light, heat or power for compensation as owner, lessee or otherwise.

(6) "Telegraph company" shall mean and include any person owning, controlling, operating or managing any telegraph or cable line in this state, with appliances for the transmission of messages, and engaged in the business of furnishing telegraph service for compensation, as owner, lessee or otherwise.

(7) "Telephone company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the transmission of communication by telephone in this state through owned or controlled exchanges and/or switchboards, and engaged in the business of furnishing telephonic communication for compensation as owner, lessee or otherwise.

(8) "Gas company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the manufacture, transportation, or distribution of natural or manufactured gas in this state, and engaged for compensation in the business of furnishing gas for light, heat, power or other use, as owner, lessee or otherwise.

(9) "Pipe line company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the conveyance or transportation of oils, natural or manufactured gas and/or other substances, except water, by pipe line in this state, and engaged in such business for compensation, as owner, lessee or otherwise.

(10) "Water company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the supply, storage, distribution, diversion or carriage of water in this state, and engaged in the business of furnishing water for power, irrigation, manufacturing, domestic or other uses for compensation, as owner, lessee or otherwise.

(11) "Heating company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the generation and/or distribution of steam or hot water for heat, power, manufacturing or other purposes in this state, and engaged principally in business of furnishing, distributing, supplying or generating steam or hot water for heat, power, manufacturing or other purposes for compensation, as owner, lessee or otherwise.

(12) "Toll bridge company" shall mean and include any person owning, controlling, operating, or managing real or personal property, used for or in connection with or to facilitate the conveyance or transportation of persons and/or property over a bridge or bridge approach over any stream, river or body of water within, or partly within this state, and operated as a toll bridge for compensation, as owner, lessee, or otherwise.

(13) "Steamboat company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the conveyance and transportation of persons and/or property by vessel or ferry, upon the waters within this state, including the rivers and lakes and Puget Sound, between fixed termini or over a regular route, and engaged in the business of transporting persons and/or property for compensation as owner, lessee or otherwise.

(14) "Logging railroad company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the conveyance and transportation of forest products by rail in this state, and engaged in the business of transporting forest products either as private carrier or carrier for hire.

(15) "Person" shall mean and include any individual, firm, copartnership, joint venture, association, corporation, trust, or any other group acting as a unit, whether mutual, cooperative or otherwise, and/or trustees or receivers appointed by any court.

(16) "Company" shall mean and include any railroad company, motor vehicle transportation company, airplane company, electric light and power company, telegraph company, telephone company, gas company, pipe line company, water company, heating company, toll bridge company, steamboat company, or logging railroad company; and the term "companies" shall mean and include all of such companies.

(17) "Operating property" shall mean and include all property, real and personal, owned by any company, or held by it as occupant, lessee or otherwise, including all franchises and lands, buildings, rights-of-way, water powers, motor vehicles, wagons, horses, aircraft, aerodromes, hangars, office furniture, water mains, gas mains, pipe lines, pumping stations, tanks, tank farms, holders, reservoirs, telephone lines, telegraph lines, transmission and distribution lines, dams, generating plants, poles, wires, cables, conduits, switch boards, devices, appliances, instruments, equipment, machinery, vessels, ferries, landing slips, docks, roadbeds, tracks, terminals, rolling stock equipment, appurtenances and all other property of a like or different kind, situate within the state of Washington, used by the company in the conduct of its operations; and, in case of personal property used partly within and partly without the state, it shall mean and include a proportion of such personal property to be determined as in this chapter provided.

(18) "Nonoperating property" shall mean all physical property owned by any company, other than that used during the preceding calendar year in the conduct of its operations. It shall include all lands and/or buildings wholly used by any person other than the owning company. In cases where lands and/or buildings are used partially by the owning company in the conduct of its operations and partially by any other person not assessable under this chapter under lease, sublease,

or other form of tenancy, the operating and nonoperating property of the company whose property is assessed hereunder shall be determined by the ~~((commission))~~ department of revenue in such manner as will, in its judgment, secure the separate valuation of such operating and nonoperating property upon a fair and equitable basis. The amount of operating revenue received from tenants or occupants of property of the owning company shall not be considered material in determining the classification of such property.

Sec. 160. Section 84.12.220, chapter 15, Laws of 1961 and RCW 84.12.220 are each amended to read as follows:

In all matters relating to assessment and taxation the ~~((commission))~~ department of revenue shall have jurisdiction to determine what is operating property and what is nonoperating property.

Sec. 161. Section 84.12.230, chapter 15, Laws of 1961 and RCW 84.12.230 are each amended to read as follows:

Each company doing business in this state shall annually on or before the 15th day of March, make and file with the ~~((commission))~~ department of revenue an annual report, in such manner, upon such form, and giving such information as the ~~((commission))~~ department may direct. At the time of making such report each company shall also be required to furnish to the ~~((commission))~~ department the annual reports of the board of directors, or other officers to the stockholders of the company, duplicate copies of the annual reports made to the interstate commerce commission and to the utilities and transportation commission of this state and duplicate copies of such other reports as the ~~((commission))~~ department may direct.

Sec. 162. Section 84.12.240, chapter 15, Laws of 1961 as amended by section 9, chapter 95, Laws of 1973 and RCW 84.12.240 are each amended to read as follows:

The department of revenue shall have access to all books, papers, documents, statements and accounts on file or of record in any of the departments of the state; and it shall have the power to issue subpoenas, signed by ~~((a member))~~ the director of the department or any duly authorized employee and served in a like manner as a subpoena issued from courts of record, to compel witnesses to appear and give evidence and to produce books and papers. ~~((Any member))~~ The director of the department ~~((, or the secretary thereof,))~~ or any employee officially designated by the department is authorized to administer oaths to witnesses. The attendance of any witness may be compelled by attachment issued out of any superior court upon application to said court by ~~((any member))~~ the director or any duly authorized employee of the department, upon a proper showing that such witness has been duly served with a subpoena and has refused to appear before the said department. In case of the refusal of a witness to produce books, papers, documents, or accounts, or to give evidence on matters material to the hearing, the department ~~((or any member thereof))~~ may institute proceedings in the proper superior court to compel such witness to testify or to produce such books or papers, and to punish him for such failure or refusal. All process issued by the department shall be served by the sheriff of the proper county or by a duly authorized agent of the department and such service, if made by the sheriff, shall

be certified by him to the ((commission)) department of revenue without any compensation therefor. Persons appearing before the department in obedience to a subpoena shall receive the same compensation as witnesses in the superior court. The records, books, accounts and papers of each company shall be subject to visitation, investigation or examination by the department, or any employee thereof officially designated by the department. All real and/or personal property of any company shall be subject to visitation, investigation, examination and/or listing at any and all times by the department, or any person officially designated by the director.

Sec. 163. Section 84.12.250, chapter 15, Laws of 1961 and RCW 84.12.250 are each amended to read as follows:

The ((commission)) department of revenue, in any matter material to the valuation, assessment or taxation of the operating property of any company, may cause the deposition of witnesses residing without the state or absent therefrom, to be taken upon notice to the company interested in like manner as the depositions of witnesses are taken in civil actions in the superior court.

Sec. 164. Section 84.12.260, chapter 15, Laws of 1961 and RCW 84.12.260 are each amended to read as follows:

If any company, or any of its officers or agents shall refuse or neglect to make any report required by this chapter, or by the ((commission)) department of revenue, or shall refuse to permit an inspection and examination of its records, books, accounts, papers or property requested by the ((commission)) department of revenue, or shall refuse or neglect to appear before the ((commission)) department of revenue in obedience to a subpoena, the ((commission)) department of revenue shall inform itself to the best of its ability of the matters required to be known, in order to discharge its duties with respect to valuation and assessment of the property of such company, and the ((commission)) department shall add to the value so ascertained twenty-five percent as a penalty for such failure or refusal and such company shall be estopped to question or impeach the assessment of the ((commission)) department in any hearing or proceeding thereafter.

Sec. 165. Section 84.12.270, chapter 15, Laws of 1961 and RCW 84.12.270 are each amended to read as follows:

The ((commission)) department of revenue shall annually make an assessment of the operating property of all companies; and between the fifteenth day of March and the first day of July of each of said years shall prepare an assessment roll upon which it shall enter and assess the true cash value of all the operating property of each of such companies as of the first day of January of the year in which the assessment is made. For the purpose of determining the true cash value of such property the ((commission)) department of revenue may inspect the property belonging to said companies and may take into consideration any information or knowledge obtained by it from such examination and inspection of such property, or of the books, records and accounts of such companies, the statements filed as required by this chapter, the reports, statements or returns of such companies filed in the office of any board, office or commission of this state or any county thereof, the earnings and earning power of such companies, the franchises owned or used by such companies, the assessed valuation of any and all property

of such companies, whether operating or nonoperating property, and whether situated within or outside the state, and any other facts, evidence or information that may be obtainable bearing upon the value of the operating property: PROVIDED, That in no event shall any statement or report required from any company by this chapter be conclusive upon the ~~((commission))~~ department of revenue in determining the amount, character and true cash value of the operating property of such company.

Sec. 166. Section 84.12.300, chapter 15, Laws of 1961 and RCW 84.12.300 are each amended to read as follows:

In determining the value of the operating property within this state of any company, the properties of which lie partly within and partly without this state, the ~~((commission))~~ department of revenue may, among other things, take into consideration the value of the whole system as a unit, and for such purpose may determine, insofar as the same is reasonably ascertainable, the salvage value, the actual cost new, the cost of reproduction new less depreciation and plus appreciation, the par value, actual value and market value of the company's outstanding stocks and bonds during one or more preceding years, the past, present and prospective gross and net earnings of the whole system as a unit.

In apportioning such system value to the state, the ~~((commission))~~ department of revenue shall consider relative costs, relative reproduction cost, relative future prospects and relative track mileage and the distribution of terminal properties within and without the state and such other matters and things as the ~~((commission))~~ department may deem pertinent.

The ~~((commission))~~ department may also take into consideration the actual cost, cost of reproduction new, and cost of reproduction new less depreciation, earning capacity and future prospects of the property, located within the state and all other matters and things deemed pertinent by the ~~((commission))~~ department of revenue.

Sec. 167. Section 84.12.310, chapter 15, Laws of 1961 and RCW 84.12.310 are each amended to read as follows:

For the purpose of determining the system value of the operating property of any such company, the ~~((commission))~~ department of revenue shall deduct from the actual cash value of the total assets of such company, the actual cash value of all nonoperating property owned by such company. For such purpose the ~~((commission))~~ department of revenue may require of the assessors of the various counties within this state a detailed list of such company's properties assessed by them, together with the assessable or assessed value thereof: PROVIDED, That such assessed or assessable value shall be advisory only and not conclusive on the ~~((commission))~~ department of revenue as to the value thereof.

Sec. 168. Section 84.12.330, chapter 15, Laws of 1961 and RCW 84.12.330 are each amended to read as follows:

Upon the assessment roll shall be placed after the name of each company a general description of the operating property of the company, which shall be considered sufficient if described in the language of subdivision (17) of RCW 84.12.200, as applied to said company, following which shall be entered the actual cash value of the operating property as determined by the ~~((commission))~~ department

of revenue. No assessment shall be invalidated by reason of a mistake in the name of the company assessed, or the omission of the name of the owner or by the entry as owner of a name other than that of the true owner. When the ((~~commission~~)) department of revenue shall have prepared the assessment roll and entered thereon the actual cash value of the operating property of the company, as herein required, it shall notify the company by mail of the valuation determined by it and entered upon said roll.

Sec. 169. Section 84.12.340, chapter 15, Laws of 1961 and RCW 84.12.340 are each amended to read as follows:

At any time between the tenth and twenty-fifth days of July, inclusive, following the making of the assessment, every company shall be entitled on its own motion, presented to the ((~~commission~~)) department of revenue before the tenth day of July, to a hearing and to present evidence before the ((~~commission~~)) department of revenue, relating to the value of its operating property and to the value of other taxable property in the counties in which its operating property is situate. Upon request in writing for such hearing, the ((~~commission~~)) department shall appoint a time and place therefor, within the period aforesaid, the hearing to be conducted in such manner as the ((~~commission~~)) department shall direct. Hearings provided for in this section may be held at such times and in such places throughout the state as the ((~~commission~~)) department may deem proper or necessary, may be adjourned from time to time and from place to place and may be conducted by the ((~~commission~~)) department of revenue or by such member or members thereof as may be duly delegated to act for it. Testimony taken before less than the entire ((~~commission~~)) department of revenue shall be reported and a transcript thereof filed with the ((~~commission~~)) department of revenue prior to its decision.

Sec. 170. Section 84.12.360, chapter 15, Laws of 1961 and RCW 84.12.360 are each amended to read as follows:

The actual cash value of the operating property assessed to a company, as fixed and determined by the state board of equalization, shall be apportioned by the ((~~commission~~)) department of revenue to the respective counties and to the taxing districts thereof wherein such property is located in the following manner:

(1) Property of steam, suburban, and interurban railroad companies, telegraph companies and pipe line companies—upon the basis of that proportion of the value of the total operating property within the state which the mileage of track, as classified by the ((~~commission~~)) department of revenue (in case of railroads), mileage of wire (in the case of telegraph companies) and mileage of pipe line (in the case of pipe line companies) within each county or taxing district bears to the total mileage thereof within the state, at the end of the calendar year last past. For the purpose of such apportionment the ((~~commission~~)) department may classify railroad track.

(2) Property of street railroad companies, motor vehicle transportation companies, telephone companies, electric light and power companies, gas companies, water companies, heating companies and toll bridge companies—upon the basis of relative value of the operating property within each county and taxing district to the value of the total operating property within the state to be determined by such factors as the ((~~commission~~)) department of revenue shall deem proper.

(3) Planes or other aircraft of airplane companies and watercraft of steamboat companies—upon the basis of such factor or factors of allocation, to be determined by the ~~((commission))~~ department of revenue, as will secure a substantially fair and equitable division between counties and other taxing districts.

All other property of airplane companies and steamboat companies—upon the basis set forth in subdivision (2) hereof.

The basis of apportionment with reference to all public utility companies above prescribed shall not be deemed exclusive and the ~~((tax commission))~~ department of revenue in apportioning values of such companies may also take into consideration such other information, facts, circumstances, or allocation factors as will enable it to make a substantially just and correct valuation of the operating property of such companies within the state and within each county thereof.

Sec. 171. Section 84.12.370, chapter 15, Laws of 1961 and RCW 84.12.370 are each amended to read as follows:

When the state board of equalization shall have determined the equalized assessed value of the operating property of each company in each of the respective counties and in the taxing districts thereof, as hereinabove provided, the ~~((commission))~~ department of revenue shall certify such equalized assessed value to the county assessor of the proper county. The county assessor shall enter the company's real operating property upon the real property tax rolls and the company's personal operating property upon the personal property tax rolls of his county, together with the values so apportioned, and the same shall be and constitute the assessed valuation of the operating property of the company in such county and the taxing districts therein for that year, upon which taxes shall be levied and collected in the same manner as on the general property of such county.

Sec. 172. Section 84.12.390, chapter 15, Laws of 1961 and RCW 84.12.390 are each amended to read as follows:

The ~~((commission))~~ department of revenue shall have the power to make such rules and regulations, not inconsistent herewith, as may be convenient and necessary to enforce and carry out the provisions of this chapter.

Sec. 173. Section 84.16.010, chapter 15, Laws of 1961 and RCW 84.16.010 are each amended to read as follows:

For the purposes of this chapter and unless otherwise required by the context:

(1) The term "~~((commission))~~ department" without other designation means the ~~((tax commission))~~ department of revenue of the state of Washington.

(2) The term "private car company" or "company" shall mean and include any person, copartnership, association, company or corporation owning, controlling, operating or managing stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars or any other kind of cars, used for transportation of property, by or upon railroad lines running in, into or through the state of Washington when such railroad lines are not owned or leased by such person, copartnership, association, company or corporation; or owning, controlling, operating or managing sleeping cars, parlor cars, buffet cars, tourist cars or any other kind of cars, used for transportation of persons by or upon railroads on lines running in, into or through the state of Washington, when such railroad lines are not owned or leased by such person, copartnership, association, company or corporation and

upon which an extra charge in addition to the railroad transportation fare is made.

(3) The term "operating property" shall mean and include all rolling stock and car equipment owned by any private car company, or held by it as occupant, lessee or otherwise, including its franchises used and reasonably necessary in carrying on the business of such company; and in the case of rolling stock and car equipment used partly within and partly without the state, shall mean and include a proportion of such rolling stock and car equipment to be determined as in this chapter provided; and all such property shall, for the purposes of this chapter be deemed personal property.

Sec. 174. Section 84.16.020, chapter 15, Laws of 1961 and RCW 84.16.020 are each amended to read as follows:

Every private car company shall annually on or before the first day of May, make and file with the ~~((commission))~~ department of revenue in such form and upon such blanks as the ~~((commission))~~ department of revenue may provide and furnish, a statement, for the year ending December thirty-first next preceding, under the oath of the president, secretary, treasurer, superintendent or chief officer of such company, containing the following facts:

(1) The name of the company, the nature of the business conducted by the company, and under the laws of what state or country organized; the location of its principal office; the name and post office address of its president, secretary, auditor, treasurer, superintendent and general manager; the name and post office address of the chief officer or managing agent or attorney in fact in Washington.

(2) The total number of cars of every class used in transacting business on all lines of railroad, within the state and outside the state; together with the original cost and the fair average value per car of all cars of each of such classes.

(3) The total number of miles of railroad main track over which such cars were used within this state and within each county in this state.

(4) The total number of car miles made by all cars on each of the several lines of railroad in this state, and the total number of car miles made by all cars on all railroads within and without the state during the year.

(5) A statement in detail of the entire gross receipts and net earnings of the company during the year within the state and of the entire system, from all sources.

(6) Such other facts or information as the ~~((commission))~~ department of revenue may require in the form of return prescribed by it.

The ~~((commission))~~ department of revenue shall have power to prescribe directions, rules and regulations to be followed in making the report required herein.

Sec. 175. Section 84.16.030, chapter 15, Laws of 1961 and RCW 84.16.030 are each amended to read as follows:

The president or other officer of every railroad company whose lines run in, into or through this state, shall, on or before the first day of April in each year, furnish to the ~~((commission))~~ department of revenue a statement, verified by the affidavit of the officer making the same, showing as to every private car company respectively, the name of the company, the class of car and the total number of miles made by each class of cars, and the total number of miles made by all cars

on its lines, branches, sidings, spurs or warehouse tracks, within this state during the year ending on the thirty-first day of December next preceding.

Sec. 176. Section 84.16.032, chapter 15, Laws of 1961 as amended section 10, chapter 95, Laws of 1973 and RCW 84.16.032 are each amended to read as follows:

The department of revenue shall have access to all books, papers, documents, statements and accounts on file or of record in any of the departments of the state; and shall have the power, by summons signed by director and served in a like manner as a subpoena issued from courts of record, to compel witnesses to appear and give evidence and to produce books and papers. The director or any employee officially designated by the director is authorized to administer oaths to witnesses. The attendance of any witness may be compelled by attachment issued out of any superior court upon application to said court by the department, upon a proper showing that such witness has been duly served with a summons and has refused to appear before the said department. In case of the refusal of a witness to produce books, papers, documents or accounts or to give evidence on matters material to the hearing, the department may institute proceedings in the proper superior court to compel such witness to testify, or to produce such books or papers and to punish him for the refusal. All summons and process issued by the department shall be served by the sheriff of the proper county and such service certified by him to the ~~((commission))~~ department of revenue without any compensation therefor. Persons appearing before the department in obedience to a summons, shall, in the discretion of the department, receive the same compensation as witnesses in the superior court. The records, books, accounts and papers of each company shall be subject to visitation, investigation or examination by the department, or any employee thereof officially designated by the director. All real and/or personal property of any company shall be subject to visitation, investigation, examination and/or listing at any and all times by the department, or any person employed by the department.

Sec. 177. Section 84.16.034, chapter 15, Laws of 1961 and RCW 84.16.034 are each amended to read as follows:

The ~~((commission))~~ department of revenue in any matter material to the valuation, assessment or taxation of the property of any company, may cause the deposition of witnesses residing without the state or absent therefrom, to be taken upon notice to the company interested in like manner as the deposition of witnesses are taken in civil actions in the superior court.

Sec. 178. Section 84.16.036, chapter 15, Laws of 1961 and RCW 84.16.036 are each amended to read as follows:

If any company, or its officer or agent, shall refuse or neglect to make any report required by this chapter, or by the ~~((commission))~~ department of revenue, or shall refuse or neglect to permit an inspection and examination of its records, books, accounts, papers or property requested by the ~~((commission))~~ department of revenue, or shall refuse or neglect to appear before the ~~((commission))~~ department in obedience to a summons, the ~~((commission))~~ department shall inform itself the best it may of the matters to be known, in order to discharge its duties with respect to valuation and assessment of the property of such company; and

the ~~((commission))~~ department shall add to the value so ascertained twenty-five percent as a penalty for the failure or refusal of such company to make its report and such company shall be estopped to question or impeach the assessment of the ~~((commission))~~ department of revenue in any hearing or proceeding thereafter.

Sec. 179. Section 84.16.040, chapter 15, Laws of 1961 and RCW 84.16.040 are each amended to read as follows:

The ~~((commission))~~ department of revenue shall annually make an assessment of the operating property of each private car company; and between the first day of May and the first day of July of each of said years shall prepare an assessment roll upon which it shall enter and assess the true cash value of all the operating property of each of such companies as of the first day of January of the year in which the assessment is made. For the purpose of determining the true cash value of such property the ~~((commission))~~ department of revenue may take into consideration any information or knowledge obtained by it from an examination and inspection of such property, or of the books, records and accounts of such companies, the statements filed as required by this chapter, the reports, statements or returns of such companies filed in the office of any board, office or commission of this state or any county thereof, the earnings and earning power of such companies, the franchises owned or used by such companies, the assessed valuation of any and all property of such companies, whether operating property or nonoperating property, and whether situated within or without the state, and any other facts, evidences or information that may be obtainable bearing upon the value of the operating property: PROVIDED, That in no event shall any statement or report required from any company by this chapter be conclusive upon the ~~((commission))~~ department of revenue in determining the amount, character and true cash value of the operating property of such company.

Sec. 180. Section 84.16.050, chapter 15, Laws of 1961 and RCW 84.16.050 are each amended to read as follows:

The ~~((commission))~~ department of revenue may, in determining the actual cash value of the operating property to be placed on the assessment roll value the entire property as a unit. If the company owns, leases, operates or uses property partly within and partly without the state, the ~~((commission))~~ department of revenue may determine the value of the operating property within this state by the proportion that the value of such property bears to the value of the entire operating property of the company, both within and without this state. In determining the operating property which is located within this state the ~~((commission))~~ department of revenue may consider and base such determination on the proportion which the number of car miles of the various classes of cars made in this state bears to the total number of car miles made by the same cars within and without this state, or to the total number of car miles made by all cars of the various classes within and without this state. If the value of the operating property of the company cannot be fairly determined in such manner the ~~((commission))~~ department of revenue may use any other reasonable and fair method to determine the value of the operating property of the company within this state.

Sec. 181. Section 84.16.090, chapter 15, Laws of 1961 and RCW 84.16.090 are each amended to read as follows:

Upon the assessment roll shall be placed after the name of each company a general description of the operating property of the company, which shall be considered sufficient if described in the language of subdivision (3) of RCW 84.16.010 or otherwise, following which shall be entered the actual cash value of the operating property as determined by the ~~((commission))~~ department of revenue. No assessment shall be invalid by a mistake in the name of the company assessed, by omission of the name of the owner or by the entry of a name other than that of the true owner. When the ~~((commission))~~ department of revenue shall have prepared the assessment roll and entered thereon the actual cash value of the operating property of the company, as herein required, it shall notify the company by mail of the valuation determined by it and entered upon said roll; and thereupon such valuation shall become the actual cash value of the operating property of the company, subject to revision or correction by the state board of equalization as hereinafter provided; and shall be the valuation upon which, after equalization by the state board of equalization as hereinafter provided, the taxes of such company shall be based and computed.

Sec. 182. Section 84.16.100, chapter 15, Laws of 1961 and RCW 84.16.100 are each amended to read as follows:

Every company assessed under the provisions of this chapter shall be entitled on its own motion to a hearing and to present evidence before the ~~((commission))~~ department of revenue, at any time between the twentieth day of July and the fifteenth day of August, relating to the value of the operating property of such company and to the value of the other taxable property in the counties in which the operating property of such company is situate. Upon request in writing for such hearing, which must be presented to the ~~((commission))~~ department of revenue on or before the twentieth day of July following the making of the assessment, the ~~((commission))~~ department shall appoint a time and place therefor, within the respective periods aforesaid, the hearing to be conducted in such manner as the ~~((commission))~~ department shall direct. Hearings provided for in this section may be held at such times and in such places throughout the state as the ~~((commission))~~ department may deem proper or necessary and may be adjourned from time to time and from place to place.

Sec. 183. Section 84.16.130, chapter 15, Laws of 1961 and RCW 84.16.130 are each amended to read as follows:

When the state board of equalization shall have determined the equalized or assessed value of the operating property of each company in the respective counties as hereinabove provided, the ~~((tax commission))~~ department of revenue shall certify such equalized or assessed value to the county assessor of the proper county; and the county assessor shall apportion and distribute such assessed or equalized valuation to and between the several taxing districts of his county entitled to a proportionate value thereof in the manner prescribed in RCW 84.16.120 for apportionment of values between counties. The county assessor shall enter such assessment upon the personal property tax rolls of his county, together with the values so apportioned, and the same shall be and constitute the assessed valuation of the operating company in such county for that year, upon which taxes shall be levied and collected the same as on general property of the county.

Sec. 184. Section 84.24.010, chapter 15, Laws of 1961 and RCW 84.24.010 are each amended to read as follows:

The terms used in this chapter shall be construed as follows: The phrase "error in taxation" shall mean and embrace any action on the part of any assessing or taxing officer or board resulting in taxes being levied on any property at an amount in excess of what they should have been, or resulting in a tax void in whole or in part; the word "owner" shall be construed to mean the person owning the legal title to the property which shall be reassessed and retaxed pursuant to this chapter as shown by the county auditor's records; the phrase "relevied tax" shall mean the tax levied on any property as a result of a reassessment as provided in this chapter; the phrase "original tax" shall mean the tax originally levied upon the property for the year or years for which a reassessment and relevy is made; the phrase "original assessment" shall mean all of the proceedings of the assessing and taxing officers leading up to the actual levying of the original tax; the phrase "original assessment date" shall mean the date as of which the property in question was valued for the purpose of fixing the original tax thereon; the word "hearing" shall mean a proceeding in which any taxpayer or other person having an interest in the matter concerning which such hearing is had, is afforded an opportunity of making such showing with respect thereto, as he may desire; the phrase "~~((tax commission))~~ department of revenue" shall mean the ~~((tax commission))~~ department of revenue of the state of Washington; the term "person" shall import both the singular and plural as the case may demand, or as shall be applicable, and shall include individuals, copartnerships, corporations, and unincorporated societies and associations.

Sec. 185. Section 84.24.030, chapter 15, Laws of 1961 and RCW 84.24.030 are each amended to read as follows:

The ~~((tax commission))~~ department of revenue shall cause a notice, signed by it, to be served upon the owner in the manner hereinafter provided, which notice shall be addressed to the owner and also "to all persons known and unknown having or claiming any interest in the property in this notice described", shall describe such property with the same particularity as the same is required by law to be described upon the assessment rolls, and shall give notice that at a time to be fixed in such notice (which time shall not be less than ten, nor more than thirty days after the date of the last publication of such notice hereinafter provided), such ~~((tax commission))~~ department of revenue will, at its office proceed to reassess and retax said property for the particular year or years involved (naming them) and further giving notice that said owner or other interested persons may appear at the time and place set forth in said notice, and show cause, if any there be, why such reassessment and retaxation should not be made, and make such showing as they shall desire to make as to the claimed illegality of such tax. Such notice shall also be published once a week for three consecutive weeks in a newspaper printed and published and of general circulation in one of the counties in which such property is located. A copy of such notice shall also be mailed not less than ten days prior to the date fixed for such hearing to the prosecuting attorney of each county in which the property is located.

The notice referred to in this section shall be served either (1) in the same manner as personal service of summons in civil actions is made, or (2) by depositing a true copy thereof in the United States post office at Olympia, Washington, securely wrapped and plainly addressed to such owner at his last known address. Proof of such service shall be made by the affidavit of the person making such service.

Sec. 186. Section 84.24.040, chapter 15, Laws of 1961 and RCW 84.24.040 are each amended to read as follows:

A hearing shall be had at the time and place set forth in the notice provided for in RCW 84.24.030, and thereafter the ~~((tax commission))~~ department of revenue shall determine, as of the original assessment date, and in the manner provided by existing law, the cash market value of the property in question, and the ratio between cash market value and assessed value of the other taxable property in the county where such property is located, and shall fix the equalized value of the property in question at that percentage of its cash market value as of the original assessment date, which the equalized assessed value of the general taxable property in the county where such reassessed property is located, bore to its cash market value: PROVIDED, HOWEVER, That in case of a protest, complaint or petition based upon an alleged excessive assessment, the reassessment shall not exceed the original assessment.

Sec. 187. Section 84.24.050, chapter 15, Laws of 1961 and RCW 84.24.050 are each amended to read as follows:

If the original assessment was made by a county assessor, the equalized valuation of such property for the purpose of such reassessment and any other corrections made by the ~~((tax commission))~~ department of revenue in the original tax shall be forthwith certified to the county assessor of the county in which such reassessed property is located, and the same shall be entered and the tax extended by such assessor under an appropriate heading, in the assessment rolls for the year or years for which such reassessment is made, in the same manner as provided by existing law for the entry and extension of the original assessment of such property. If the original assessment was made by the ~~((tax commission))~~ department of revenue, the equalized valuation of such property for the purpose of such reassessment shall be forthwith entered by the ~~((tax commission))~~ department of revenue under an appropriate heading, in its assessment rolls for the year or years for which such reassessment was made, and shall be apportioned to the county or counties, and certified to the county assessors of the proper counties, and shall be distributed by the county assessors among taxing districts, and shall be placed upon the county tax rolls, in the same manner as provided by existing law for the entry and extension of the original assessment of such property.

The officers authorized by existing law to levy and collect taxes on said property shall forthwith proceed to relist said property, and to relevy and collect the tax thereon as of the original assessment year or years, in the same manner as provided by existing law for the listing of property, and the levying and collection of taxes thereon, save and except, that each such officer shall, in turn, perform the several duties to be performed by him in connection with such reassessment and retaxation, as soon as the completion of the duties of other officers in connection

therewith make it possible for him to do so: PROVIDED, That such tax as reassessed and relieved shall be figured and determined at the same tax rate as the original tax on said property for the year or years for which said reassessment was made, was or should have been, figured and determined.

Sec. 188. Section 2, chapter 214, Laws of 1963 and RCW 84.28.006 are each amended to read as follows:

For the purposes of this chapter:

(1) "Department" shall mean the state department of natural resources;

(2) (~~"Commission" shall mean the state tax commission.~~

~~(3))~~) The term selectively harvested lands as used in this chapter shall mean lands devoted to reforestation as set forth and defined in Article 7, Section 1 of the Constitution of the state of Washington, as amended.

Sec. 189. Section 84.28.020, chapter 15, Laws of 1961 as amended by section 4, chapter 214, Laws of 1963 and RCW 84.28.020 are each amended to read as follows:

The owner of any lands eligible for classification under this chapter may apply in writing to the department of natural resources for the classification of any such lands as reforestation lands. The application shall contain a list of such lands by county, giving the legal description thereof by government legal subdivision, in tracts not smaller than a forty acre tract or government lot. At the time of filing the application with the department, the owner shall also file a copy thereof with the assessor of each county wherein such lands are situated along with a list of such lands described in the application. Within one hundred and twenty days following the filing of the application, a hearing on the proposed classification shall be held by the department at the court house in the county seat in each county of the state wherein any lands proposed for classification are situated. Notice of the hearing shall be given by the department by publication of a notice in at least two issues of a newspaper published and having general circulation in the county wherein such hearing is to be held. The notice shall specify the time, place and general purpose of the hearing and shall advise that a list of the lands proposed for classification as reforestation lands, with the legal description and the names of the owners, has been filed with the county assessor. The last publication of such notice shall be at least fifteen days prior to the date fixed for the hearing. The department shall, on or before the date of the last publication of the notice, mail a copy thereof to the applicant, the county commissioners and the county assessor. At the hearing, the department shall hear objections to, and arguments for and against the proposed classification as to all, or any particular lands described on the list. Following the hearing the department shall reconsider the proposed list and classification and shall strike from the list any lands it determines are not suitable as reforestation lands and shall forward a list of such rejected lands to the land owner. The department shall, within thirty days following the conclusion of the hearing, file with the state (~~(tax commission)~~) department of revenue and forward to the land owner and assessor a list of the lands by the respective counties determined by it to be qualified for classification as reforestation lands, with description by government legal subdivisions, and names and addresses of respective owners.

The ~~((commission))~~ department of revenue shall hold said list for a period of two weeks, during which time any taxpayer, or the county assessor, of the county in which the lands are located shall be entitled to file written objections with it to the classification as reforestation lands of any particular lands on such list. If any objection is filed the ~~((commission))~~ department of revenue shall within thirty days after the receipt of the objection fix a date and hold a hearing thereon, and shall in writing notify the objector, the department, the assessor and the owner of the lands of the date fixed for the hearing and send a copy of the written objections to the department, land owner and assessor. At the hearing the ~~((commission))~~ department of revenue shall hear and consider evidence offered by the department, owner, assessor or objector as to the nature and character of such lands, and from such evidence shall determine whether the lands shall be classified as reforestation lands; and if the ~~((commission))~~ department of revenue determines that the lands are not suitable for reforestation and should not be classified as reforestation lands, it shall cause such lands to be stricken from the list. If no objections are filed to the classification of any lands on such list or if objections are filed and after hearing are overruled, the ~~((commission))~~ department of revenue shall forthwith enter an order approving the list as filed; and if, following a hearing on objections to classification as to any particular lands on the list, the ~~((commission))~~ department of revenue determines that the particular lands are not properly classified as reforestation lands, it shall within thirty days after the close of the hearing enter an order to that effect and shall strike such lands from the list, and enter an order approving the list with such lands stricken therefrom. Upon entry of the order the ~~((commission))~~ department of revenue shall, within a period of ten days, at its expense, cause a certified copy thereof, together with the approved list to be recorded in the office of the auditor of the county in which the lands are situated, and shall forward one certified copy thereof, together with the approved list, to the assessor of the county wherein the lands are situated, one copy to the department, and one copy of its order to the owner, with a list only of lands in which he has an interest; and thereupon the lands described on such list shall be classified as reforestation lands.

Sec. 190. Section 84.28.050, chapter 15, Laws of 1961 as amended by section 5, chapter 214, Laws of 1963 and RCW 84.28.050 are each amended to read as follows:

Whenever the department or county assessor of the county in which classified lands are situated believes that any lands classified as reforestation lands are not being protected as provided by law, or the lands become more valuable for some other purpose, or are not being used primarily for forest crop production, the department or county assessor may petition the ~~((commission))~~ department of revenue to remove such lands from classification as reforestation lands. The petition shall describe the lands by government legal subdivisions and shall set forth the name of the owner thereof, and the grounds and reasons for which such removal is sought. The ~~((commission))~~ department of revenue shall within sixty days after filing of the petition fix a time and place and shall hold a hearing on the petition and shall mail a copy of the notice thereof, together with a copy of the petition, to the owner at his address as shown by the records of the county treasurer's office at least thirty days prior to the date set for the hearing. At the time and place fixed

for the hearing the ~~((commission))~~ department of revenue shall hold a hearing on the petition and shall receive evidence offered by the owner, the department or county assessor for and against the petition. Upon the conclusion of the hearing the ~~((commission))~~ department of revenue shall within fifteen days thereafter determine whether such lands shall be removed from classification as reforestation lands, and shall enter an order accordingly. Within ten days after issuance of the order, one certified copy of such order shall be forwarded by the ~~((commission))~~ department of revenue to the county assessor of the county in which the lands are situated, one to the owner and one to the department, and the ~~((commission))~~ department of revenue shall, at its own expense, cause a certified copy of such order, together with a list of the lands covered thereby, to be recorded in the office of the auditor of the county in which the lands are situated.

Sec. 191. Section 84.28.060, chapter 15, Laws of 1961 as amended by section 6, chapter 214, Laws of 1963 and RCW 84.28.060 are each amended to read as follows:

Whenever any lands previously classified as reforestation lands shall be or become more valuable for some other purpose and twenty-five taxpayers of the county in which the lands are situated file a petition with the ~~((commission))~~ department of revenue, alleging such to be the case, the ~~((commission))~~ department of revenue shall fix a date for hearing on the petition and shall in writing notify the taxpayers by mailing notice thereof directed to the taxpayers at the address shown on the petition; and shall likewise, at least thirty days prior to the hearing date, notify the department, the assessor and the owners of the lands involved, by mailing a notice of the hearing with a copy of the petition to them directed to their respective addresses. At the hearing the petitioners, the department, the assessor and the owners shall be entitled to offer evidence bearing upon the question of the value of such lands for reforestation and other purposes. The ~~((commission))~~ department of revenue from the evidence shall determine whether the lands are more valuable for some other purpose than for reforestation; and if it so determines it shall enter an order to that effect and thereupon the lands shall be removed from classification as reforestation lands. Upon entry of an order by the ~~((commission))~~ department of revenue, as provided for in this section, the ~~((commission))~~ department of revenue shall, at its own expense, cause a certified copy thereof, together with a list of the lands covered thereby, to be recorded in the office of the auditor of the county in which the lands are situated and a certified copy thereof shall also be mailed to the owner.

Sec. 192. Section 7, chapter 214, Laws of 1963 and RCW 84.28.063 are each amended to read as follows:

The owner may at any time cause any of his lands classified under this chapter to be removed from such classification by filing written notice to that effect with the county assessor of the county in which such lands are situated, which notice shall describe the lands to be removed, giving the legal description thereof by government legal subdivision. Copy of such notice shall also be filed with the department, the ~~((commission))~~ department of revenue and the county auditor of the county in which the lands are situated. Upon receipt from the county treasurer of evidence of payment of the yield taxes imposed by RCW 84.28.065, the ~~((commission))~~ department of revenue shall issue an order removing said lands from

classification, and such lands shall thereby be removed from classification as reforestation lands as of the first day of January next following the date of issuance of such order, and shall cease to be assessed and taxed as such and shall be free from any lien for unpaid taxes due or assessable under this chapter except as provided in RCW 84.28.065.

Sec. 193. Section 8, chapter 214, Laws of 1963 and RCW 84.28.065 are each amended to read as follows:

Whenever any land is removed from classification as reforestation land it shall thereafter be assessed and taxed without regard to the provisions of this chapter, and there shall thereupon become due and owing to the county in which such land is situated the taxes set forth in this section.

(a) A yield tax equal to twelve and one-half percent of the value of the timber or forest crop remaining on the land, based upon full current stumpage rates fixed by the assessor: PROVIDED, That whenever, within a period of twelve years following the classification of any lands as reforestation lands, any such lands shall be removed from classification, the owner thereof shall be required to pay a yield tax upon the timber of one percent for each year that has expired from the date of such classification until such removal from classification.

(b) A sum of money equivalent to the amount, if any, by which the tax paid on the land and forest crop because of classification under this chapter is less than the tax paid during the same period on similar land and forest crop that was not classified.

The assessor shall prepare a roll of lands to be removed from classification and shall extend against such lands the taxes computed as provided in this section, and shall forthwith transmit to the county treasurer a record of such taxes; and the county treasurer shall thereupon enter the amount of such taxes upon his records against such lands and their owner; and such taxes shall thereupon become a lien against such lands and timber and also against any forest material that may be cut thereon and against any other real or personal property owned by such owner. Such taxes shall become delinquent on the fifteenth day of March next following the effective date of the ~~((commission's))~~ order of the department of revenue. The lien of such taxes shall be superior, and shall be enforceable, in the same manner and to the same effect as provided in RCW 84.28.140 for collection of yield taxes on materials removed from classified lands: PROVIDED, That payment of such taxes shall be a condition precedent to issuance of an order removing lands from classification pursuant to provisions of RCW 84.28.063: PROVIDED FURTHER, That an order classifying lands or removing lands from classification shall not be retroactive, but the effective date of such order shall not be earlier than the first day of January next following the date of issuance of such order.

Sec. 194. Section 84.28.160, chapter 15, Laws of 1961 as amended by section 14, chapter 214, Laws of 1963 and RCW 84.28.160 are each amended to read as follows:

The department of natural resources and the ~~((commission))~~ department of revenue, respectively, shall have power to make such rules and regulations as they shall deem necessary or advisable in the exercise of the powers and performance of the duties imposed upon them by this chapter.

Sec. 195. Section 84.40.320, chapter 15, Laws of 1961 as amended by section 98, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.40.320 are each amended to read as follows:

The assessor shall add up and note the amount of each column in his detail and assessment lists, which he shall have bound in book form in such manner, to be prescribed or approved by the state (~~(tax commission)~~) department of revenue, as will provide a convenient and permanent record of assessment. He shall also make, under proper headings, a tabular statement showing the footings of the several columns upon each page, and shall add and set down under the respective headings the total amounts of each column, which he shall attach to the highest numbered assessment book, and on the first Monday of July he shall file the same, properly indexed, with the clerk of the county board of equalization for the purpose of equalization by the said board. Such returns shall be verified by his affidavit, substantially in the following form:

State of Washington, County, ss.

I,, Assessor, do solemnly swear that the books No. 1 to No., to the last of which this is attached, contain a correct and full list of all the real property (or personal property, as the case may be) subject to taxation in county, so far as I have been able to ascertain the same; and that the assessed value set down in the proper column, opposite the several kinds and descriptions of property, is in each case one hundred percent of the true and fair value of such property, to the best of my knowledge and belief, and that the footings of the several columns in said books, and the tabular statement returned herewith, are correct, as I verily believe.

....., Assessor.

Subscribed and sworn to before me this day of, 19...
(L. S.), Auditor of county.

PROVIDED, That the failure of the assessor to attach his certificate shall in no-wise invalidate the assessment. After the same has been duly equalized by the county and state board of equalization, the same shall be delivered to the county assessor, who shall then extend the amount as levied by the state and county boards upon the said detail and assessment lists as by law provided.

Sec. 196. Section 84.40.330, chapter 15, Laws of 1961 and RCW 84.40.330 are each amended to read as follows:

It shall be the duty of the county assessor, on the completion of his assessment rolls each year, to furnish the (~~(tax commission)~~) department of revenue a list of corporations, companies, associations, banks and individuals doing business of a public character whose assessed valuation is three thousand dollars or more, together with the class of property and the valuation placed on same for assessment purposes.

Sec. 197. Section 84.41.060, chapter 15, Laws of 1961 and RCW 84.41.060 are each amended to read as follows:

Any county assessor may request special assistance from the (~~(tax commission)~~) department of revenue in the valuation of property which either (1) requires specialized knowledge not otherwise available to the assessor's staff, or (2) because

of an inadequate staff, cannot be completed by the assessor within the time required by this chapter. After consideration of such request the ~~((tax commission))~~ department of revenue shall advise the assessor that such request is either approved or rejected in whole or in part. Upon approval of such request, the ~~((tax commission))~~ department of revenue may assist the assessor in the valuation of such property in such manner as the ~~((tax commission))~~ department of revenue, in its discretion, considers proper and adequate.

Sec. 198. Section 84.41.070, chapter 15, Laws of 1961 and RCW 84.41.070 are each amended to read as follows:

If the ~~((tax commission))~~ department of revenue finds upon its own investigation, or upon a showing by others, that the revaluation program for any county is not proceeding for any reason as herein directed, or is not proceeding for any reason with sufficient rapidity to be completed before June 1, 1958, the ~~((tax commission))~~ department of revenue shall advise both the board of county commissioners and the county assessor of such finding. Within thirty days after receiving such advice, the board of county commissioners, at regular or special session, either (1) shall authorize such expenditures as will enable the assessor to complete the revaluation program as herein directed, or (2) shall direct the assessor to request special assistance from the ~~((tax commission))~~ department of revenue for aid in effectuating the county's revaluation program.

Sec. 199. Section 84.41.080, chapter 15, Laws of 1961 and RCW 84.41.080 are each amended to read as follows:

Upon receiving a request from the county assessor, either upon his initiation or at the direction of the board of county commissioners, for special assistance in the county's revaluation program, the ~~((tax commission))~~ department of revenue may, before undertaking to render such special assistance, negotiate a contract with the board of county commissioners of the county concerned. Such contracts as are negotiated shall provide that the county will reimburse the state for fifty percent of the costs of such special assistance within three years of the date of expenditure of such costs. All such reimbursements shall be paid to the ~~((tax commission))~~ department of revenue for deposit to the state general fund. The ~~((tax commission))~~ department of revenue shall keep complete records of such contracts, including costs incurred, payments received, and services performed thereunder.

Sec. 200. Section 84.41.090, chapter 15, Laws of 1961 and RCW 84.41.090 are each amended to read as follows:

The ~~((tax commission))~~ department of revenue shall make and publish such rules, regulations and guides which it determines are needed to supplement materials presently published by the ~~((tax commission))~~ department of revenue for the general guidance and assistance of county assessors. Each assessor is hereby directed and required to value property in accordance with the standards established by RCW 84.40.030 and in accordance with the applicable rules, regulations and valuation manuals published by the ~~((tax commission))~~ department of revenue.

Sec. 201. Section 84.41.110, chapter 15, Laws of 1961 and RCW 84.41.110 are each amended to read as follows:

Appraisers whose services may be obtained by contract or who may be assigned by the ~~((tax commission))~~ department of revenue to assist any county assessor shall act in an advisory capacity only, and valuations made by them shall not in any manner be binding upon the assessor, it being the intent herein that all valuations made pursuant to this chapter shall be made and entered by the assessor pursuant to law as directed herein.

Sec. 202. Section 84.41.120, chapter 15, Laws of 1961 and RCW 84.41.120 are each amended to read as follows:

Each county assessor shall keep such books and records as are required by the rules and regulations of the ~~((tax commission))~~ department of revenue and shall comply with any lawful order, rule or regulation of the ~~((commission))~~ department of revenue.

Whenever it appears to the ~~((tax commission))~~ department of revenue that any assessor has failed to comply with any of the provisions of this chapter relating to his duties or the rules of the ~~((tax commission))~~ department of revenue made in pursuance thereof, the ~~((tax commission))~~ department of revenue, after a hearing on the facts, may issue an order directing such assessor to comply with such provisions of this chapter or rules of the ~~((tax commission))~~ department of revenue. Such order shall be mailed by registered mail to the assessor at the county court house. If, upon the expiration of fifteen days from the date such order is mailed, the assessor has not complied therewith or has not taken measures that will insure compliance within a reasonable time, the ~~((tax commission))~~ department of revenue may apply to a judge of the superior court or court commissioner of the county in which such assessor holds office, for an order returnable within five days from the date thereof to compel him to comply with such provisions of law or of the ~~((tax commission's))~~ order of the department of revenue or to show cause why he should not be compelled so to do. Any order issued by the judge pursuant to such order to show cause shall be final. The remedy herein provided shall be cumulative and shall not exclude the ~~((tax commission))~~ department of revenue from exercising any powers or rights otherwise granted.

Sec. 203. Section 84.41.130, chapter 15, Laws of 1961 and RCW 84.41.130 are each amended to read as follows:

Each county assessor, before October 15th each year, shall prepare and submit to the ~~((tax commission))~~ department of revenue a detailed report of the progress made in the revaluation program in his county to the date of the report and be made a matter of public record. Such report shall be submitted upon forms supplied by the ~~((tax commission))~~ department of revenue and shall consist of such information as the ~~((tax commission))~~ department of revenue requires. The ~~((tax commission))~~ department of revenue shall transmit a copy of such report to the legislature.

Sec. 204. Section 84.41.140, chapter 15, Laws of 1961 and RCW 84.41.140 are each amended to read as follows:

The ~~((tax commission))~~ department of revenue, thirty days prior to the convening of each regular session of the legislature, shall submit a comprehensive report showing the extent of progress of the revaluation program in each county. Such report shall also include any comments and recommendations the ~~((tax~~

~~commission~~) department of revenue may have in regard to the revaluation program.

Sec. 205. Section 84.44.090, chapter 15, Laws of 1961 and RCW 84.44.090 are each amended to read as follows:

In all questions that may arise under this title as to the proper place to list personal property, or where the same cannot be listed as stated in this title, if between several places in the same county, or between different counties, or places in different counties, the place for listing and assessing shall be determined and fixed by the (~~tax commission~~) department of revenue; and when fixed in either case shall be as binding as if fixed by this title.

Sec. 206. Section 84.48.120, chapter 15, Laws of 1961 and RCW 84.48.120 are each amended to read as follows:

It shall be the duty of the county assessor of each county, when he shall have received from the state (~~tax commission~~) department of revenue the assessed valuation of the property of railroad and other companies assessed by the (~~commission~~) department of revenue and apportioned to the county, and placed the same on the tax rolls, and received the report of the state auditor of the amount of taxes levied for state purposes, to compute the required percent on the assessed value of property in the county, and such state taxes shall be extended on the tax rolls in the proper column: PROVIDED, That the rates so computed shall not be such as to raise a surplus of more than five percent over the total amount required by the state board of equalization.

Sec. 207. Section 84.48.130, chapter 15, Laws of 1961 and RCW 84.48.130 are each amended to read as follows:

It shall be the duty of the county assessor of each county, when he shall have received from the state (~~tax commission~~) department of revenue the certificate of the assessed valuation of the property of railroad and/or other companies assessed by the (~~commission~~) department of revenue and apportioned to the county, and shall have distributed the value so certified to him to the several taxing districts in his county entitled to a proportionate value thereof, and placed the same upon the tax rolls of the county, to certify to the board of county commissioners and to the officers authorized by law to estimate expenditures and/or levy taxes for any taxing district coextensive with the county, the total assessed value of property in the county as shown by the completed tax rolls, and to certify to the officers authorized by law to estimate expenditures and/or levy taxes for each taxing district in the county not coextensive with the county, the total assessed value of the property in such taxing district.

Sec. 208. Section 84.68.120, chapter 15, Laws of 1961 and RCW 84.68.120 are each amended to read as follows:

Upon the filing of the petition with the county assessor that officer shall proceed forthwith to conduct such investigation as may be necessary to ascertain and determine whether or not the assessment in question was erroneous or whether or not the tax was incorrectly extended upon the tax rolls and if he finds there is probable cause to believe that the property was erroneously assessed, and that such erroneous assessment was due to an error in description, double assessment

or manifest error in assessment which does not involve a revaluation of the property, or that the tax was incorrectly extended upon the tax rolls, he shall endorse his findings upon the petition, and thereupon within ten days after the filing of the petition by the taxpayer forward the same to the county treasurer. If the assessor's findings be in favor of cancellation or reduction or correction he shall include therein a statement of the amount to which he recommends that the assessment and tax be reduced. It shall be the duty of the county treasurer, upon whom a petition with endorsed findings is served, as in RCW 84.68.110 through 84.68.150 provided, to endorse thereon a statement whether or not the tax against which complaint is made has in fact been paid and, if paid, the amount thereof, whereupon the county treasurer shall immediately transmit the petition to the prosecuting attorney and the prosecuting attorney shall make such investigation as he deems necessary and, within ten days after receipt of the petition and findings by him, transmit the same to the state (~~(tax commission)~~) department of revenue with his recommendation in respect to the granting or denial of the petition.

Sec. 209. Section 84.68.130, chapter 15, Laws of 1961 and RCW 84.68.130 are each amended to read as follows:

Upon receipt of the petition, findings and recommendations the state (~~(tax commission)~~) department of revenue shall proceed to consider the same, and it may require evidence to be submitted and make such investigation as it deems necessary and for such purpose the (~~(commission)~~) department of revenue shall be empowered to subpoena witnesses in order that all material and relevant facts may be ascertained. Upon the conclusion of its consideration of the petition and within thirty days after receipt thereof, the (~~(commission)~~) department of revenue shall enter an order either granting or denying the petition and if the petition be granted the (~~(commission)~~) department of revenue may order the assessment canceled or reduced or the extended tax corrected upon the tax rolls in any amount it deems proper but in no event to exceed the amount of reduction or correction recommended by the county assessor.

Sec. 210. Section 84.68.140, chapter 15, Laws of 1961 and RCW 84.68.140 are each amended to read as follows:

Certified copies of the (~~(commission's)~~) order of the department of revenue shall be forwarded to the county assessor, the county auditor and the taxpayer, and the taxpayer shall immediately be entitled to a refund of the difference, if any, between the tax already paid and the canceled or reduced or corrected tax based upon the order of the (~~(tax commission)~~) department of revenue with legal interest on such amount from the date of payment of the original tax. Upon receipt of the (~~(commission's)~~) order of the department of revenue the county auditor shall draw a warrant against the county tax refund fund in the amount of any tax reduction so ordered, plus legal interest to the date such warrant is issued, and such warrant shall be paid by the county treasurer out of any moneys on hand in said fund. If no funds are available in the county tax refund fund for the payment of such warrant the warrant shall bear interest and shall be callable under such conditions as are provided by law for county warrants and such interest, if any, shall also be paid out of said fund. The (~~(commission's)~~) order of the department of revenue shall for all purposes be considered as a judgment against the county tax refund fund and the obligation thereof shall be discharged in the same manner

as provided by law for the discharge of judgments against the county for excessive taxes under the provisions of RCW 84.68.010 through 84.68.070 or any act amendatory thereof.

Sec. 211. Section 84.72.010, chapter 15, Laws of 1961 and RCW 84.72.010 are each amended to read as follows:

The state treasurer is hereby authorized and directed to receive any moneys that may be paid to the state by the United States or any agency thereof in lieu of ad valorem property taxes, and to transfer the same to the respective county treasurers in compliance with apportionments made by the state (~~((tax commission))~~) department of revenue; and the state treasurer shall immediately notify the (~~((tax commission))~~) department of revenue of the receipt of any such payment.

Sec. 212. Section 84.72.020, chapter 15, Laws of 1961 and RCW 84.72.020 are each amended to read as follows:

Any such moneys so paid to the state treasurer shall be apportioned to the state and to the taxing districts thereof that would be entitled to share in the property taxes in lieu of which such payments are made in the same proportion that the state and such taxing units would have shared in such property taxes if the same had been levied. The basis of apportionment shall be the same as that of property taxes first collectible in the year in which such lieu payment is made: PROVIDED, That if any such lieu payment cannot be so apportioned the apportionment shall be made on such basis as the (~~((tax commission))~~) department of revenue shall deem equitable and proper.

Sec. 213. Section 84.72.030, chapter 15, Laws of 1961 and RCW 84.72.030 are each amended to read as follows:

The (~~((tax commission))~~) department of revenue may indicate either the exact apportionment to taxing units or it may direct in general terms that county treasurers shall apportion any such lieu payment in the manner provided in RCW 84.72.020. In either event the (~~((tax commission))~~) department of revenue shall certify to the state treasurer the basis of apportionment and the state treasurer shall thereupon forthwith transmit any such lieu payment, together with a statement of the basis of apportionment, to the county treasurer in accordance with such certification.

Sec. 214. Section 4, chapter 106, Laws of 1967 and RCW 90.50.040 are each amended to read as follows:

The water pollution control facilities bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in said water pollution control facilities redemption fund from moneys transmitted to the state treasurer by the (~~((tax commission))~~) department of revenue and certified by the (~~((tax commission))~~) department of revenue to be sales tax collections and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax

revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 215. If any provision of this 1975 amendatory 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. 216. This 1975 amendatory 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.*

**Sec. 216. was vetoed, see message at end of chapter.*

NEW SECTION. Sec. 217. The legislature hereby reaffirms its singular intent under this amendatory act to change the designation of the state tax commission to the department of revenue or the board of tax appeals, as the case may be, and to make explicit its intent that no rights, duties, obligations or benefits, of whatsoever kind, are to be construed as changed as a result of the enactment hereof.

Passed the House March 14, 1975.

Passed the Senate May 31, 1975.

Approved by the Governor July 2, 1975 with the exception of section 216 which is vetoed.

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

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

"I am returning herewith without my approval as to one section House Bill No. 354 entitled:

"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."

Section 216 declares an emergency and provides for the act to take effect immediately. I have, on several recent occasions, expressed my increasing apprehension over repeated and unwarranted use of emergency clauses in bills that do not measure up to the standard of urgency contained in Article II, section 1(b) of our Constitution. I have vetoed emergency clauses from such bills, and must do so again for the same reason in the case of this bill.

With the exception of section 216 which I have vetoed, the remainder of House Bill No. 354 is approved."

CHAPTER 279

[Substitute House Bill No. 427]

HIGHWAYS—OPERATIONS AND CAPITAL IMPROVEMENTS BUDGET

AN ACT Relating to highways; making appropriations for the operations and capital improvements of the state highway commission, the urban arterial board, and the Washington toll bridge authority; and declaring an emergency.

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

***NEW SECTION.** Section 1. The budget of the Washington state highway commission is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or so much thereof as shall be necessary to accomplish the purposes designated, are hereby appropriated from the motor vehicle fund to the state highway commission and are authorized to be disbursed for salaries, wages, and other state highway commission expenses for obligations incurred and not paid as of July 1, 1975, for capital projects and for other specified purposes for the biennium ending June 30, 1977:

PROGRAM C, CONSTRUCTION

For the location, design, right of way, and construction of state highways, including state highways in urban areas in accordance with RCW 47.26.040 through 47.26.070, and for improvement and construction of buildings, other highway plant structures and ferry and toll facilities, and for associated supervision and direct support \$363,480,330 consisting of \$129,000,000 from state funds, \$233,380,330 from federal funds, and \$1,100,000 from local funds; and a reappropriation of \$12,000,000 from state funds (but said reappropriation shall not exceed the unexpended balance of the appropriation to the highway commission contained in section 1, chapter 222, Laws of 1973 1st ex. sess.): **PROVIDED**, That the appropriation contained in this section for Program C, "Construction" shall include the proceeds of bonds authorized by RCW 47.26.400 through 47.26.407 remaining unsold on July 1, 1975, but not to exceed \$35,000,000: **PROVIDED**, That the state highway commission may transfer any funds authorized within this appropriation to Program M, Physical Maintenance and Operations, for expenditure: *PROVIDED FURTHER, That the state highway commission through the biennium ending June 30, 1977, is directed to exercise its authority under the priority programming law and may digress therefrom with discretion and flexibility to utilize effectively state and federal funds available for highway purposes:* **PROVIDED FURTHER**, That no funds appropriated in this section shall be expended for construction of Project No. 61127A on state route 276 as shown in the document published by the Washington state highway commission entitled "Highway Construction Projects in the 1975-1977 Biennium by Legislative District" dated February 1, 1975, until completion of a further review of the highway transportation requirements in the Pullman area by the highway commission.

PROGRAM M, PHYSICAL MAINTENANCE AND OPERATIONS

For Program M maintenance and operations of state highways, maintenance and operation of highway plant, and associated supervision and direct support \$97,084,502 consisting of \$95,466,476 from state funds and \$1,618,026 from local funds: **PROVIDED**, That the state highway commission may transfer any funds authorized within this appropriation to Program C, Construction, for expenditure.

PROGRAM P, GENERAL SUPERVISION, PLANNING AND RESEARCH

For the operations of the Washington state highway commission, department of highways, including programs for executive management and general support, highway planning surveys and research by the Washington state highway commission and for research and studies approved by the Washington state highway commission and the legislative transportation committee or the standing transportation and utilities committees of the senate and house. Also, for any necessary

increase in stores; for necessary pit and stockpile sites and write-off of obsolete pits and stockpiles \$25,859,886 consisting of \$20,430,907 from state funds and \$5,428,979 from federal funds: PROVIDED, That the state highway commission may transfer any funds authorized within this appropriation to Program C, Construction, or Program M, Maintenance and Operations, for expenditure: PROVIDED FURTHER, That the highway commission may expend state collected revenues appropriated under Program P, General Supervision, Planning and Research for special studies conducted by the Puget Sound Council of Governments at the request of the highway commission, but shall not expend any state collected funds appropriated by this act to pay for any portion of the regular annual work program of the Puget Sound Council of Governments for the biennium ending June 30, 1977.

The legislature finds that the highway commission has made significant management improvements to date in the development and utilization of work standards and similar criteria for determining both operational and support personnel requirements in all programs. It is the intent of the legislature that the highway commission devote special attention to the continued evolution and refinement of such criteria during execution of the 1975-77 biennium budget; and to prepare the 1977-79 biennium budget request based on such refined criteria.

***Sec. 1. was partially vetoed, see message at end of chapter.**

***NEW SECTION.** Sec. 2. The budget for the urban arterial board is hereby adopted and there is hereby appropriated from the urban arterial trust account in the motor vehicle fund to the urban arterial board for the biennium ending June 30, 1977, \$43,101,804 or so much thereof as may be necessary for implementing and administering the program of financial assistance to cities and counties in urban areas for urban arterial highways, roads and streets: PROVIDED, That said appropriation shall include \$20,000,000 from the proceeds from the sale of first authorization bonds provided for by RCW 47.26.420 through 47.26.427 and shall further include \$5,000,000 from the proceeds from the sale of series II bonds as provided for by RCW 47.26.420 through 47.26.427: PROVIDED FURTHER, That in event proceeds of motor vehicle fuel tax revenue distributed in accordance with RCW 82.36.020 are insufficient to meet debt service requirements on bonds sold in accordance with RCW 47.26.420, funds for such debt service deficits shall be provided in accordance with RCW 47.26.425 and 47.26.426: PROVIDED FURTHER, That during the 1975-77 biennium, the urban arterial board shall not authorize any additional projects which in the board's judgment cannot be placed under contract for construction within eighteen months of authorization.

***Sec. 2. was partially vetoed, see message at end of chapter.**

***NEW SECTION.** Sec. 3. There is hereby appropriated to the Washington toll bridge authority for the biennium ending June 30, 1977, from the Puget Sound reserve account in the motor vehicle fund \$4,031,801 or so much thereof as may be necessary to carry out the provisions of RCW 47.60.420, and from the Puget Sound capital construction account in the motor vehicle fund . . . \$12,122,737 or so much thereof as may be necessary to design and construct new, or modify existing ferry vessels and terminals, and to plan and improve transportation facilities for the crossing of Puget Sound and any of its tributary

waters, and from the Puget Sound ferry operations account in the motor vehicle fund . . . \$11,155,989 or so much thereof as may be necessary for the operation and maintenance of the ferry system to supplement tolls: PROVIDED, That if SSB 2159 is not enacted into law during the 1975 1st extraordinary session and signed by the governor the appropriation from the Puget Sound ferry operations account shall be \$3,352,829, or so much thereof as may be necessary, for operation and maintenance of the ferry system to supplement tolls, and from the motor vehicle fund . . . \$7,803,160 or so much thereof as may be necessary to supplement the appropriation from the Puget Sound ferry operations account contained in this section: PROVIDED FURTHER, That if chapter . . . (SSB 2159), Laws of 1975 1st ex. sess. is enacted into law during the 1975 1st extraordinary session and signed by the governor no funds appropriated in this section from the motor vehicle fund to supplement the appropriation from the Puget Sound ferry operations account shall be available for expenditure: *PROVIDED FURTHER, That the Washington state toll bridge authority shall provide year-round ferry service on the Port Townsend-Keystone route from funds appropriated in this section for the operation and maintenance of the ferry system to supplement ferry tolls.*

*Sec. 3. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 4. There is hereby appropriated from the general fund to the Washington state highway commission for the biennium ending June 30, 1977, \$422,000 for supportive services to off-the-job training programs for minority highway construction workers and for minority contractors' training programs: PROVIDED, That this appropriation or so much thereof as shall be necessary shall be expended on or before June 30, 1977, and shall be fully reimbursable from federal funds authorized by P. L. 91-6.5, Title 1.

NEW SECTION. Sec. 5. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission \$83,000 or so much thereof as may be necessary for the purpose of purchasing compensable ownership, if any, in the existing terminal facilities of Olympic Ferries, Inc. and such other assets as the Washington toll bridge authority and state highway commission deem necessary to carry out the provisions of chapter 44, Laws of 1972 ex. sess.

NEW SECTION. Sec. 6. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1977, the sum of \$77,000 or so much thereof as may be necessary to continue the agreement, in accordance with the provisions of RCW 47.56.720, between Wahkiakum county and the state highway commission for the operation and maintenance of the Puget Island ferry.

NEW SECTION. Sec. 7. (1) Notwithstanding the provisions of RCW 43.79-.260 through RCW 43.79.280, if federal funds in excess of the \$238,809,309 contained in the appropriations to the state highway commission are received by the state of Washington for highway purposes, and the federal notification thereof is in excess of one million dollars in biennial expenditures, the highway commission shall determine, after consultation with the standing committees on transportation

and utilities of the house and senate, the extent to which the receipt of such federal funds will impact on total biennium appropriations and budgeted expenditures of state revenues in the motor vehicle fund.

(2) The highway commission shall submit to the governor, as appropriate, either a statement requesting an increase in the biennium appropriations and an allotment amendment to authorize expenditures of such funds in addition to appropriations provided by law, or a statement requesting an allotment amendment to authorize the expenditure of such funds in lieu of state revenues in the motor vehicle fund within the total appropriation provided by law. A copy of the request shall be submitted to the standing committees on transportation and utilities of the house and senate. If the governor approves the highway commission request, he shall transmit one approved copy to the highway commission and identical copies to the standing committees on transportation and utilities of the house and senate.

NEW SECTION. Sec. 8. 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. 9. 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 7, 1975.

Passed the Senate June 2, 1975.

Approved by the Governor July 2, 1975 with the exception of certain items which are vetoed.

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

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

"I am returning herewith without my approval as to several items Substitute House Bill No. 427 entitled:

"AN ACT Relating to highways; making appropriations for the operations and capital improvements of the state highway commission, the urban arterial board, and the Washington toll bridge authority."

1. Priority programming.

In section 1, page 2, beginning on line 3, I have vetoed the proviso ending on line 8 which allows the Highway Commission to digress from the mandate of the priority programming law in order to "utilize effectively state and federal funds available for highway purposes."

The intent of this proviso is unclear and may be subject to varying interpretations. Existing law already provides for departure from priority programming in any of the following circumstances:

". . . (a) to the extent that otherwise funds cannot be utilized feasibly within the budget, (b) as may be required by court judgment or legally binding agreement, (c) to take advantage of some substantial financial benefit that may be available, or (d) for continuity of route development." See RCW 47.05.050.

If the intent of the proviso is to add another situation under which the commission may depart from priority programming, it should be clearly stated. Absent persuasive evidence that would justify such broadening of the exceptions to priority programming, I cannot accept the proviso.

2. Urban Arterial Board.

In section 2, page 3, beginning on line 28, I have vetoed the item ending on line 30 providing for inclusion in the Urgan Arterial Board appropriation of \$5 million from proceeds of sale of series II bonds.

The authorization for issuance of series II bonds was contingent on the enactment of Substitute Senate Bill No. 2159 relating to the variable gasoline tax. Since I have vetoed that bill, it would be inappropriate for this item to remain in the appropriation.

3. Port Townsend-Keystone ferry.

In section 3, page 4, beginning on line 29, I have vetoed the proviso ending on line 33 directing the Toll Bridge Authority to provide year-round ferry service on the Port Townsend-Keystone route. While maintenance of year-round service on this route may be desirable, the difficult circumstances of the motor vehicle fund at this time would make it prudent to allow the Toll Bridge Authority to exercise its discretion in this respect after thorough review of the demand on this route and exigent needs elsewhere.

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

CHAPTER 280
[House Bill No. 774]
MESSAGE BUSINESS

AN ACT Relating to the operation of massage businesses; adding a new chapter to Title 18 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to Title 18 RCW a new section to read as follows:

In this chapter, unless the context otherwise requires, the following meanings shall apply:

- (1) "Board" means the state massage examining board;
- (2) "Massage" means the treatment of the superficial parts of the body, with or without the aid of soaps, oils, or lotions, by rubbing, touching, stroking, tapping, and kneading, provided no attempt be made to adjust or manipulate the articulations of the spine;
- (3) "Massage operator" means a person engaged in the practice of massage;
- (4) "Director" means the director of the department of motor vehicles.
- (5) Massage business means the operation of a business where massages are given.

NEW SECTION. Sec. 2. There is added to Title 18 RCW a new section to read as follows:

The state massage examining board is hereby created. The board shall consist of three members who shall be appointed by the governor for a term of three years each. Each member shall be a resident of this state and shall have not less than three years experience in the practice of massage immediately preceding their appointment and shall be actively engaged in the practice of massage during their incumbency. Within thirty days after the effective date of this 1975 act, three members shall be appointed by the governor to serve one, two, and three years

respectively. In the event that a member cannot complete his term of office, another appointment shall be made by the governor in accordance with the procedures stated in this section to fill the remainder of the term. No member may serve more than two successive terms and shall qualify and receive a license pursuant to section 7 of this 1975 act within ninety days of their appointment.

Subject to the approval of the director, the board shall have the power to promulgate rules and regulations not inconsistent with the law and which may be necessary for the performance of its duties. It shall be the duty of the board to pass upon the qualifications of applicants for licenses, prepare the necessary examination questions and practical demonstrations, conduct examinations from time to time in such places as the director designates, and to determine the applicants who successfully passed the examination, and in turn notify the director of such determinations.

Each member of the board shall receive as compensation twenty-five dollars for each day's attendance at meetings of the board. Members shall be reimbursed for necessary traveling expenses incurred in the actual performance of their duties, as provided for state officials and employees generally in chapter 43.03 RCW.

NEW SECTION. Sec. 3. There is added to Title 18 RCW a new section to read as follows:

No person shall engage in, or hold themselves out as engaged in the practice of massage without a massage operator's license issued by the director.

NEW SECTION. Sec. 4. There is added to Title 18 RCW a new section to read as follows:

It shall be unlawful to advertise the practice of massage by a person not licensed by the director.

NEW SECTION. Sec. 5. There is added to Title 18 RCW a new section to read as follows:

This chapter does not apply to:

(1) An individual giving massage in their home to members of their immediate family;

(2) Persons licensed in this state to practice medicine, surgery, drugless therapy, cosmetology, barbering, physical therapy, osteopathy, osteopathy and surgery, chiropractic, podiatry, nursing, or persons working under prescription, supervision, or direction of any such person;

(3) Massage practiced at the athletic department of any institution maintained by the public funds of the state, or any of its political subdivisions;

(4) Massage practiced at the athletic department of any school or college accredited by the Northwest association of secondary and higher schools.

NEW SECTION. Sec. 6. There is added to Title 18 RCW a new section to read as follows:

All licenses issued under the provisions of this chapter, unless otherwise provided shall expire on the annual anniversary date of the individual's date of birth.

Failure to pay the annual license renewal fee by the dates specified above shall render the license invalid, but such license may be reinstated upon written application therefor to the director, and payment to the state of a penalty of ten dollars together with all delinquent annual license renewal fees.

The director shall prorate the licensing fee for massage operator based on one-twelfth of the annual license fee for each full calendar month between the issue date and the next anniversary of the applicant's birth date, a date used as the expiration date of such license.

Every applicant for a license shall pay an examination fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, which fee shall accompany their application.

Applicants granted a license under this chapter shall pay to the director a license fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, prior to the issuance of their license, and an annual renewal fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

NEW SECTION. Sec. 7. There is added to Title 18 RCW a new section to read as follows:

The director shall approve issuance of a massage operator license to any applicant who is eighteen years of age or over and who has furnished satisfactory proof of their good character and health and who also has passed a written or oral examination and/or practical demonstration, prepared and conducted by the board establishing their competency and ability to engage in the practice of massage. The examinations shall require the applicant to demonstrate a basic knowledge of anatomy, physiology, hygiene, first aid, and such other subjects as the examining board may determine: PROVIDED, That the board shall give an appropriate alternate form of examination for persons who cannot read or speak English to determine equivalent competency.

**NEW SECTION Sec. 8. Massage operators engaged in the massage business for less than one year prior to the effective date of this 1975 act shall have six months from the effective date of this 1975 act to qualify for a massage operator's license, and shall be entitled to continue in said business during that period of time upon a showing of satisfactory proof of good health to the director.*

Any person who has, for one year or more immediately prior to the effective date of this 1975 act, been a resident of this state and been actively engaged in the practice of massage as a massage operator shall, upon application and payment of required fees, be licensed to practice massage and shall be exempt from the requirements of examination, provided that within ninety days of the effective date of this 1975 act, he or she shall make application with the director on forms to be provided for that purpose: PROVIDED HOWEVER, That this section shall not apply where the applicant has been previously convicted of a crime involving moral turpitude in connection with his or her practice as a massage operator. The board shall give appropriate notice to persons presently doing business in this state as massage operators of the new requirements of the law.

**Sec. 8. was vetoed, see message at end of chapter.*

NEW SECTION. Sec. 9. There is added to Title 18 RCW a new section to read as follows:

The director may deny issuance or renewal of any license authorized under this chapter, or suspend or revoke any such license, if the licensee:

(1) Has violated any provision of this chapter, or any rule or regulation of the director adopted pursuant to this chapter;

(2) Has made any false statement or representation to the director in order to induce or prevent action by the director;

(3) Has been convicted of a crime of lewdness or moral turpitude or a crime involving possession, use, or distribution of controlled substances, or has forfeited a bond to appear in court for any of the foregoing offenses.

NEW SECTION. Sec. 10. There is added to Title 18 RCW a new section to read as follows:

Any person who violates any of the provisions of this 1975 act, or the rules and regulations adopted pursuant thereto, shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 11. The provisions of this chapter relating to the licensing of any person shall not be exclusive, and any political subdivision of the state of Washington within whose jurisdiction the practice of massage is performed may require additional registrations or licenses, regulating the practice of massage or massage operators, and charge any fee for the same or similar purpose.

NEW SECTION. Sec. 12. It shall be unlawful to advertise the practice of massage by a business not licensed by the director.

NEW SECTION. Sec. 13. No person shall conduct a massage business without a massage business license issued by the director and, where required, by the political subdivision within whose jurisdiction the massage business is located. No massage business shall hire a massage operator who is not licensed by the director, provided that this requirement shall not become effective until six months after the effective date of this 1975 act.

NEW SECTION. Sec. 14. This chapter does not apply to:

(1) Massage practiced at the athletic department of any institution maintained by the public funds of the state, or any of its political subdivisions;

(2) Massage practiced at the athletic department of any primary or secondary school, or institution of higher education; and

(3) Massage practiced at the athletic department of any nonprofit organization licensed under RCW 66.24.400 and RCW 66.24.450.

NEW SECTION. Sec. 15. Massage business license shall expire annually. Failure to pay the annual license renewal fee shall render the license invalid, but such license may be reinstated upon written application thereof to the director, and payment to the state of a penalty of ten dollars together with all delinquent annual license renewal fees.

NEW SECTION. Sec. 16. The director shall approve issuance of a massage business license to any applicant who supplies the following information:

(1) The name, home address, telephone number, and social security number and birth certificate of the applicant and of all persons named under subsections (3) and (4) of this section; and

(2) The business name, business address and telephone number of the establishment or proposed establishment and a description of the premises on which said business will be conducted; and

(3) The names of all persons owning an interest in such business or proposed business, including any corporate stockholders, and whether such business will be conducted as a sole proprietorship, partnership, or corporation; if a partnership, giving the names of all persons sharing in the profits of said business, and if a corporation giving the names of its officers and directors and the title of each; and

(4) The names of all persons who will act as proprietor, manager, or person in charge of such business or proposed business; and

(5) Evidence that the facilities of the applicant's massage business comply with the standards established by the director.

NEW SECTION. Sec. 17. The fee for application for, and renewal of a massage business license shall be determined by the director as provided in RCW 43-24.085 as now or hereafter amended: PROVIDED, That only one fee shall be required where an applicant applies for both a license to practice massage and for a business license.

NEW SECTION. Sec. 18. The director may deny issuance or renewal of any license authorized under this chapter, or suspend or revoke any such license, if the licensee:

(1) Has violated any provision of this chapter, or any rule or regulation of the director adopted pursuant to this chapter;

(2) Has made any false statement or representation to the director in order to induce or prevent action by the director;

(3) Has displayed improper, unprofessional, or dishonorable conduct in the operation of his massage business;

(4) Has been convicted of a crime, in connection with the licensee's practice as a massage operator, of lewdness or moral turpitude or possession, use or distribution of a schedule 1 controlled substance, except marijuana, as defined in RCW 69.50.204, or has forfeited a bond to appear in court for any of the foregoing offenses;

(5) Has failed or refused to qualify for or obtain any business license required by the local political subdivision within whose jurisdiction the massage business is located.

NEW SECTION. Sec. 19. The director or any of his authorized representatives may at any time visit and inspect the premises of each massage business establishment in order to ascertain whether it is conducted in compliance with the law, including the provisions of this chapter and the rules and regulations of the director. The operator of such massage business shall furnish such reports and information as may be required.

NEW SECTION. Sec. 20. State and local law enforcement personnel shall have the authority to inspect the premises at any time including business hours.

NEW SECTION. Sec. 21. The director is authorized to promulgate rules and regulations in accordance with 34.04 RCW to carry out the provisions of this act relating to the regulation of massage businesses in this state.

NEW SECTION. Sec. 22. The provisions of this chapter relating to the registration and licensing of any massage business shall not be exclusive and any political subdivision of the state of Washington within whose jurisdiction the massage business is located may require any registrations or licenses, or charge

any fee for the same or similar purpose; and nothing herein shall limit or abridge the authority of any political subdivision to levy and collect a general and non-discriminatory license fee levied upon all businesses, or to levy a tax based upon gross business conducted by any firm within said political subdivision.

NEW SECTION. Sec. 23. If any provision of this 1975 act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this 1975 act and the applicability thereof to other persons and circumstances shall not be affected thereby.

NEW SECTION. Sec. 24. Sections 1 through 22 of this act shall constitute a new chapter in Title 18 RCW.

Passed the House June 8, 1975.

Passed the Senate June 8, 1975.

Approved by the Governor July 2, 1975 with the exception of section 8 which is vetoed.

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

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

"I am returning herewith without my approval as to one section House Bill No. 774 entitled:

"AN ACT Relating to the operation of massage businesses."

This bill provides for the regulation and licensing, at the state level, of massage businesses and operators.

Section 8 contains a "grandfather clause" allowing any person engaged in the massage business for one year or more to qualify for the massage operator's license without taking the examination prescribed elsewhere in the bill.

I have long stated my objection to grandfather clauses in business licensing acts for the reason that I do not believe it is either in the best interest of the public or the particular business involved to license all persons previously engaged in a business for a set period of time regardless of the competency of such person. In addition, I cannot ignore the reports by law enforcement agencies detailing the proliferation in certain areas of our state of purported massage parlors which actually engage in a number of illicit and criminal activities. Approval of the grandfather clause in this bill would effectively grant licenses to persons engaged in such activities at those establishments.

With the exception of section 8 which I have vetoed for the reasons stated, the remainder of House Bill No. 774 is approved."

CHAPTER 281

[Substitute House Bill No. 818]

TOWING OR REMOVING OF MOTOR VEHICLES FROM PRIVATE PROPERTY

AN ACT Relating to towing or removing of motor vehicles from private property; amending section 1, chapter 208, Laws of 1969 ex. sess. and RCW 46.52.119; adding new sections to chapter 46.52 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. Any person having possession or control of real property who finds an abandoned vehicle or abandoned vehicle hulk as defined in RCW 46.52.102 standing upon that property is authorized to have such vehicle or hulk removed by a person properly registered pursuant to RCW 46.52.108. Such

vehicle shall be disposed of in accordance with the procedure prescribed in RCW 46.52.111 and 46.52.112.

Sec. 2. Section 1, chapter 208, Laws of 1969 ex. sess. and RCW 46.52.119 are each amended to read as follows:

Whenever any owner or person having possession or control of ~~((real))~~ family residential property finds a vehicle other than an abandoned vehicle as defined in RCW 46.52.102 standing upon such property without his consent, he is authorized to have such vehicle removed from such property and stored or held for its owner. ~~((Any towing firm providing such removal service shall promptly report the fact of a vehicle impound together with the license number, make, year and place of impound of such vehicle to the appropriate law enforcement agency, and shall post the authorized charges therefor prominently at its place of business, and the charges and costs incurred in the removal of any such vehicle as aforementioned shall be paid by such vehicle's owner, and shall be a lien upon said vehicle until paid, and said lien may be enforced as otherwise provided by law for the enforcement of towing or storage liens or liens generally.))~~

NEW SECTION. Sec. 3. No person shall have the right to tow, remove, impound or otherwise disturb any motor vehicle other than an abandoned vehicle as defined in RCW 46.52.102, which may be parked, stalled or otherwise left on private property, other than family residential property, owned or controlled by such person, unless there is posted on or near the property in a clearly conspicuous location a sign or notice in compliance with rules and regulations of the director of the department of motor vehicles providing for, without limitation, specifications for signs and posting thereof by persons intending to have unauthorized vehicles removed from property other than family residential property. Such regulations shall provide for notification to any person of the intent of the property holder to remove any unauthorized vehicles and sufficient information to assist in the prompt recovery of any vehicle removed. Such regulations shall require as a minimum that the language on any such sign provide:

- (1) Notice that unauthorized vehicles will be removed;
- (2) The name, telephone number and location of the towing firm authorized to remove vehicles.

NEW SECTION. Sec. 4. (1) Any towing firm removing vehicles from private property pursuant to sections 2 or 3 of this 1975 amendatory act shall:

- (a) File with the department a detailed schedule of all fees charged incident to the removal and storage of vehicles pursuant to sections 2 or 3 of this 1975 amendatory act;
- (b) Post a copy of the schedule of fees on file with the department in a prominent place at the business location where vehicles are released from storage;
- (c) Maintain personnel able and authorized to release any vehicle to its owner on a twenty-four hour basis;
- (d) After removing a vehicle from private property pursuant to sections 2 or 3 of this 1975 amendatory act, report the fact of removal together with the license number, vehicle identification number, make, year and place of impoundment to the law enforcement agency with jurisdiction over the place of impoundment,

which agency shall maintain a log of such reports: PROVIDED, That the reporting required in this subsection shall include an immediate radio or telephone call to, and a written notification, within twenty-four hours, to such local law enforcement agency;

(e) If any vehicle removed pursuant to sections 2 or 3 of this 1975 amendatory act remains unclaimed after twenty-four hours, send to the registered owner of the vehicle by the end of the next business day a notice by certified mail, return receipt requested, advising that person of the name, location and twenty-four hour telephone number of the person, tow truck operator, or operator of any storage facility who is empowered or authorized to return custody of any such towed, removed, or impounded motor vehicle. The notification shall also contain an estimate of the costs of towing, storage, or other services rendered during the course of removing, impounding, or storing any such motor vehicle. For the purpose of sending such notice, the law enforcement agency to which the report was made shall provide the name and address of the registered owner, as it appears on the records of the department, to the towing firm removing a vehicle under the provisions of this 1975 amendatory act: PROVIDED, That in the event such certified letter has been refused or returned to sender unclaimed the notification to the law enforcement agency as provided in subsection (1)(d) of this section shall constitute actual notice to the registered and legal owner: PROVIDED FURTHER, That the effect of other laws notwithstanding, the costs of towing, storage or other services rendered during the course of removing, impounding or storing any such motor vehicle shall not constitute a lien upon the legal ownership of such motor vehicle until forty-eight hours after the notice as provided in this subsection has been received by the local law enforcement agency or owner of the vehicle, at which time the lien may be enforced as otherwise provided by law for the enforcement of towing or storage liens or liens generally: AND PROVIDED FURTHER, That if the towing firm assesses a fee according to the miles a vehicle is towed, the lien shall be, and the towing firm shall attempt to recover, no more than the fees that would accrue for towing to the nearest storage location of any towing firm.

(2) A failure to comply with the provisions of this section in regard to any vehicle waives the lien on that vehicle, constitutes a bar to recovery of the charges accrued on that vehicle, and is grounds for the suspension or revocation of the registration of any towing firm registered under RCW 46.52.108 to dispose of the abandoned vehicle: PROVIDED, That no storage charges shall accrue in any event until written notice as provided in this section shall have been received by the local law enforcement agency or owner of the vehicle.

NEW SECTION. Sec. 5. Any towing firm removing vehicles from private property pursuant to sections 2 or 3 of this 1975 amendatory act shall release such vehicle to the owner, operator, driver, or authorized designee thereof upon the presentation to any person having custody of such vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage or other services rendered during the course of towing, removing, impounding or storing any such motor vehicle, such commercially reasonable tender to include, without limitation, cash, personal checks drawn on local banks with proper identification, and valid and appropriate credit cards: PROVIDED HOWEVER, That any person who

stops payment on a personal check with intent to defraud a towing firm which has provided a service pursuant to this section, or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees: **PROVIDED FURTHER**, That every towing firm providing service pursuant to this section shall post a true copy of this section in a conspicuous place upon its business premises: **PROVIDED FURTHER**, That if the owner, operator, driver or authorized designee thereof, shall provide adequate proof of his financial responsibility, employment and residence in the community to any person having custody of any towed, removed, impounded or stored motor vehicle, then the motor vehicle shall be released without payment, with the understanding that such costs shall be paid within thirty days, or shall be recoverable through an action by law.

NEW SECTION. Sec. 6. Any person acting to tow, remove or otherwise disturb any motor vehicle parked, stalled or otherwise left on privately owned or controlled property, and any person owning or controlling such private property, or either of them, shall be liable to the owner, operator or driver of a motor vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of such motor vehicle which does not comply with the requirements of sections 3, 4 and 5 of this 1975 amendatory act.

NEW SECTION. Sec. 7. Sections 1 and 3 through 6 of this 1975 amendatory act shall be added to chapter 46.52 RCW.

NEW SECTION. Sec. 8. If any provision of this 1975 amendatory 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. 9. *This 1975 amendatory 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.*

*Sec. 9. was vetoed, see message at end of chapter.

Passed the House June 7, 1975.

Passed the Senate June 6, 1975.

Approved by the Governor July 2, 1975 with the exception of section 9 which is vetoed.

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

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

"I am returning herewith without my approval as to one section Substitute House Bill No. 818 entitled:

"AN ACT Relating to towing or removing of motor vehicles from private property."

This bill makes various changes in the law governing the rights and duties of tow truck operators.

Section 9 declares an emergency and provides for the act to take effect immediately. I have, on several recent occasions, expressed my increasing apprehension

over repeated and unwarranted use of emergency clauses in bills that do not measure up to the standard of urgency contained in Article II, section 1(b) of our Constitution. I have vetoed emergency clauses from such bills, and must do so again for the same reason in the case of this bill.

With the exception of section 9 which I have vetoed, the remainder of Substitute House Bill No. 818 is approved."

CHAPTER 282

[House Bill No. 1077]

STATE BUILDING CODE—APPLICATION

AN ACT Relating to the state building code; amending section 5, chapter 96, Laws of 1974 1st ex. sess. and RCW 19.27.060; and amending section 8, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.080.

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

Section 1. Section 8, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.080 are each amended to read as follows:

Nothing in this 1974 act shall affect the provisions of chapters 19.28, 43.22, 70.77, 70.79 ((or)), 70.87, 48.48, 18.20, 18.46, 18.51, 28A.02, 28A.04, 70.41, 70.62, 70.75, 70.108, 71.12, 74.15, 70.94, or 76.04 RCW or grant rights to duplicate the authorities provided under chapters 70.94 or 76.04 RCW.

Sec. 2. Section 6, chapter 96, Laws of 1974 1st ex. sess. and RCW 19.27.060 are each amended to read as follows:

(1) Except as permitted or provided otherwise under the provisions of RCW 19.27.040 and subsections (3) and (4) of this section, the state building code supersedes all county, city or town building regulations containing less than the minimum performance standards and objectives contained in the state building code.

(2) Except as permitted or provided otherwise under the provisions of RCW 19.27.040 and subsections (3) and (4) of this section, the state building code shall be applicable to all buildings and structures including those owned by the state or by any other governmental subdivision.

(3) The governing body of each city, town or county may limit the application of any rule or regulation or portion of the state building code to include or exclude specified classes or types of buildings or structures, according to use, occupancy, or such other distinctions as may make differentiation or separate classification or regulation necessary, proper, or desirable: PROVIDED, That in no event shall fruits or vegetables of the tree or vine stored in buildings or warehouses, constitute combustible stock for the purposes of application of the uniform fire code.

(4) The provisions of this chapter shall not apply to any building four or more stories high with an F occupancy as defined by the uniform building code, chapter 6, 1973 edition, and with a fire insurance classification rating of 1, 2, or 3 as defined by a recognized fire rating bureau or organization.

Passed the House June 3, 1975.

Passed the Senate May 30, 1975.

Approved by the Governor July 2, 1975.

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

CHAPTER 283

[Substitute House Bill No. 1204]

HONEY—IMITATIONS—

MARKETING STANDARDS—EMBARGO

AN ACT Relating to honey; adding new sections to chapter 69.28 RCW; and repealing section 31, chapter 199, Laws of 1939 and RCW 69.28.150.

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

NEW SECTION. Section 1. There is added to chapter 69.28 RCW a new section to read as follows:

(1) No person shall sell, keep for sale, expose or offer for sale, any article or product in imitation or semblance of honey branded exclusively as "honey", "liquid or extracted honey", "strained honey" or "pure honey".

(2) No person, firm, association, company or corporation shall manufacture, sell, expose or offer for sale, any compound or mixture branded or labeled exclusively as honey which shall be made up of honey mixed with any other substance or ingredient.

(3) Whenever honey is mixed with any other substance or ingredient and the commodity is to be marketed in imitation or semblance of honey, the product shall be labeled with the word "artificial" or "imitation" in the same type size and style as the word "honey";

(4) Whenever any substance or commodity is to be marketed in imitation or semblance of honey, but contains no honey, the product shall not be branded or labeled with the word "honey" and/or depict thereon a picture or drawing of a bee, bee hive, or honeycomb;

(5) Whenever honey is mixed with any other substance or ingredient and the commodity is to be marketed, there shall be printed on the package containing such compound or mixture a statement giving the ingredients of which it is made; if honey is one of such ingredients it shall be so stated in the same size type as are the other ingredients; nor shall such compound or mixture be branded or labeled exclusively with the word "honey" in any form other than as herein provided; nor shall any product in semblance of honey, whether a mixture or not, be sold, exposed or offered for sale as honey, or branded or labeled exclusively with the word "honey", unless such article is pure honey.

***NEW SECTION.** Sec. 2. There is added to chapter 69.28 RCW a new section to read as follows:

The label for a product which is not in semblance of honey and which contains honey may include the word "honey" in the name of the product and the relative position of the word "honey" in the product name, and in the list of ingredients, when required, shall be determined by its prominence as an ingredient in the product.

***Sec. 2. was vetoed, see message at end of chapter.**

NEW SECTION. Sec. 3. There is added to chapter 69.28 RCW a new section to read as follows:

Whenever the director shall find, or shall have probable cause to believe, that any honey or product subject to the provisions of this chapter, as now or hereafter amended, is in intrastate commerce, which was introduced into such intrastate commerce in violation of the provisions of this chapter, as now or hereafter amended, he is hereby authorized to affix to such honey or product a notice placing an embargo on such honey or product, and prohibiting its sale in intrastate commerce, and no person shall move or sell such honey or product without first receiving permission from the director to move or sell such honey or product. But if, after such honey or product has been embargoed, the director shall find that such honey or product does not involve a violation of this chapter, as now or hereafter amended, such embargo shall be forthwith removed.

NEW SECTION. Sec. 4. There is added to chapter 69.28 RCW a new section to read as follows:

When the director has embargoed any honey or product he shall, no later than twenty days after the affixing of notice of its embargo, petition the superior court for an order affirming such embargo. Such court shall then have jurisdiction, for cause shown and after prompt hearing to any claimant of such honey or product, to issue an order which directs the removal of such embargo or the destruction or the correction and release of such honey or product. An order for destruction or correction and release shall contain such provision for the payment of pertinent court costs and fees and administrative expenses, as is equitable and which the court deems appropriate in the circumstances. An order for correction and release may contain such provision for bond, as the court finds indicated in the circumstances.

NEW SECTION. Sec. 5. There is added to chapter 69.28 RCW a new section to read as follows:

Two or more petitions under this chapter, as now or hereafter amended, which pend at the same time and which present the same issue and claimant hereunder, shall be consolidated for simultaneous determination by one court of jurisdiction, upon application to any court of jurisdiction by the director or by such claimant.

NEW SECTION. Sec. 6. There is added to chapter 69.28 RCW a new section to read as follows:

The claimant in any proceeding by petition under this chapter, as now or hereafter amended, shall be entitled to receive a representative sample of the honey or product subject to such proceeding, upon application to the court of jurisdiction made at any time after such petition and prior to the hearing thereon.

NEW SECTION. Sec. 7. There is added to chapter 69.28 RCW a new section to read as follows:

No state court shall allow the recovery of damages for embargo under this chapter, as now or hereafter amended, if the court finds that there was probable cause for such action.

NEW SECTION. Sec. 8. Section 31, chapter 199, Laws of 1939 and RCW 69-28.150 are each repealed.

Passed the House June 2, 1975.

Passed the Senate May 29, 1975.

Approved by the Governor July 2, 1975, with the exception of section 2 which is vetoed.

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

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

"I am returning herewith without my approval as to one section Substitute House Bill No. 1204 entitled:

"AN ACT Relating to honey."

This bill sets up some rigid labelling standards for the sale of products labeled as honey or containing honey.

Section 2 of the bill provides that a product "not in semblance of honey" and which contains honey is subject to labelling restrictions in the use of the word "honey." The section creates potential problems with the free flow in interstate commerce of products containing honey because of the new labelling standard and works against the intent of Substitute Senate Bill No. 2150 previously enacted by the Legislature and approved by me. A major purpose of that bill was to promote uniformity of this state's legislation and regulations on labelling with the federal Food, Drug and Cosmetic Act and regulations adopted thereunder. The free movement of out of state products in this state, including honey products, would be impeded by the requirements of section 2.

For the foregoing reasons, I have determined to veto section 2. With that exception, the remainder of the bill is approved."

CHAPTER 284

[Engrossed Senate Bill No. 2210]

PUBLIC SCHOOL EXTRACURRICULAR EVENTS—FEES— ASSOCIATED STUDENT BODY PROGRAM FUND

AN ACT Relating to education; amending section 1, chapter 52, Laws of 1973 and RCW 28A.58.115; adding a new section to chapter 223, Laws of 1969 ex. sess. and chapter 28A.58 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and chapter 28A.65 RCW; prescribing an effective date; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

The board of directors of any common school district may establish and collect a fee from students and nonstudents as a condition to their attendance at any optional noncredit extracurricular event of the district which is of a cultural, social, recreational or athletic nature: PROVIDED, That in so establishing such fee or fees, the district shall adopt regulations for waiving and reducing such fees in the cases of those students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees. An optional comprehensive fee may be established and collected for any combination or all of such events or, in the alternative, a fee may be established and collected as a condition to attendance at any single event. Fees collected pursuant to this section shall be deposited in the associated student body program fund of the school district, and may be expended to defray the costs of optional noncredit extracurricular events

of such a cultural, social, recreational or athletic nature, or to otherwise support the activities and programs of associated student bodies.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.65 RCW a new section to read as follows:

There is hereby created a fund on deposit with each county treasurer for each school district of the county having an associated student body as defined in RCW 28A.58.115. Such fund shall be known as the associated student body program fund. Rules and regulations promulgated by the superintendent of public instruction under section 3 of this 1975 act shall require separate accounting for each associated student body's transactions in the school district's associated student body program fund.

All moneys generated through the programs and activities of any associated student body shall be deposited in the associated student body program fund. Such funds may be invested for the sole benefit of the associated student body program fund in items enumerated in RCW 28A.58.440 and the county treasurer may assess a fee as provided therein. Disbursements from such fund shall be under the control and supervision, and with the approval, of the board of directors of the school district, and shall be by warrant as provided in chapter 28A.66 RCW: PROVIDED, That in no case shall such warrants be issued in an amount greater than the funds on deposit with the county treasurer in the associated student body program fund. To facilitate the payment of minor or unexpected obligations, or obligations which require immediate payment, an imprest bank account or accounts may be created and replenished from the associated student body program fund.

The associated student body program fund shall be budgeted by the associated student body, subject to approval by the board of directors of the school district. All disbursements from the associated student body program fund or any imprest bank account established thereunder shall have the prior approval of the appropriate governing body representing the associated student body. Notwithstanding the provisions of RCW 43.09.210, it shall not be mandatory that expenditures from the district's general fund in support of associated student body programs and activities be reimbursed by payments from the associated student body program fund.

The effective date of this section shall be July 1, 1976.

Sec. 3. Section 1, chapter 52, Laws of 1973 and RCW 28A.58.115 are each amended to read as follows:

As used in this section, an "associated student body" means the formal organization of the students of a school formed with the approval of and regulation by the board of directors of the school district in conformity to the rules and regulations promulgated by the superintendent of public instruction.

The superintendent of public instruction, after consultation with appropriate school organizations and students, shall promulgate rules and regulations to designate the powers and responsibilities of the boards of directors of the school districts of the state of Washington in developing efficient administration, management, and control of moneys, records, and reports of the associated student bodies organized in the public schools of the state.

The application of the provisions of this section is suspended until July 1, 1976.

NEW SECTION. Sec. 4. 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 its provisions to other persons or circumstances is not affected.

***NEW SECTION.** Sec. 5. *Section 1 of this 1975 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.*

***Sec. 5. was vetoed, see message at end of chapter.**

Passed the Senate June 9, 1975.

Passed the House June 9, 1975.

Approved by the Governor July 2, 1975 with the exception of section 5 which was vetoed.

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

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

"I am returning herewith without my approval as to one section Engrossed Senate Bill No. 2210 entitled:

"AN ACT Relating to education."

This bill authorizes school districts to establish and collect fees from students and non-students for participation in certain extracurricular activities.

Section 5 declares an emergency and provides for the act to take effect immediately. I have, on several recent occasions, expressed my increasing apprehension over repeated and unwarranted use of emergency clauses in bills that do not measure up to the standard of urgency contained in Article II, section 1(b) of our Constitution. I have vetoed emergency clauses from such bills, and must do so again for the same reason in the case of this bill.

With the exception of section 5 which I have vetoed, the remainder of Engrossed Senate Bill No. 2210 is approved."

CHAPTER 285

[Engrossed Senate Bill No. 2265]

ALIEN BANKS

AN ACT Relating to alien banks; amending section 11, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.110; amending section 12, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.120; amending section 16, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.160; and declaring an emergency.

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

Section 1. Section 11, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42-.110 are each amended to read as follows:

An approved branch of an alien bank may carry on only the following types of activities:

(1) Deposits.

(a) The branch may solicit, receive, or accept money or its equivalent on deposit as a regular business from the following customers:

(i) Corporations, partnerships, or other business organizations, the majority of the beneficial ownership of which is owned by persons of a country other than the

United States and who are not residents of the United States, and any subsidiary or affiliate owned or controlled by such an organization;

(ii) Corporations organized under the laws of a state other than this state which have not obtained a certificate of authority to transact business in this state pursuant to chapter 23A.32 RCW;

(iii) Natural persons who are citizens of a country other than the United States and are not residents of the United States;

(iv) Any other person, if the deposit is to be transmitted abroad, or is to provide collateral or payments for extensions of credit by the branch, or represents proceeds of collections abroad which are to be used to pay for goods exported or imported or for other direct costs of export/import, or represents proceeds of the extension of credit by the branch;

(v) ~~The government of the country in which the alien bank is incorporated;~~
The government of any foreign country and any state, county, province, city or other political subdivision thereof:

(vi) Other banks;

(vii) Any other persons, provided that the aggregate of deposits from such persons shall not exceed twenty percent of the aggregate of deposits accepted pursuant to this section.

(b) A branch may accept demand deposits, time deposits, and savings deposits from the customers specified in this section only upon the same terms and conditions (including nature and extent of such deposits, withdrawal, and the payment of interest thereon) that banks organized under the laws of this state and insured by the Federal Deposit Insurance Corporation may accept such deposits. Such deposits shall be subject to RCW 30.20.010 through 30.20.035, as now or hereafter amended. The branch shall maintain reserves or minimum available funds in this state for such deposits to the same extent that reserves or minimum available funds must be maintained by banks organized under the laws of this state.

(2) Loans. A branch shall have the power to make loans and guarantee obligations subject to the following limitations:

(a) Customers. Loans or guarantees shall be restricted to the following types of customers:

(i) Corporations, partnerships or other business organizations, the majority of the beneficial ownership of which is owned by persons of a country other than the United States and who are not residents of the United States, and any subsidiary or affiliate owned or controlled by such an organization;

(ii) Corporations organized under the laws of a state other than this state which have not obtained a certificate of authority to transact business in this state pursuant to chapter 23A.32 RCW;

(iii) Natural persons who are citizens of a country other than the United States and are not residents of the United States;

(iv) Persons engaged in the international movement of goods and services; and

(v) Full time employees of the branch.

(b) Purpose. Loans and guarantees may be made only for the following purposes:

(i) With respect to customers specified in subsection (2)(a) (i), (ii), and (iii) of this section, for the financing of the international movement of goods and services

and for all operational needs including working capital and short-term operating needs and for the acquisition of fixed assets.

(ii) With respect to customers specified in subsection (2)(a)(iv) of this section, for the financing of the international movement of goods and services, and construction of facilities located and operations conducted outside of this state.

(iii) With respect to customers specified in subsection (2)(a)(v) of this section, for any lawful purpose.

(iv) Nothing herein shall permit a branch to make consumer loans to individuals except to the branch's own full-time employees.

(c) Amount. A branch shall be subject to the same loan limitations that apply to banks organized under the laws of this state; however, the base for computing the applicable loan limitation shall be the entire capital and surplus of the alien bank. The supervisor may adopt rules and regulations limiting the amount of loans to full time employees of the branch.

(3) Other activities. A branch of an alien bank in this state shall have the power to carry out these other activities:

(a) Borrow funds from banks and other financial institutions;

(b) Buy and sell foreign exchange;

(c) Receive checks, bills, drafts, acceptances, notes, bonds, coupons, and other securities for collection abroad and collect such instruments in the United States for customers abroad;

(d) Hold securities in safekeeping for, or buy and sell securities upon the order and for the risk of, customers abroad;

(e) Act as paying agent for securities issued by foreign governments or other organizations organized under foreign law and not qualified under the laws of the United States, or any state or the District of Columbia to do business in the United States;

(f) In order to prevent loss on debts previously contracted a branch may acquire shares in a corporation: PROVIDED, That the shares are disposed of as soon as practical but in no event later than two years from the date of acquisition;

(g) Issue letters of credit and create acceptances;

(h) In addition to the powers and activities expressly authorized by this section, a branch shall have the power to carry on such additional activities which are necessarily incidental to the activities expressly authorized by this section.

Sec. 2. Section 12, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.120 are each amended to read as follows:

A branch shall not commence to transact in this state the business of accepting deposits or transact such business thereafter unless it has met the following requirements:

(1) It has obtained federal deposit insurance corporation insurance covering its eligible deposit liabilities within this state, or in lieu thereof, made arrangements satisfactory to the supervisor for maintenance within this state of additional capital equal to not less than ten percent of its deposit liabilities, computed on the basis of the average daily net deposit balances covering semimonthly periods as prescribed by the supervisor pursuant to RCW 30.04.090. Such additional capital shall be deposited in the manner provided in RCW 30.42.070.

(2) It holds in this state currency, bonds, notes, debentures, drafts, bills of exchange, or other evidences of indebtedness or other obligations payable in the United States or in United States' funds or, with the approval of the supervisor, in funds freely convertible into United States' funds, in an amount not less than one hundred eight percent of the aggregate amount of liabilities of such alien bank payable at or through its office in this state. When calculating the value of the assets so held, credit shall be given for the amounts deposited pursuant to RCW 30.42.060(3) and 30.42.120(1).

If deposits are not insured by the federal deposit insurance corporation, then that fact shall be disclosed to all depositors pursuant to rules and regulations of the supervisor.

Sec. 3. Section 16, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.160 are each amended to read as follows:

An alien bank may purchase, hold and convey real estate for the following purposes and no other:

(1) Such as shall be necessary for the convenient transaction of its business, including with its banking offices other apartments in the same building to rent as a source of income: PROVIDED, That not to exceed thirty percent of its capital and surplus and undivided profits may be so invested without the approval of the supervisor.

(2) Such as shall be purchased or conveyed to it in satisfaction, or on account of, debts previously contracted in the course of business.

(3) Such as it shall purchase at sale under judgments, decrees, liens or mortgage foreclosures, against securities held by it.

(4) Such as it may take title to or for the purpose of investing in real estate conditional sales contracts.

(5) Such as shall be convenient for the residences of its employees.

No real estate except that specified in subsections (1) and (5) of this section may be carried as an asset on the corporation's books for a longer period than five years from the date title is acquired thereto, unless an extension of time be granted by the supervisor.

**NEW SECTION. Sec. 4. 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.*

***Sec. 4. was vetoed, see message at end of chapter.**

Passed the Senate April 15, 1975.

Passed the House June 7, 1975.

Approved by the Governor July 2, 1975 with the exception of section 4 which is vetoed.

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

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

"I am returning herewith without my approval as to one section Engrossed Senate Bill No. 2265 entitled:

"AN ACT Relating to alien banks."

This bill revises the regulations governing alien banks.

Section 4 declares an emergency and provides for the act to take effect immediately. I have, on several recent occasions, expressed my increasing apprehension

over repeated and unwarranted use of emergency clauses in bills that do not measure up to the standard of urgency contained in Article II, section 1(b) of our Constitution. I have vetoed emergency clauses from such bills, and must do so again for the same reason in the case of this bill.

With the exception of section 4 which I have vetoed, the remainder of Engrossed Senate Bill No. 2265 is approved."

CHAPTER 286

[Engrossed Senate Bill No. 2401]

ADJUSTMENT OF WORKMEN'S COMPENSATION PAYMENTS

AN ACT Relating to adjustment of workmen's compensation payments; amending section 17, chapter 289, Laws of 1971 ex. sess. as last amended by section 3, chapter 110, Laws of 1973 and RCW 51.32.073; adding a new section to chapter 23, Laws of 1961 and to chapter 51.32 RCW; and providing an effective date.

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

Section 1. Section 17, chapter 289, Laws of 1971 ex. sess. as last amended by section 3, chapter 110, Laws of 1973 and RCW 51.32.073 are each amended to read as follows:

Each employer shall retain from the earnings of each workman that amount as shall be fixed from time to time by the director, the basis for measuring said amount to be determined by the director. The money so retained shall be matched in an equal amount by each employer, and all such moneys shall be remitted to the department in such manner and at such intervals as the department directs and shall be placed in the supplemental pension fund: PROVIDED, That the state apprenticeship council shall pay the entire amount into the supplemental pension fund for registered apprentices or trainees during their participation in supplemental and related instruction classes. The moneys so collected shall be used exclusively for the additional payments prescribed in RCW 51.32.070 and for the amount of any increase payable under the provisions of section 2 of this 1975 amendatory act and shall be no more than necessary to make such payments on a current basis.

NEW SECTION. Sec. 2. There is added to chapter 23, Laws of 1961 and to chapter 51.32 RCW a new section to read as follows:

Effective July 1 of each year, the compensation or death benefits payable pursuant to the provisions of this chapter, for temporary total disability, permanent total disability or death arising out of injuries or occupational diseases shall be adjusted as follows:

(1) For those whose right to compensation was established on or after July 1, 1971, and before July 1, 1975, an initial adjustment shall be determined by multiplying the amount of compensation to which they are entitled by a fraction, the denominator of which shall be the maximum amount of compensation payable for the fiscal year in which such person's right to compensation was established, and the numerator of which shall be the maximum amount of compensation payable in the fiscal year ending June 30, 1975. After the initial adjustment has been made, subsequent adjustments shall be made in the same manner as provided in section 2 of this 1975 amendatory act, provided that the base upon which such

subsequent adjustments are made shall be the amount of compensation determined after the initial adjustment.

NEW SECTION. Sec. 3. For persons under the age of 62 receiving compensation for temporary or permanent total disability pursuant to the provisions of chapter 51.32 RCW, such compensation shall be reduced by an amount equal to the benefits payable under the federal old-age, survivors and disability insurance act as now or hereafter amended not to exceed the amount of the reduction established pursuant to 42 USC 424a. However, such reduction shall not apply when the combined compensation provided pursuant to chapter 51.32 RCW and the federal old-age, survivors and disability insurance act is less than the total benefits to which the federal reduction would apply, pursuant to 42 USC 424a.

***NEW SECTION.** Sec. 4. *This act shall take effect on July 1, 1975.*

*Sec. 4. was vetoed, see message at end of chapter.

Passed the Senate June 8, 1975.

Passed the House June 8, 1975.

Approved by the Governor July 2, 1975 with the exception of section 4 which is vetoed.

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

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

"I am returning herewith without my approval as to one section Engrossed Senate Bill No. 2401 entitled:

"AN ACT Relating to adjustment of workmen's compensation payments."

This bill provides for certain cost of living increases for workmen's compensation payments.

Section 4 sets an effective date for the act of July 1, 1975. Without such a designated date, the act would go into effect ninety days after the adjournment of the recent extraordinary session of the Legislature. The effect of the July 1, 1975 date in this case is to cut short the ninety-day period during which the people have the right pursuant to Article II, section 1(d) of our Constitution, to subject the measure to referendum. I have serious reservations about the constitutionality of an effective date of this kind, inasmuch as the Constitution provides that an act shall not be subject to referendum if it is necessary for the "immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions." See Article II, section 1(b). Whether or not the bill would ever be subjected to a referendum effort, it simply does not measure up to that standard of urgency.

With the exception of section 4, which I have vetoed for the foregoing reasons, the remainder of the bill is approved."

CHAPTER 287

[Engrossed Senate Bill No. 2403]

MOTOR VEHICLE VIOLATIONS— PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS

AN ACT Relating to motor vehicles; amending section 3, chapter 1, Laws of 1969 and RCW 46.61-.506; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 1, chapter 130, Laws of 1974 ex. sess. and RCW 46.61.515; amending section 46.56.040, chapter 12, Laws of 1961 as last amended by section 2, chapter 38, Laws of 1973 2nd ex. sess. and RCW 46.61.520; amending section 1, chapter 1, Laws of 1969 and RCW 46.20.308; adding a new section to chapter 46.61 RCW; repealing section 61, chapter 155, Laws of 1965 ex. sess. and RCW 46.61-.510; and declaring an emergency.

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

Section 1. Section 3, chapter 1, Laws of 1969 and RCW 46.61.506 are each amended to read as follows:

(1) It is unlawful for any person who is under the influence of or affected by the use of intoxicating liquor or of any ((narcotic)) drug to drive or be in actual physical control of a vehicle within this state.

(2) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of his blood, breath or other bodily substance shall give rise to the following presumptions:

(a) If there was at that time 0.05 percent or less by weight of alcohol in the person's blood, it shall be presumed that he was not under the influence of intoxicating liquor.

(b) If there was at that time in excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor.

(c) If there was at that time 0.10 percent or more by weight of alcohol in the person's blood, it shall be presumed that he was under the influence of intoxicating liquor.

(d) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred cubic centimeters of blood.

(e) The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor.

(3) Chemical analysis of the person's blood or breath to be considered valid under the provisions of this section shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

(5) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(6) Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney.

Sec. 2. Section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 1, chapter 130, Laws of 1974 ex. sess. and RCW 46.61.515 are each amended to read as follows:

(1) Every person who is convicted of a violation of (a) driving a motor vehicle while under the influence of intoxicating liquor or (b) driving a motor vehicle while under the influence of a ((narcotic)) drug(~~(, or under the influence of any other drug)~~) to a degree which renders the driver incapable of safely driving a motor vehicle shall be punished by imprisonment for not less than five days nor more than one year, and by a fine of not less than fifty dollars nor more than five hundred dollars.

On a second or subsequent conviction of either offense within a five year period he shall be punished by imprisonment for not less than thirty days nor more than one year and by a fine not less than one hundred dollars nor more than one thousand dollars, and neither the jail sentence nor the fine shall be suspended: PROVIDED, That the court may, for a defendant who has not previously had a jail sentence suspended on such second or subsequent conviction, suspend such sentence and/or fine only on the condition that the defendant participate in and successfully complete a court approved alcohol treatment program: PROVIDED, FURTHER, That the suspension shall be set aside upon the failure of the defendant to provide proof of successful completion of said treatment program within a time certain to be established by the court. If such person at the time of a second or subsequent conviction is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.

(2) There shall be levied and paid into the highway safety fund of the state treasury a penalty assessment in the minimum amount of twenty-five percent of, and which shall be in addition to, any fine, bail forfeiture, or costs on all offenses involving a violation of any state statute or city or county ordinance relating to driving a motor vehicle while under the influence of intoxicating liquor or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor: PROVIDED, That all funds derived from such penalty assessment shall be in addition to and exclusive of assessments made under RCW 46.81.030 and shall be for the exclusive use of the department for driver services programs and for a state-wide alcohol safety action program, or other similar programs designed primarily for the rehabilitation or control of traffic offenders. Such penalty assessment shall be included in any bail schedule and shall be included by the court in any pronouncement of sentence.

(3) Notwithstanding the provisions contained in chapters 3.16, 3.46, 3.50, 3.62 or 35.20 RCW, or any other section, the penalty assessment provided for in subsection (2) of this section shall not be suspended, waived, modified, or deferred in any respect and all moneys derived from such penalty assessments shall be forwarded to the highway safety fund to be used exclusively for the purposes set forth in subsection (2) of this section.

(4) The license or permit to drive or any nonresident privilege of any person convicted of either of the offenses named in subsection (1) above shall:

(a) Be suspended by the department for not less than thirty days;

(b) On a second conviction under either such offense within a five year period, be suspended by the department for not less than sixty days after the termination of such person's jail sentence;

(c) On a third or subsequent conviction under either such offense within a five year period, be revoked by the department.

(5) In any case provided for in this section, where a driver's license is to be revoked or suspended, such revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case such conviction is sustained on appeal such revocation or suspension shall take effect as of the date that the conviction becomes effective for other purposes.

Sec. 3. Section 46.56.040, chapter 12, Laws of 1961 as last amended by section 2, chapter 38, Laws of 1973 2nd ex. sess. and RCW 46.61.520 are each amended to read as follows:

(1) When the death of any person shall ensue within three years as a proximate result of injury received by the driving of any vehicle by any person while under the influence of or affected by intoxicating liquor or ~~((narcotic))~~ drugs ~~((as defined in chapter 69.50 RCW, Uniform Controlled Substances Act))~~, or by the operation of any vehicle in a reckless manner or with disregard for the safety of others, the person so operating such vehicle shall be guilty of negligent homicide by means of a motor vehicle.

(2) Any person convicted of negligent homicide by means of a motor vehicle shall be punished by imprisonment in the state penitentiary for not more than ten years, or by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars, or by both fine and imprisonment.

Sec. 4. Section 1, chapter 1, Laws of 1969 and RCW 46.20.308 are each amended to read as follows:

(1) Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his breath or blood for the purpose of determining the alcoholic content of his blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor. Such officer shall inform the person of his right to refuse the test, and of his right to have additional tests administered by any qualified person of his choosing as provided in RCW 46.61.506. The officer shall warn the driver that his privilege to drive will be revoked or denied if he refuses to submit to the test. Unless the person to be tested is unconscious, the chemical test administered shall be of his breath only: PROVIDED, That if an individual is under arrest for the crime of negligent homicide by motor vehicle as provided in RCW 46.61.520, or if

an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.506, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested. In such circumstances, the provisions of subsections 2 through 6 of section 5 of this 1975 amendatory act shall not apply.

(2) Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506.

(3) If, following his arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his breath, after being informed that his refusal will result in the revocation or denial of his privilege to drive, no test shall be given. The department of motor vehicles, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the revocation or denial of his privilege to drive, shall revoke his license or permit to drive or any nonresident operating privilege. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

(4) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, or upon determining that the issuance of a license or permit shall be denied to the person, as hereinbefore in this section directed, the department shall immediately notify the person involved in writing by personal service or by registered or certified mail of its decision and the grounds therefor, and of his right to a hearing, specifying the steps he must take to obtain a hearing. The person upon receiving such notice may, in writing and within ten days therefrom request a formal hearing. Upon receipt of such request, the department shall afford him an opportunity for a hearing as provided in RCW 46.20.329 and RCW 46.20.332. The scope of such hearing for the purposes of this section shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation or denial of his privilege to drive. The department shall order that the revocation or determination that there should be a denial of issuance either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: PROVIDED, That this stay shall be effective

only so long as there is no conviction for a moving violation during pendency of the hearing and appeal.

(5) If the revocation or determination that there should be a denial of issuance is sustained after such a hearing, the person whose license, privilege or permit is so affected shall have the right to file a petition in the superior court of the county wherein he resides, or, if a nonresident of this state, where the charge arose, to review the final order of revocation or denial by the department in the manner provided in RCW 46.20.334.

(6) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license.

NEW SECTION. Sec. 5. There is added to chapter 46.61 RCW a new section to read as follows:

The word "drugs", as used in RCW 46.61.500 through 46.61.535, shall include but not be limited to those drugs and substances regulated by chapters 69.41 and 69.50 RCW.

NEW SECTION. Sec. 6. Section 61, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.510 are each repealed.

NEW SECTION. Sec. 7. 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 Senate June 8, 1975.

Passed the House June 7, 1975.

Approved by the Governor July 2, 1975.

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

CHAPTER 288

[Engrossed Substitute Senate Bill No. 2500]

EDUCATIONAL EMPLOYMENT RELATIONS ACT

AN ACT Relating to employer-employee relations in the public sector; providing for an educational employment relations act; amending section 1, chapter 105, Laws of 1973 1st ex. sess. and RCW 28A.01.130; amending section 22, chapter 34, Laws of 1969 ex. sess. and RCW 28A.67.065; creating a new chapter in Title 41 RCW; repealing section 28A.72.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.010; repealing section 28A.72.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.020; repealing section 28A.72.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.030; repealing section 28A.72.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.050; repealing section 28A.72.060, chapter 223, Laws of 1969 ex. sess., section 3, chapter 52, Laws of 1969 ex. sess. and RCW 28A.72.060; repealing section 28A.72.070, chapter 223, Laws of 1969 ex. sess., section 4, chapter 52, Laws of 1969 ex. sess. and RCW 28A.72.070; repealing section 28A.72.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.080; repealing section 28A.72.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.090; repealing section 1, chapter 115, Laws of 1973 1st ex. sess. and RCW 28A.72.100; prescribing penalties; and establishing effective dates.

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

NEW SECTION. Section 1. This chapter may be cited as the educational employment relations act.

NEW SECTION. Sec. 2. It is the purpose of this chapter to prescribe certain rights and obligations of the educational employees of the school districts of the state of Washington, and to establish procedures governing the relationship between such employees and their employers which are designed to meet the special requirements and needs of public employment in education.

NEW SECTION. Sec. 3. As used in this chapter:

(1) The term "employee organization" means any organization, union, association, agency, committee, council, or group of any kind in which employees participate, and which exists for the purpose, in whole or in part, of collective bargaining with employers.

(2) The term "collective bargaining" or "bargaining" means the performance of the mutual obligation of the representatives of the employer and the exclusive bargaining representative to meet at reasonable times in light of the time limitations of the budget-making process, and to bargain in good faith in an effort to reach agreement with respect to the wages, hours, and terms and conditions of employment: PROVIDED, That prior law, practice or interpretation shall be neither restrictive, expansive, nor determinative with respect to the scope of bargaining. A written contract incorporating any agreements reached shall be executed if requested by either party. The obligation to bargain does not compel either party to agree to a proposal or to make a concession.

In the event of a dispute between an employer and an exclusive bargaining representative over the matters that are terms and conditions of employment, the commission shall decide which item(s) are mandatory subjects for bargaining and which item(s) are nonmandatory.

(3) The term "commission" means the education employment relations commission established by section 4 of this 1975 act: PROVIDED, That if the legislature creates another board, commission, or division of a state agency comprehensively assuming administrative responsibilities for labor relations or collective bargaining in the public sector, "commission" for the purposes of this 1975 amendatory act shall mean such board, commission, or division as therein created.

(4) The terms "employee" and "educational employee" means any certificated employee of a school district, except:

(a) The chief executive officer of the employer.

(b) The chief administrative officers of the employer, which shall mean the superintendent of the district, deputy superintendents, administrative assistants to the superintendent, assistant superintendents, and business manager. Title variation from all positions enumerated in this subsection (b) may be appealed to the commission for determination of inclusion in, or exclusion from, the term "educational employee".

(c) Confidential employees, which shall mean:

(i) Any person who participates directly on behalf of an employer in the formulation of labor relations policy, the preparation for or conduct of collective bargaining, or the administration of collective bargaining agreements, except that the role of such person is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment; and

(ii) Any person who assists and acts in a confidential capacity to such person.

(d) Unless included within a bargaining unit pursuant to section 9 of this 1975 act, any supervisor, which means any employee having authority, in the interest of an employer, to hire, assign, promote, transfer, layoff, recall, suspend, discipline, or discharge other employees, or to adjust their grievances, or to recommend effectively such action, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment, and shall not include any persons solely by reason of their membership on a faculty tenure or other governance committee or body. The term "supervisor" shall include only those employees who perform a preponderance of the above-specified acts of authority.

(e) Unless included within a bargaining unit pursuant to section 9 of this 1975 act, principals and assistant principals in school districts.

(5) The term "employer" means any school district.

(6) The term "exclusive bargaining representative" means any employee organization which has:

(a) Been selected or designated pursuant to the provisions of this chapter as the representative of the employees in an appropriate collective bargaining unit; or

(b) Prior to the effective date of this chapter, been recognized under a predecessor statute as the representative of the employees in an appropriate collective bargaining or negotiations unit.

(7) The term "person" means one or more individuals, organizations, unions, associations, partnerships, corporations, boards, committees, commissions, agencies, or other entities, or their representatives.

(8) The term "nonsupervisory employee" means all educational employees other than principals, assistant principals and supervisors.

**NEW SECTION. Sec. 4. (1) There is hereby created the education employment relations commission, hereafter in this chapter called the "commission". The commission shall consist of five members who shall be appointed by the governor with the consent of the senate: PROVIDED, That no member appointed when the legislature was not in session shall continue to be a member of the commission after the thirtieth day of the next legislative session unless that person's appointment shall have been approved by the senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. Their successors shall be appointed for terms of five years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom that person succeeds. Commission members shall be eligible for reappointment. The governor shall designate one member to serve as chairman of the commission. Any member of the commission may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.*

(2) A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission, and three members of the commission shall, at all times, constitute a quorum of the commission for the conduct of business. The commission shall have an official seal which shall be judicially noticed.

(3) *The commission, at the close of each fiscal year, shall make a report in writing to the legislature and to the governor stating the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the commission, and an account of all moneys it has disbursed.*

*Sec. 4. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 5. (1) Each member of the commission shall be paid fifty dollars for each day during which the member has actually attended a meeting of the commission officially held, or in attending to such other business of the commission as may be authorized thereby. There shall be no limitation on the number of such daily payments that the members of the commission may receive for official meetings of the commission actually attended. Members of the commission shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally in chapter 43.03 RCW.

(2) The commission shall appoint an executive director whose annual salary shall be determined under the provisions of RCW 43.03.028, and who shall perform such duties and have such powers as the commission shall prescribe in order to carry out the provisions of this chapter. The executive director, unless otherwise provided in this 1975 act, shall have authority to act on behalf of the commission in matters concerning the administration of this chapter and shall perform such administrative duties as prescribed by the commission, with such assistance as may be provided by the attorney general and such additional legal assistance not inconsistent with chapter 43.10 RCW.

(3) When necessary to carry out or enforce any action or decision of the commission, the executive director shall have authority to petition any court of competent jurisdiction for an order requiring compliance with commission action or decision.

(4) The commission shall employ such employees as it may from time to time find necessary for the proper performance of its duties consistent with the provisions of this chapter and such rules and regulations promulgated thereunder.

(5) All of the expenses of the commission, including all necessary traveling and subsistence expenses outside the city of Olympia incurred by the members or employees of the commission, and under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the commission or by any individual it designates for that purpose.

NEW SECTION. Sec. 6. The principal office of the commission shall be in the city of Olympia, but it may meet and exercise any or all of its powers at any other place in the state of Washington.

NEW SECTION. Sec. 7. (1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

(2) The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to section 11 of this 1975 act, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.

NEW SECTION. Sec. 8. (1) Any employee organization may file a request with the commission for recognition as the exclusive representative. Such request shall allege that a majority of the employees in an appropriate collective bargaining unit wish to be represented for the purpose of collective bargaining by such organization, shall describe the grouping of jobs or positions which constitute the unit claimed to be appropriate, shall be supported by credible evidence demonstrating that at least thirty percent of the employees in the appropriate unit desire the organization requesting recognition as their exclusive representative, and shall indicate the name, address, and telephone number of any other interested employee organization, if known to the requesting organization.

(2) The commission shall determine the exclusive representative by conducting an election by secret ballot, except under the following circumstances:

(a) In instances where a serious unfair labor practice has been committed which interfered with the election process and precluded the holding of a fair election, the commission shall determine the exclusive bargaining representative by an examination of organization membership rolls or a comparison of signatures on organization bargaining authorization cards.

(b) In instances where there is then in effect a lawful written collective bargaining agreement between the employer and another employee organization covering any employees included in the unit described in the request for recognition, the request for recognition shall not be entertained unless it shall be filed within the time limits prescribed in subsection (3) of this section for decertification or a new recognition election.

(c) In instances where within the previous twelve months another employee organization has been lawfully recognized or certified as the exclusive bargaining representative of any employees included in the unit described in the request for recognition, the request for recognition shall not be entertained.

(d) In instances where the commission has within the previous twelve months conducted a secret ballot election involving any employees included in the unit described in the request for recognition in which a majority of the valid ballots cast chose not to be represented by any employee organization, the request for recognition shall not be entertained.

(3) Whenever the commission conducts an election to ascertain the exclusive bargaining representative, the ballot shall contain the name of the proposed bargaining representative and of any other bargaining representative showing written proof of at least ten percent representation of the educational employees within the unit, together with a choice for any educational employee to designate that he or she does not desire to be represented by any bargaining agent. Where more than one organization is on the ballot and neither of the three or more choices receives a majority of the valid ballots cast by the educational employees within the bargaining unit, a run-off election shall be held. The run-off ballot shall contain the two choices which receive the largest and second largest number of votes. No question concerning representation may be raised within one year of a certification or attempted certification. Where there is a valid collective bargaining agreement in effect, no question of representation may be raised except during the period not more than ninety nor less than sixty days prior to the expiration date of the agreement. In the event that a valid collective bargaining agreement, together with any renewals or extensions thereof, has been or will be in existence for three years, then the question of representation may be raised not more than ninety nor less than sixty days prior to the third anniversary date of the agreement or any renewals or extensions thereof as long as such renewals and extensions do not exceed three years; and if the exclusive bargaining representative is removed as a result of such procedure, the then existing collective bargaining agreement shall be terminable by the new exclusive bargaining representative so selected within sixty days after its certification or terminated on its expiration date, whichever is sooner, or if no exclusive bargaining representative is so selected, then the agreement shall be deemed to be terminated at its expiration date or as of such third anniversary date, whichever is sooner.

(4) Within the time limits prescribed in subsection (3) of this section, a petition may be filed signed by at least thirty percent of the employees of a collective bargaining unit, then represented by an exclusive bargaining representative, alleging that a majority of the employees in that unit do not wish to be represented by an employee organization, requesting that the exclusive bargaining representative be decertified, and indicating the name, address and telephone number of the exclusive bargaining representative and any other interested employee organization, if known. Upon the verification of the signatures on the petition, the commission shall conduct an election by secret ballot as prescribed by subsection (3) of this section.

NEW SECTION. Sec. 9. The commission, upon proper application for certification as an exclusive bargaining representative or upon petition for change of unit definition by the employer or any employee organization within the time limits specified in section 8(3) of this 1975 act, and after hearing upon reasonable notice, shall determine the unit appropriate for the purpose of collective bargaining. In determining, modifying or combining the bargaining unit, the commission shall consider the duties, skills, and working conditions of the educational employees; the history of collective bargaining; the extent of organization among the educational employees; and the desire of the educational employees; except that:

(1) A unit including nonsupervisory educational employees shall not be considered appropriate unless it includes all such nonsupervisory educational employees of the employer; and

(2) A unit that includes only supervisors may be considered appropriate if a majority of the employees in such category indicate by vote that they desire to be included in such a unit; and

(3) A unit that includes only principals and assistant principals may be considered appropriate if a majority of such employees indicate by vote that they desire to be included in such a unit; and

(4) A unit that includes both principals and assistant principals and other supervisory employees may be considered appropriate if a majority of the employees in each category indicate by vote that they desire to be included in such a unit; and

(5) A unit that includes supervisors and/or principals and assistant principals and nonsupervisory educational employees may be considered appropriate if a majority of the employees in each category indicate by vote that they desire to be included in such a unit; and

(6) A unit that includes only employees in vocational-technical institutes or occupational skill centers may be considered to constitute an appropriate bargaining unit if the history of bargaining in any such school district so justifies; and

(7) Notwithstanding the definition of collective bargaining, a unit that contains only supervisors and/or principals and assistant principals shall be limited in scope of bargaining to compensation, hours of work, and the number of days of work in the annual employment contracts.

NEW SECTION. Sec. 10. The employee organization which has been determined to represent a majority of the employees in a bargaining unit shall be certified by the commission as the exclusive bargaining representative of, and shall be required to represent all the employees within the unit without regard to membership in that bargaining representative: PROVIDED, That any employee at any time may present his grievance to the employer and have such grievance adjusted without the intervention of the exclusive bargaining representative, as long as such representative has been given an opportunity to be present at that adjustment and to make its views known, and as long as the adjustment is not inconsistent with the terms of a collective bargaining agreement then in effect.

NEW SECTION. Sec. 11. A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions must safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof

that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization.

NEW SECTION. Sec. 12. (1) The commission shall promulgate, revise, or rescind, in the manner prescribed by the administrative procedure act, chapter 34.04 RCW, such rules and regulations as it may deem necessary and appropriate to administer the provisions of this chapter, in conformity with the intent and purpose of this chapter, and consistent with the best standards of labor-management relations.

(2) The rules, precedents, and practices of the national labor relations board, provided they are consistent with this chapter, shall be considered by the commission in its interpretation of this chapter, and prior to adoption of any aforesaid commission rules and regulations.

NEW SECTION. Sec. 13. (1) Either an employer or an exclusive bargaining representative may declare that an impasse has been reached between them in collective bargaining and may request the commission to appoint a mediator for the purpose of assisting them in reconciling their differences and resolving the controversy on terms which are mutually acceptable. If the commission determines that its assistance is needed, not later than five days after the receipt of a request therefor, it shall appoint a mediator in accordance with rules and regulations for such appointment prescribed by the commission. The mediator shall meet with the parties or their representatives, or both, forthwith, either jointly or separately, and shall take such other steps as he may deem appropriate in order to persuade the parties to resolve their differences and effect a mutually acceptable agreement. The mediator, without the consent of both parties, shall not make findings of fact or recommend terms of settlement. The services of the mediator, including, if any, per diem expenses, shall be provided by the commission without cost to the parties. Nothing in this subsection (1) shall be construed to prevent the parties from mutually agreeing upon their own mediation procedure, and in the event of such agreement, the commission shall not appoint its own mediator unless failure to do so would be inconsistent with the effectuation of the purposes and policy of this chapter.

(2) If the mediator is unable to effect settlement of the controversy within ten days after his or her appointment, either party, by written notification to the other, may request that their differences be submitted to fact-finding with recommendations, except that the time for mediation may be extended by mutual agreement between the parties. Within five days after receipt of the aforesaid written request for fact-finding, the parties shall select a person to serve as fact-finder and obtain a commitment from that person to serve. If they are unable to agree upon a fact-finder or to obtain such a commitment within that time, either party may request the commission to designate a fact-finder. The commission, within five days after receipt of such request, shall designate a fact-finder in accordance with rules and regulations for such designation prescribed by the commission. The fact-finder so designated shall not be the same person who was appointed mediator pursuant to subsection (1) of this section without the consent of both parties.

The fact-finder, within five days after his appointment, shall meet with the parties or their representatives, or both, either jointly or separately, and make inquiries and investigations, hold hearings, and take such other steps as he may deem appropriate. For the purpose of such hearings, investigations and inquiries, the fact-finder shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence. If the dispute is not settled within ten days after his appointment, the fact-finder shall make findings of fact and recommend terms of settlement within thirty days after his appointment, which recommendations shall be advisory only.

(3) Such recommendations, together with the findings of fact, shall be submitted in writing to the parties and the commission privately before they are made public. Either the commission, the fact-finder, the employer, or the exclusive bargaining representative may make such findings and recommendations public if the dispute is not settled within five days after their receipt from the fact-finder.

(4) The costs for the services of the fact-finder, including, if any, per diem expenses and actual and necessary travel and subsistence expenses, and any other incurred costs, shall be borne by the commission without cost to the parties.

(5) Nothing in this section shall be construed to prohibit an employer and an exclusive bargaining representative from agreeing to substitute, at their own expense, their own procedure for resolving impasses in collective bargaining for that provided in this section or from agreeing to utilize for the purposes of this section any other governmental or other agency or person in lieu of the commission.

(6) Any fact-finder designated by an employer and an exclusive representative or the commission for the purposes of this section shall be deemed an agent of the state.

NEW SECTION. Sec. 14. An employer and an exclusive bargaining representative who enter into a collective bargaining agreement may include in such agreement procedures for binding arbitration of such disputes as may arise involving the interpretation or application of such agreement.

NEW SECTION. Sec. 15. (1) It shall be an unfair labor practice for an employer:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7 of this 1975 act.

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: PROVIDED, That subject to rules and regulations made by the commission pursuant to section 12 of this 1975 act, an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hire, tenure of employment or any term or condition of employment, but nothing contained in this subsection shall prevent an employer from requiring, as a condition of continued employment, payment of periodic dues and fees uniformly required to an exclusive bargaining representative pursuant to section 11 of this 1975 act;

(d) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this act;

(e) To refuse to bargain collectively with the representatives of its employees.

(2) It shall be an unfair labor practice for an employee organization:

(a) To restrain or coerce (i) employees in the exercise of the rights guaranteed in section 7 of this 1975 act: PROVIDED, That this paragraph shall not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership therein; or (ii) an employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To refuse to bargain collectively with an employer, provided it is the representative of its employees subject to section 10 of this 1975 act.

(3) The expressing of any views, argument, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this 1975 act, if such expression contains no threat of reprisal or force or promise of benefit.

NEW SECTION. Sec. 16. (1) The commission is empowered to prevent any person from engaging in any unfair labor practice as defined in section 15 of this 1975 act. This power shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, law, equity or otherwise.

(2) If the commission determines that any person has engaged in or is engaging in any such unfair labor practices as defined in section 15 of this 1975 act, then the commission shall issue and cause to be served upon such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action as will effectuate the purposes and policy of this chapter, such as the payment of damages and/or the reinstatement of employees.

(3) The commission may petition the superior court for the county in which the main office of the employer is located or wherein the person who has engaged or is engaging in such unfair labor practice resides or transacts business, for the enforcement of its order and for appropriate temporary relief.

NEW SECTION. Sec. 17. Actions taken by or on behalf of the commission shall be pursuant to chapter 34.04 RCW, or rules and regulations adopted in accordance therewith, and the right of judicial review provided by chapter 34.04 RCW shall be applicable to all such actions and rules and regulations.

NEW SECTION. Sec. 18. (1) Whenever a collective bargaining agreement between an employer and an exclusive bargaining representative is concluded after the termination date of the previous collective bargaining agreement between the employer and an employee organization representing the same employees, the effective date of such collective bargaining agreement may be the day after the termination date of the previous collective bargaining agreement and all benefits included in the new collective bargaining agreement, including wage or salary increases, may accrue beginning with such effective date as established by this subsection, and may also accrue beginning with the effective date of any individual employee contracts affected thereby.

(2) Any collective bargaining agreement may provide for the increase of any wages, salaries and other benefits during the term of such agreement or the term of any individual employee contracts concerned, in the event that the employer receives by increased appropriation or from other sources, additional moneys for such purposes.

NEW SECTION. Sec. 19. This chapter shall supersede existing statutes not expressly repealed to the extent that there is a conflict between a provision of this chapter and those other statutes. Except as otherwise expressly provided herein, nothing in this chapter shall be construed to annul, modify or preclude the renewal or continuation of any lawful agreement entered into prior to the effective date of this chapter between an employer and an employee organization covering wages, hours, and terms and conditions of employment. Where there is a conflict between any collective bargaining agreement and any resolution, rule, policy or regulation of the employer or its agents, the terms of the collective bargaining agreement shall prevail.

NEW SECTION. Sec. 20. Except as otherwise expressly provided herein, nothing contained in this 1975 act shall be construed to deny or otherwise abridge any rights, privileges or benefits granted by law to employees.

Sec. 21. Section 1, chapter 105, Laws of 1973 1st ex. sess. and RCW 28A.01-.130 are each amended to read as follows:

The term "certificated employee" as used in RCW 28A.58.450 through 28A-.58.515, 28A.58.445, 28A.67.065, 28A.67.070, ~~((and))~~ 28A.67.074 and this 1975 amendatory act, each as now or hereafter amended, shall include those persons who hold certificates as authorized by rule or regulation of the state board of education or the superintendent of public instruction.

Sec. 22. Section 22, chapter 34, Laws of 1969 ex. sess. and RCW 28A.67.065 are each amended to read as follows:

Every board of directors, in accordance with procedure provided in ~~((RCW 28A.72.030))~~ sections 1 through 20 of this 1975 act, shall establish an evaluative criteria and procedures for all certificated employees. Such procedure shall require not less than annual evaluation of all employees. New employees shall be evaluated within the first ninety calendar days of their employment. Every employee whose work is judged unsatisfactory shall be notified in writing of stated areas of deficiencies along with recommendations for improvement by February 1st of each year. A probationary period shall be established from February 1st to April 15th for the employee to demonstrate improvement.

NEW SECTION. Sec. 23. Notwithstanding the definition of "employee" in section 3 of this act, the commission may exclude from the coverage of this 1975 amendatory act any specialized job category of an employer where a majority of the persons employed in that job category consists of noncertificated employees. At such time as a majority of such employees are certificated, the job category may be considered an appropriate unit under this 1975 amendatory act.

NEW SECTION. Sec. 24. Nothing in this act shall be construed to interfere with the responsibilities and rights of the employer as specified by federal and state law, including the employer's responsibilities to students, the public, and other constituent elements of the institution.

NEW SECTION. Sec. 25. If any provision of this 1975 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. 26. Except for sections 4, 5, 6, 12 and 17 of this 1975 act which shall take effect ninety days following enactment hereof, this 1975 act shall take effect on January 1, 1976. Where the term "effective date of this chapter" is used elsewhere in this 1975 act it shall mean January 1, 1976.

NEW SECTION. Sec. 27. Sections 1 through 20 and sections 23 and 25 of this 1975 act shall constitute a new chapter in Title 41 RCW.

NEW SECTION. Sec. 28. The following acts or parts of acts are each hereby repealed:

(1) Section 28A.72.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.010;

(2) Section 28A.72.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.020;

(3) Section 28A.72.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.030;

(4) Section 28A.72.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.050;

(5) Section 28A.72.060, chapter 223, Laws of 1969 ex. sess., section 3, chapter 52, Laws of 1969 ex. sess. and RCW 28A.72.060;

(6) Section 28A.72.070, chapter 223, Laws of 1969 ex. sess., section 4, chapter 52, Laws of 1969 ex. sess. and RCW 28A.72.070;

(7) Section 28A.72.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.080;

(8) Section 28A.72.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72-.090; and

(9) Section 1, chapter 115, Laws of 1973 1st ex. sess. and RCW 28A.72.100.

Passed the Senate May 28, 1975.

Passed the House June 2, 1975.

Approved by the Governor July 2, 1975 with the exception of section 4 which is vetoed.

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

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

"I am returning herewith without my approval as to one section Engrossed Substitute Senate Bill No. 2500 entitled:

"AN ACT Relating to employer-employee relations in the public sector; providing for an educational employment relations act."

This bill repeals the current law on professional negotiations in education, RCW Chapter 28A.72, and enacts a new chapter defining rights and duties in collective bargaining in the education sector.

Section 4 creates a new commission on education employment relations consisting of five members appointed by the Governor with the consent of the Senate. A proviso in that section specifies that unless a member appointed when the Legislature is not in session is confirmed by the Senate during the first thirty days of the next session, that member's appointment shall be deemed rejected.

The language of the proviso is unclear as to what should happen if the duration of the next session is less than thirty days. More important, however, is that the

proviso in effect allows the Senate to reject an appointment to the commission by inaction. I believe this is bad policy and cannot accept such a procedure. A governor goes on record in making an appointment; if the law requires confirmation by the Senate, that body should go on record as confirming or rejecting the appointee. To allow rejection by inaction would be to deprive the governor, the appointee, and the public the right to know who opposed the appointment and the reasons for such opposition.

I am aware that the commission created by this act would be superseded by the new commission on public employment relations designated by Substitute Senate Bill No. 2408, which is also before me for approval. The same proviso appears in that bill, and for the reasons stated herein and for other reasons too, I intend to veto the pertinent portions of that act.

Recognizing that the substantive portions of this bill are unworkable without the existence of the commission created in section 4, and considering that the effective date of those elements of the bill is January 1, 1976, I would urge the Legislature to redraft this section at the next opportune moment.

With the exception of section 4 which I have vetoed, the remainder of the bill is approved."

CHAPTER 289

[Substitute House Bill No. 32]

WAGES AND HOURS—

MINIMUM WAGE—OVERTIME

AN ACT Relating to minimum wages; amending section 1, chapter 294, Laws of 1959 as last amended by section 1, chapter 107, Laws of 1974 ex. sess. and RCW 49.46.010; amending section 2, chapter 294, Laws of 1959 as last amended by section 1, chapter 9, Laws of 1973 2nd ex. sess. and RCW 49.46.020; adding a new section to chapter 49.46 RCW; declaring an emergency and providing an effective date.

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

Section 1. Section 1, chapter 294, Laws of 1959 as last amended by section 1, chapter 107, Laws of 1974 ex. sess. and RCW 49.46.010 are each amended to read as follows:

As used in this chapter:

- (1) "Director" means the director of labor and industries;
- (2) "Wage" means compensation due to an employee by reason of his employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by regulations of the director under *RCW 49.46.050;
- (3) "Employ" includes to suffer or to permit to work;
- (4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;
- (5) "Employee" includes any individual employed by an employer but shall not include:
 - (a) Any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife, or in the employ of the owner or tenant or other

operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; and the exclusions from the term "employee" provided in this item shall not be deemed applicable with respect to commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;

(b) Any individual employed in domestic service in or about a private home;

(c) Any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesman (as such terms are defined and delimited by regulations of the director: PROVIDED HOWEVER, That such terms shall be defined and delimited by the state personnel board pursuant to chapter 41.06 RCW and the higher education personnel board pursuant to chapter 28B.16 RCW for employees employed under their respective jurisdictions);

~~(d) ((Any individual employed by the United States;~~

~~(e))~~ Any individual engaged in the activities of an educational, charitable, religious, governmental agency or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously;

~~((f))~~(e) Any newspaper vendor or carrier;

~~((g))~~(f) Any carrier subject to regulation by Part 1 of the Interstate Commerce Act;

~~((h))~~(g) Any individual engaged in forest protection and fire prevention activities;

~~((i) Any individual employed by the state, any county, city, or town, municipal corporation or quasi-municipal corporation, political subdivision, or any instrumentality thereof;~~

~~(j))~~ (h) Any individual employed by any charitable institution charged with child care responsibilities engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;

~~((k))~~(i) Any individual whose duties require that he reside or sleep at the place of his employment or who otherwise spends a substantial portion of his work time subject to call, and not engaged in the performance of active duties;

(j) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution.

(k) Any individual who holds a public elective or appointive office of the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof, or any employee of the state legislature.

(l) All vessel operating crews of the Washington state ferries operated by the state highway commission.

(m) Any individual employed as a seaman on a vessel other than an American vessel.

(6) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed.

Sec. 2. Section 2, chapter 294, Laws of 1959 as last amended by section 1, chapter 9, Laws of 1973 2nd ex. sess. and RCW 49.46.020 are each amended to read as follows:

(1) Every employer shall pay to each of his employees who have reached the age of eighteen years wages at a rate of not less than one dollar and sixty cents per hour except as may be otherwise provided under subsections (2) through (7) of this section or as otherwise provided under this chapter: PROVIDED, That beginning the calendar year 1974, the applicable rate under this section shall be one dollar and eighty cents per hour, and beginning ((the calendar year 1975)) with the effective date of this act the applicable rate under this section shall be two dollars and ten cents an hour, and beginning the calendar year 1976 the applicable rate under this section shall be two dollars and thirty cents an hour.

(2) Any individual eighteen years of age or older, unless exempt under the provisions of section 1(5)(k)(8) of this 1975 amendatory act, employed by the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof shall be paid wages beginning with the effective date of this act, at a rate of not less than two dollars an hour, and beginning the calendar year 1976 at a rate of not less than two dollars and twenty cents an hour, and beginning the calendar year 1977 at a rate of not less than two dollars and thirty cents an hour.

(3) Any individual eighteen years of age or older engaged in performing services in a nursing home licensed pursuant to chapter 18.51 RCW, shall be paid wages beginning with the effective date of this act, at a rate of not less than two dollars and ten cents an hour, and beginning the calendar year 1976, at a rate of not less than two dollars and twenty cents an hour, and beginning the calendar year 1977, at a rate of not less than two dollars and thirty cents an hour.

(4) Any individual eighteen years of age or older engaged in performing services in a hospital licensed pursuant to chapter 70.41 RCW, or chapter 71.12 RCW, shall be paid wages beginning with the effective date of this act, at a rate of not less than two dollars and ten cents an hour, and beginning the calendar year 1976, at a rate of not less than two dollars and twenty cents an hour, and beginning the calendar year 1977 at a rate of not less than two dollars and thirty cents an hour.

(5) Any individual eighteen years of age or older employed in a retail or service establishment and who is so employed primarily in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of members of clubs shall be paid wages beginning with the effective date of this act, at a rate of not less than two dollars an hour, and beginning the calendar year 1976, at a rate of not less than two dollars and twenty cents an hour, and beginning the calendar year 1977, at a rate of not less than two dollars and thirty cents an hour.

NEW SECTION. Sec. 3. There is added to chapter 49.46 RCW a new section to read as follows:

(1) No employer shall employ any of his employees for a workweek longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed, except that the provisions of this subsection (1) shall not apply to any person exempted pursuant to RCW 49.46.010(5) as now or hereafter amended and the provision of this subsection shall not apply to employees who request compensating time off in lieu of overtime pay nor to any individual employed as a seaman whether or not the seaman is employed on a vessel other than an American vessel.

(2) No public agency shall be deemed to have violated subsection (1) of this section with respect to the employment of any employee in fire protection activities or any employee in law enforcement activities (including security personnel in correctional institutions) if: (a) In a work period of twenty-eight consecutive days the employee receives for tours of duty which in the aggregate exceed two hundred and forty hours; or (b) in the case of such an employee to whom a work period of at least seven but less than twenty-eight days applies, in his work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his work period as two hundred forty hours bears to twenty-eight days; compensation at a rate not less than one and one-half times the regular rate at which he is employed: PROVIDED, That this section shall not apply to any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (iii) commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption: PROVIDED FURTHER, That in any industry in which federal law provides for an overtime payment based on a work week other than forty hours then provisions of this section shall not apply; however the provisions of the federal law regarding overtime payment based on a work week other than forty hours shall nevertheless apply to employees covered by this section without regard to the existence of actual federal jurisdiction over the industrial activity of the particular employer within this state: PROVIDED FURTHER, That "industry" as that term is used in this section shall mean a trade, business, industry, or other activity, or branch, or group thereof, in which individuals are gainfully employed (Section 3(h) of the Fair Labor Standards Act of 1938, as amended (Public Law 93-259)).

NEW SECTION. Sec. 4. The director of the department of labor and industries and the commissioner of employment security shall each notify employers of the requirements of this act through their regular quarterly notices to employers.

NEW SECTION. Sec. 5. This 1975 amendatory 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 September 1, 1975.

Passed the House June 6, 1975.

Passed the Senate June 5, 1975.

Approved by the Governor July 2, 1975.

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

CHAPTER 290

[Substitute House Bill No. 40]

THE WASHINGTON HEALTH

MAINTENANCE ORGANIZATION ACT OF 1975

AN ACT Relating to licensing of health maintenance organizations; creating a new chapter in Title 48 RCW; adding a new section to chapter 41.04 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to Title 48 RCW a new chapter to read as set forth in sections 2 through 19, 21 through 25 of this 1975 amendatory act.

NEW SECTION. Sec. 2. In affirmation of the declared principle that health care is a right of every citizen of the state, the legislature expresses its concern that the present high costs of health care in Washington may be preventing or inhibiting a large segment of the people from obtaining access to quality health care services.

The legislature declares that the establishment of qualified prepaid group and individual practice health care delivery systems should be encouraged in order to provide all citizens of the state with the freedom of choice between competitive, alternative health care delivery systems necessary to realize their right to health. It is the purpose and policy of this chapter to provide for the development and registration of prepaid group and individual practice health care plans as health maintenance organizations, which the legislature declares to be in the interest of the health, safety and welfare of the people.

NEW SECTION. Sec. 3. As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context indicates otherwise.

(1) "Health maintenance organization" means any organization receiving a certificate of authority by the commissioner under this chapter which provides comprehensive health care services to enrolled participants of such organization on a group practice per capita prepayment basis or on a prepaid individual practice plan, either directly or through contractual or other arrangements with other institutions, entities, or persons, and which qualifies as a health maintenance organization pursuant to sections 4 and 5 of this 1975 amendatory act.

(2) "Comprehensive health care services" means basic consultative, diagnostic, and therapeutic services rendered by licensed health professionals together with emergency and preventive care, inpatient hospital, outpatient and physician care, at a minimum, and any additional health care services offered by the health maintenance organization.

(3) "Enrolled participant" means a person who or group of persons which has entered into a contractual arrangement or on whose behalf a contractual arrangement has been entered into with a health maintenance organization to receive health care services.

(4) "Health professionals" means practitioners who are licensed under the provisions of chapters 18.22, 18.25, 18.29, 18.32, 18.34, 18.53, 18.57, 18.57A, 18.64, 18.71, 18.71A, 18.74, 18.78, 18.83, or 18.88 RCW.

(5) "Health care service contractor" means any corporation, cooperative group, partnership, or association which is registered as a health care contractor pursuant to the provisions of chapter 48.44 RCW.

(6) "Health maintenance agreement" means an agreement for services between a health maintenance organization which is registered pursuant to the provisions of this chapter and enrolled participants of such organization which provides enrolled participants with comprehensive health services rendered to enrolled participants by health professionals, groups, facilities, and other personnel associated with the health maintenance organization.

(7) "Consumer" means any member, subscriber, enrollee, beneficiary, or other person entitled to health care services under terms of a health maintenance agreement, but not including health professionals, employees of health maintenance organizations, partners, or shareholders of stock corporations licensed as health maintenance organizations.

(8) "Meaningful role in policy making" means a procedure approved by the commissioner which provides consumers or elected representatives of consumers a means of submitting the views and recommendations of such consumers to the governing board of such organization coupled with reasonable assurance that the board will give regard to such views and recommendations.

(9) "Meaningful grievance procedure" means a procedure for investigation of consumer grievances in a timely manner aimed at mutual agreement for settlement according to procedures approved by the commissioner, and which may include arbitration procedures.

(10) "Provider" means any health professional, hospital, or other institution, organization, or person that furnishes any health care services and is licensed or otherwise authorized to furnish such services.

(11) "Department" means the state department of social and health services.

(12) "Commissioner" means the insurance commissioner.

(13) "Group practice" means a partnership, association, corporation, or other group of health professionals:

(a) The members of which may be individual health professionals, clinics, or both individuals and clinics who engage in the coordinated practice of their profession; and

(b) The members of which are compensated by a prearranged salary, or by capitation payment or drawing account that is based on the number of enrolled participants.

(14) "Individual practice health care plan" means an association of health professionals in private practice who associate for the purpose of providing prepaid comprehensive health care services on a fee-for-service or capitation basis.

NEW SECTION. Sec. 4. Any corporation, cooperative group, partnership, individual, association, or groups of health professionals licensed by the state of Washington, public hospital district, or public institutions of higher education shall be entitled to a certificate of registration as a health maintenance organization if it:

(1) Provides comprehensive health care services to enrolled participants on a group practice per capita prepayment basis or on a prepaid individual practice plan and provides such health services either directly or through arrangements with institutions, entities, and persons which its enrolled population might reasonably require as determined by the health maintenance organization in order to be maintained in good health; and

(2) Otherwise meets the requirements of chapter 48.44 RCW: PROVIDED, That this requirement shall not apply to public institutions of higher education; and

(3) Is governed by a board elected by enrolled participants, or otherwise provides its enrolled participants with a meaningful role in policy making procedures of such organization, as defined in sections 3(8), and 8 of this 1975 amendatory act; and

(4) Affords enrolled participants with a meaningful grievance procedure aimed at settlement of disputes between such persons and such health maintenance organization, as defined in sections 3(9) and 11 of this 1975 amendatory act; and

(5) Provides enrolled participants, or makes available for inspection at least annually, financial statements pertaining to health maintenance agreements, disclosing income and expenses, assets and liabilities, and the bases for proposed rate adjustments for health maintenance agreements relating to its activity as a health maintenance organization; and

(6) Demonstrates to the satisfaction of the commissioner that its facilities and personnel are reasonably adequate to provide comprehensive health care services to enrolled participants and that it is financially capable of providing such members with, or has made adequate contractual arrangements through insurance or otherwise to provide such members with, such health services; and

(7) Substantially complies with administrative rules and regulations of the commissioner for purposes of this chapter; and

(8) Submits an application for a certificate of registration which shall be verified by an officer or authorized representative of the applicant, being in form as the commissioner prescribes, and setting forth:

(a) A copy of the basic organizational document, if any, of the applicant, such as the articles of incorporation, articles of association, partnership agreement, trust agreement, or other applicable documents, and all amendments thereto;

(b) A copy of the bylaws, rules and regulations, or similar documents, if any, which regulate the conduct of the internal affairs of the applicant, and all amendments thereto;

(c) A list of the names, addresses, members of the board of directors, board of trustees, executive committee, or other governing board or committee and the principal officers, partners, or members;

(d) A full and complete disclosure of any financial interests held by any officer, or director in any provider associated with the applicant or any provider of the applicant.

(e) A description of the health maintenance organization, its facilities and its personnel, and the applicant's most recent financial statement pertaining to pre-paid health maintenance agreements, showing such organization's assets, liabilities, income, and other sources of financial support;

(f) A description of the geographic areas and the population groups to be served and the size and composition of the anticipated enrollee population;

(g) A copy of each type of health maintenance contract to be issued to enrolled participants;

(h) A schedule of all proposed rates of reimbursement to contracting health care facilities or providers, if any, and a schedule of the proposed charges for enrollee coverage for health care services, accompanied by data relevant to the formulation of such schedules;

(i) A description of the proposed method and schedule for soliciting enrollment in the applicant health maintenance organization and the basis of compensation for such solicitation services;

(j) A copy of the solicitation document to be distributed to all prospective enrolled participants in connection with any solicitation;

(k) A financial projection which sets forth the anticipated results during the initial two years of operation of such organization, if such organization has not operated previously as a health care contractor under chapter 48.44 RCW, accompanied by a summary of the assumptions and relevant data upon which the projection is based. The projection should include the projected expenses, enrollment trends, income, enrollee utilization patterns, and sources of working capital;

(l) A detailed description of the enrollee complaint system as provided by section 11 of this 1975 amendatory act;

(m) A detailed description of the procedures and programs to be implemented to assure that the health care services delivered to enrolled participants will be of professional quality; and

(n) Such other information as the commissioner shall require by rule or regulation which is reasonably necessary to carry out the provisions of this section.

A health maintenance organization shall, unless otherwise provided for in this chapter, file a notice describing any modification of any of the information required by subsection (8) of this section. Such notice shall be filed with the commissioner.

NEW SECTION. Sec. 5. After January 1, 1976, the commissioner shall issue a certificate of registration to the applicant within sixty days of such filing unless he notifies the applicant within such time that such application is not complete and the reasons therefor; or that he is not satisfied that:

(1) The basic organizational document of the applicant when combined with the powers enumerated in section 6 of this 1975 amendatory act permits the applicant to conduct business as a health maintenance organization;

(2) The organization has demonstrated the intent and ability to assure that comprehensive health care services will be provided in a manner to assure both their availability and accessibility;

(3) The organization is financially responsible and may be reasonably expected to meet its obligations to its enrolled participants. In making this determination, the commissioner shall consider among other relevant factors:

(a) Any agreements with an insurer, a medical or hospital service bureau, a government agency or any other organization paying or insuring payment for health care services;

(b) Any agreements with providers for the provision of health care services; and

(c) Any arrangements for liability and malpractice insurance coverage;

(4) The procedures for offering health care services and offering or terminating contracts with enrolled participants are reasonable and equitable in comparison with prevailing health insurance subscription practices and health maintenance organization enrollment procedures; and, that

(5) Procedures have been established to:

(a) Monitor the quality of care provided by such organization, including, as a minimum, procedures for internal peer review;

(b) Resolve complaints and grievances initiated by enrolled participants in accordance with sections 2(8) and 11 of this 1975 amendatory act;

(c) Offer enrolled participants an opportunity to participate in matters of policy and operation in accordance with sections 3(8) and 8 of this 1975 amendatory act.

No person to whom a certificate of registration has not been issued, except a health maintenance organization certified by the secretary of the department of health, education and welfare, pursuant to Public Law 93-222 or its successor, shall use the words "health maintenance organization" or the initials "HMO" in its name, contracts, or literature: PROVIDED HOWEVER, That persons who are contracting with, operating in association with, recruiting enrolled participants for, or otherwise authorized by a health maintenance organization possessing a certificate of registration to act on its behalf may use the terms "health maintenance organization" or "HMO" for the limited purpose of denoting or explaining their relationship to such health maintenance organization.

The department of social and health services, at the request of the insurance commissioner, shall inspect and review the facilities of every applicant health maintenance organization to determine that such facilities are reasonably adequate to provide the health care services offered in their contracts. If the commissioner has information to indicate that such facilities fail to continue to be adequate to provide the health care services offered, the department of social and health services, upon request of the insurance commissioner, shall reinspect and review the facilities and report to the insurance commissioner as to their adequacy or inadequacy.

NEW SECTION. Sec. 6. The powers of a holder of a certificate of registration issued pursuant to section 5 of this 1975 amendatory act shall include, in addition to any other powers conferred by the law, those conferred on health care contractors pursuant to chapter 48.44 RCW. Nothing in this chapter shall be deemed to preclude a health maintenance organization from training or employing any health personnel.

NEW SECTION. Sec. 7. (1) All forms of health maintenance agreements issued by the organization to enrolled participants or other marketing documents purporting to describe the organization's comprehensive health care services shall comply with such minimum standards as the commissioner deems reasonable and necessary in order to carry out the purposes and provisions of this chapter, and which fully inform enrolled participants of the health care services to which they are entitled, including any limitations or exclusions thereof, and such other rights, responsibilities and duties required of the contracting health maintenance organization.

(2) No health maintenance organization authorized under this chapter shall cancel or fail to renew the enrollment on any basis of an enrolled participant or refuse to transfer an enrolled participant from a group to an individual basis for reasons relating solely to age, sex, race, or health status: **PROVIDED HOWEVER,** That nothing contained herein shall prevent cancellation of a contract with enrolled participants (a) who violate any published policies of the organization which have been approved by the commissioner, or (b) who are entitled to become eligible for medicare benefits and fail to enroll for a medicare supplement plan offered by the health maintenance organization and approved by the commissioner, or (c) for failure of such enrolled participant to pay the approved charge, including cost-sharing, required under such contract, or (d) for a material breach of the health maintenance agreement.

(3) No contract form or amendment to an approved contract form shall be used unless it is filed with the commissioner.

NEW SECTION. Sec. 8. (1) The members of the governing body of a health maintenance organization shall be nominated by the voting members or by the enrolled participants and providers, and shall be elected by the enrolled participants or voting members pursuant to the provisions of their bylaws, which shall not be restricted to providers. At least one-third of such body shall consist of consumers who are substantially representative of the enrolled population of such organization: **PROVIDED, HOWEVER,** That any panel medicine plan, qualified pursuant to chapter 41.05 RCW, and licensed as a health care contractor as of January 1, 1975, may have a governing body which shall be advised by an advisory board consisting of at least two-thirds consumers who are elected by the voting members or the enrolled participants and are substantially representative of the enrolled population.

(2) For health maintenance organizations formed by public institutions of higher education or public hospital districts, the governing body shall be advised by an advisory board consisting of at least two-thirds consumers who are elected by the voting members or the enrolled participants and are substantially representative of the enrolled population.

NEW SECTION. Sec. 9. (1) Every health maintenance organization shall annually file with the commissioner a report, under oath, in accordance with the provisions of this chapter.

(2) Such annual report shall be in such form as the commissioner shall prescribe and shall include:

(a) A financial statement of such organization, including its balance sheet and receipts and disbursements for the preceding year, which reflects at a minimum,

(i) all prepayments and other payments received for health care services rendered pursuant to health maintenance agreements;

(ii) expenditures to all categories of health care facilities, providers, insurance companies, or hospital or medical service plan corporations with which such organization has contracted to fulfill obligations to enrolled participants arising out of its health maintenance contracts, together with all other direct expenses including depreciation, enrollment, and commission; and

(iii) expenditures for capital improvements, or additions thereto, including but not limited to construction, renovation, or purchase of facilities and capital equipment;

(b) The number of participants enrolled and terminated during the report period. Every employer offering health care benefits to their employees through a group contract with a health maintenance organization shall furnish said health maintenance organization with a list of their employees enrolled under such plan;

(c) A report of the names and addresses of all officers, directors, or trustees of the health maintenance organization during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals for services to such organization. For partnership and professional service corporations, a report shall be made for partners or shareholders as to any compensation or expense reimbursement received by them for services, other than for services and expenses relating directly for patient care;

(d) Such other information relating to the performance of the health maintenance organization or the health care facilities or providers with which it has contracted as reasonably necessary to the proper and effective administration of this chapter, in accordance with rules and regulations; and

(e) Disclosure of any financial interests held by officers and directors in any providers associated with the health maintenance organization or any provider of the health maintenance organization.

NEW SECTION. Sec. 10. A health maintenance organization, and the health care facilities and providers with which such organization has entered into contracts to provide health care services to its enrolled participants, shall provide such services in a manner consistent with the dignity of each enrolled participant as a human being.

NEW SECTION. Sec. 11. A health maintenance organization shall establish and maintain a grievance procedure, approved by the commissioner, to provide reasonable and effective resolution of complaints initiated by enrolled participants concerning any matter relating to the interpretation of any provision of such enrolled participants' health maintenance contracts, including, but not limited to,

claims regarding the scope of coverage for health care services; denials, cancellations, or nonrenewals of enrolled participants' coverage; and the quality of the health care services rendered, and which may include procedures for arbitration.

NEW SECTION. Sec. 12. (1) No health maintenance organization may refer to itself in its name or advertising with any of the words: "insurance", "casualty", "surety", "mutual", or any other words descriptive of the insurance, casualty, or surety business, or deceptively similar to the name or description of any insurance or surety corporation doing business in this state.

(2) No health maintenance organization, nor any health care facility or provider with which such organization has contracted to provide health care services, shall discriminate against any person from whom or on whose behalf, payment to meet the required charge is available, with regard to enrollment, disenrollment, or the provision of health care services, on the basis of such person's race, color, sex, religion, place of residence if there is reasonable access to the facility of the health maintenance organization, socioeconomic status, or status as a recipient of medicare under Title XVIII of the Social Security Act, 42 U.S.C. section 1396, et seq.

(3) Where a health maintenance organization determines that an enrolled participant has received health care services to which such enrolled participant is not entitled under the terms of his health maintenance contract, neither such organization, nor any health care facility or provider with which such organization has contracted to provide health care services, shall have recourse against such enrolled participant for any amount above the actual cost of providing such service, if any, specified in such contract, unless the enrolled participant or a member of his family has given or withheld information to the health maintenance organization, the effect of which is to mislead or misinform the health maintenance organization as to the enrolled participant's right to receive such services.

NEW SECTION. Sec. 13. (1) The commissioner may make an examination of the operations of any health maintenance organization as often as he deems necessary in order to carry out the purposes of this chapter.

(2) Every health maintenance organization shall submit its books and records relating its operation for such examinations and in every way facilitate them. For the purpose of examinations, the commissioner may issue subpoenas, administer oaths, and examine the officers and agents of the health maintenance organization and the principals of such providers concerning their business.

NEW SECTION. Sec. 14. (1) The commissioner may, consistent with the provisions of the administrative procedure act, chapter 34.04 RCW, initiate proceedings to determine whether a health maintenance organization has:

(a) Operated in a manner that materially violates its organizational documents;

(b) Materially breached its obligation to furnish the health care services specified in its contracts with enrolled participants;

(c) Violated any provision of this chapter, or any rules and regulations promulgated thereunder;

(d) Made any false statement with respect to any report or statement required by this chapter or by the commissioner under this chapter;

(e) Advertised or marketed, or attempted to market, its services in such a manner as to misrepresent its services or capacity for services, or engaged in deceptive, misleading, or unfair practices with respect to advertising or marketing;

(f) Prevented the commissioner from the performance of any duty imposed by this chapter; or

(g) Fraudulently procured or attempted to procure any benefit under this chapter.

(2) After providing written notice and an opportunity for a hearing to be scheduled no sooner than ten days following such notice, the commissioner shall make administrative findings and may, as appropriate:

(a) Impose a penalty of not more than ten thousand dollars for each and every unlawful act committed which materially affects the health services offered or furnished;

(b) Issue an administrative order requiring the health maintenance organization to:

(i) Cease or modify inappropriate conduct or practices by it or any of the personnel employed or associated with it;

(ii) Fulfill its contractual obligations;

(iii) Provide a service which has been improperly denied;

(iv) Take steps to provide or arrange for any service which it has agreed to make available; or

(v) Abide by the terms of an arbitration proceeding, if any;

(c) Suspend or revoke the certificate of authority of the health maintenance organization:

(i) If its certificate of authority is suspended, the organization shall not, during the period of such suspension, enroll any additional participants except newborn children or other newly acquired dependents of existing enrolled participants, and shall not engage in any advertising or solicitation whatsoever;

(ii) If its certificate of authority is revoked, the organization shall proceed under the supervision of the commissioner immediately following the effective date of the order of revocation to wind up its affairs, and shall conduct no further business except as may be essential to the orderly conclusion of such affairs: PROVIDED, That the commissioner may, by written order, permit such further operation of the organization as it may find to be in the best interest of enrolled participants, to the end that such enrolled participants will be afforded the greatest practical opportunity to obtain continuing health care coverage: PROVIDED, FURTHER, That if the organization is qualified to operate as a health care service contractor under chapter 48.44 RCW, it may continue to operate as such when it obtains the appropriate license.

(3) The commissioner may apply to any court for such legal or equitable relief as it deems necessary to effectively carry out the purposes of this chapter, including, but not limited to, an action in any court of competent jurisdiction to enjoin any such acts or practices and to enforce compliance with this chapter or any rule or order hereunder. Upon a proper showing a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The commissioner may not be required to post a bond.

NEW SECTION. Sec. 15. Every organization subject to this chapter shall pay to the commissioner the following fees:

(1) For filing a copy of its application for a certificate of registration or amendment thereto, one hundred dollars;

(2) For filing each annual report pursuant to section 9 of this 1975 amendatory act, ten dollars.

NEW SECTION. Sec. 16. (1) The department is hereby authorized to enter into contracts with health maintenance organizations to furnish, directly or through contractual arrangements with providers or other persons, medicaid services to eligible recipients of medical assistance under Title XIX of the Social Security Act, 42 U.S.C. section 1396, et seq.

(2) The department shall enter into negotiations with any health maintenance organization for the provision of the medical needs of such recipients on a group basis located within the appropriate defined service area of such health maintenance organization in order to realize the possibility of obtaining cost savings of public funds in the purchase of health care services for such recipients, based on differentials between the cost of such services when offered by health maintenance organizations and other providers: PROVIDED, That nothing herein shall require the department to enter into any contract: AND PROVIDED FURTHER, That no such recipient shall be obligated to receive any such medical care from any health maintenance organization under contract with the department.

NEW SECTION. Sec. 17. The commissioner shall report annually to the legislature regarding the effect of this chapter on the development and operation of health maintenance organizations, the effect of such development and operation on both enrolled participants and nonenrollees including participation in medicare, the extent to which the purposes and provisions of this chapter have been carried out, and the modifications in this chapter, if any, necessary to further the interests of the public.

NEW SECTION. Sec. 18. (1) Solicitation of enrolled participants by a health maintenance organization granted a certificate of registration, or its agents or representatives, shall not be construed to violate any provision of law relating to solicitation or advertising by health professionals.

(2) Any health maintenance organization authorized under this chapter shall not be deemed to be violating any law prohibiting the practice by unlicensed persons of podiatry, chiropractic, dental hygiene, opticianary, dentistry, optometry, osteopathy, pharmacy, medicine and surgery, physical therapy, nursing, or psychology: PROVIDED, That this subsection shall not be construed to expand a health professional's scope of practice or to allow employees of a health maintenance organization to practice as a health professional unless licensed.

(3) Nothing contained in this chapter shall alter any statutory obligation, or rule or regulation promulgated thereunder, in chapter 70.38 or 70.39 RCW.

(4) Any health maintenance organization receiving a certificate of registration pursuant to this chapter shall be exempt from the provisions of chapter 48.05 RCW, and shall not be required to register as a health care contractor under chapter 48.44 RCW but shall be subject to all other provisions of chapters 48.44 and 70.39 RCW.

NEW SECTION. Sec. 19. (1) The state government, or any political subdivision thereof, which offers its employees a health benefits plan shall make available to and inform its employees or members of the option to enroll in at least one health maintenance organization holding a valid certificate of authority which provides health care services in the geographic areas in which such employees or members reside.

(2) Each employer, public or private, having more than fifty employees in this state which offers its employees a health benefits plan, and each employee benefits fund in this state having more than fifty members which offers its members any form of health benefits shall make available to and inform its employees or members of the option to enroll in at least one health maintenance organization holding a valid certificate of authority which provides health care services in the geographic areas in which a substantial number of such employees or members reside: **PROVIDED**, That unless at least 25 employees agree to participate in a health maintenance organization the employer need not provide such an option: **PROVIDED FURTHER**, That where such employees are members of a bona fide bargaining unit covered by a labor-management collective bargaining agreement, the selection of the options required by this section may be specified in such agreement: **AND PROVIDED FURTHER**, That the provisions of this section shall not be mandatory where such members are covered by a Taft-Hartley health care trust, except that the labor-management trustees may contract with a health maintenance organization if a feasibility study determines it is to the advantage of the members to so contract.

(3) Subsections (1) and (2) of this section shall impose no responsibilities or duties upon state government or any political subdivision thereof or any other employer, either public or private, to provide health maintenance organization coverage when no health maintenance organization exists for the purpose of providing health care services in the geographic areas in which the employees or members reside.

(4) No employer in this state shall in any way be required to pay more for health benefits as a result of the application of this section than would otherwise be required by any prevailing collective bargaining agreement or other legally enforceable contract of obligation for the provision of health benefits between such employer and its employees.

NEW SECTION. Sec. 20. There is added to chapter 41.04 RCW a new section to read as follows:

Any employee or retired employee of the state or its departments, agencies, or subdivisions and any employee or retired employee of a county, public or municipal corporation, school district, or tax supported institution may authorize the deduction from his salary or wages of the amount of his capitation payments to any health maintenance organization receiving a certificate of authority under this chapter. Upon the filing of an authorization with the auditor or fiscal officer of the employer, such auditor or fiscal officer shall make payments in favor of the health maintenance organizations referred to in the authorization for the amounts of the deductions authorized, RCW 41.04.230(7) notwithstanding.

NEW SECTION. Sec. 21. The commissioner may, in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW, promulgate

rules and regulations as necessary or proper to carry out the provisions of this chapter. Nothing in this chapter shall be construed to prohibit the commissioner from requiring changes in procedures previously approved by him.

NEW SECTION. Sec. 22. Nothing in this chapter shall prohibit any health maintenance organization from meeting the requirements of any federal law which would authorize such health maintenance organization to receive federal financial assistance or enroll beneficiaries assisted by federal funds.

NEW SECTION. Sec. 23. Any party aggrieved by a decision, order, or regulation made under this chapter by the commissioner shall have the right to have such reviewed pursuant to the provisions of the administrative procedure act, chapter 34.04 RCW.

NEW SECTION. Sec. 24. It is intended that the provisions of this chapter shall be liberally construed to accomplish the purposes provided for and authorized herein.

NEW SECTION. Sec. 25. The legislature shall make a study of the appropriate financial security requirements, investment restrictions, bonding requirements, and the possibilities of providing arbitration proceedings as an acceptable grievance procedure for health maintenance organizations, and shall also study the establishment of a system for classifying contracts for health care coverage by health maintenance organizations and all other health care contractors and insurers according to the benefits they offer and appropriate procedures for quality review.

In all such studies under this section, the legislature may be advised by a committee which shall be generally representative of health maintenance organizations, consumers, professional organizations representing health professionals, and a representative of the commissioner. The results of such studies shall be reported to the governor and to the legislature prior to the first session of the legislature after January 1, 1977.

NEW SECTION. Sec. 26. If any provision of this 1975 amendatory 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. 27. This 1975 amendatory act may be known and cited as "The Washington Health Maintenance Organization Act of 1975".

Passed the House June 9, 1975.

Passed the Senate June 9, 1975.

Approved by the Governor July 2, 1975.

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

CHAPTER 291

[Engrossed Substitute Senate Bill No. 2736]

REVENUE AND TAXATION

AN ACT Relating to revenue and taxation; amending section 1, chapter 191, Laws of 1939 as last amended by section 4, chapter 4, Laws of 1973 2nd ex. sess. and RCW 70.12.010; amending section 1, chapter 162, Laws of 1943 as last amended by section 79, chapter 195, Laws of 1973 1st ex.

sess. and RCW 70.32.010; amending section 18, chapter 277, Laws of 1971 as amended by section 81, chapter 195, Laws of 1973 1st ex. sess. and by section 4, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.33.040; amending section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 1, chapter 90, Laws of 1975 1st ex. sess. and RCW 82.04.050; amending section 82.04.120, chapter 15, Laws of 1961 as amended by section 3, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.120; amending section 82.04.260, chapter 15, Laws of 1961 as last amended by section 5, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.260; amending section 4, chapter 169, Laws of 1974 ex. sess. and RCW 82.04.443; amending section 82.04.460, chapter 15, Laws of 1961 and RCW 82.04.460; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 185, Laws of 1974 ex. sess. and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 2, chapter 185, Laws of 1974 ex. sess. and RCW 82.12.030; amending section 84.36.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.020; amending section 1, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.381; amending section 2, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.383; amending section 4, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.387; amending section 8, chapter 169, Laws of 1974 ex. sess. and RCW 84.36.470; amending section 9, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.815; amending section 11, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.825; amending section 19, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.865; amending section 84.69.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 122, Laws of 1974 ex. sess. and RCW 84.69.020; adding a new section to chapter 191, Laws of 1939 and to chapter 70.12 RCW; adding new sections to chapter 15, Laws of 1961 and to chapter 84.36 RCW; adding a new chapter to Title 84 RCW; creating new sections; repealing section 1, chapter 191, Laws of 1939, section 1, chapter 163, Laws of 1943, section 6, chapter 47, Laws of 1970 ex. sess., section 78, chapter 195, Laws of 1973 1st ex. sess., section 4, chapter 4, Laws of 1973 2nd ex. sess., section 1, chapter ... (ESSB 2736), Laws of 1975 1st ex. sess. and RCW 70.12.010; repealing section 3, chapter 117, Laws of 1959, section 1, chapter 101, Laws of 1961, section 15, chapter 110, Laws of 1967 ex. sess., section 24, chapter 277, Laws of 1971 ex. sess., section 80, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.32.090; repealing section 5, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.010; repealing section 6, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.020; repealing section 7, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.030; repealing section 8, chapter 277, Laws of 1971 ex. sess., section 5, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.35.040; repealing section 9, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.050; repealing section 10, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.060; repealing section 11, chapter 277, Laws of 1971 ex. sess., section 1, chapter 143, Laws of 1972 ex. sess., section 82, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.35.070; repealing section 5, chapter 143, Laws of 1972 ex. sess. and RCW 70.35.075; repealing section 12, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.080; repealing section 13, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.090; repealing section 14, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.100; repealing section 6, chapter 143, Laws of 1972 ex. sess. and RCW 70.35.110; repealing section 18, chapter 288, Laws of 1971 ex. sess. and RCW 84.10.010; prescribing effective dates; and declaring an emergency.

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

Section 1. Section 1, chapter 191, Laws of 1939 as last amended by section 4, chapter 4, Laws of 1973 2nd ex. sess. and RCW 70.12.010 are each amended to read as follows:

Each board of county commissioners shall annually budget and levy as a tax for public health work in its county a sum equal to the amount which would be raised by a levy of (~~four and one-half~~) nine cents per thousand dollars of assessed value against the taxable property in the county, but nothing herein contained shall prohibit a county from obtaining said public health funds from any other source of county revenue or from budgeting additional sums for public health work.

This section shall expire on January 1, 1977.

NEW SECTION. Sec. 2. There is added to chapter 191, Laws of 1939 and to chapter 70.12 RCW a new section to read as follows:

Each county legislative authority shall annually budget and appropriate a sum for public health work.

Sec. 3. Section 1, chapter 162, Laws of 1943 as last amended by section 79, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.32.010 are each amended to read as follows:

Tuberculosis is a communicable disease and tuberculosis control, case finding, prevention and follow up of known cases of tuberculosis represents the basic step in the conquest of this major health problem. In order to carry on such work effectively in accordance with the standards set by the secretary pursuant to RCW 70.33.020, the legislative authority of each county (~~enumerated in RCW 70.33-040~~) shall budget (~~and shall levy annually a tax in~~) a sum (~~equal to the amount which would be raised by a levy of six and one-quarter cents per thousand dollars of assessed value against the taxable property in any county enumerated in RCW 70.33.040~~;) to be used for the control of tuberculosis, including case finding, prevention and follow up of known cases of tuberculosis (~~:- PROVIDED, That upon certification of the secretary that any such county has an unexpended balance from such levy, over and above the amount required for adequate tuberculosis control, including case finding, prevention and follow up of known cases of tuberculosis within such county, the legislative authority may budget and reappropriate the same for such tuberculosis control for the ensuing year, or it may allocate from time to time such unexpended balance, or any portion thereof, to the county health department for use in furtherance of other communicable disease prevention or control, or as provided in RCW 70.32.090 as now or hereafter amended. The sum herein provided for, and any income that may accrue from miscellaneous receipts in connection with the tuberculosis control program of such county, shall be placed in the county treasury in a special fund to be known as the tuberculosis fund, and obligations incurred for the tuberculosis control program shall be paid from said fund by the county treasurer in the same manner as general county obligations are paid. The county auditor shall furnish to the legislative authority and the department a monthly report of receipts and disbursements in the tuberculosis fund, which report shall also show balances of cash on hand~~).

Sec. 4. Section 18, chapter 277, Laws of 1971 as amended by section 81, chapter 195, Laws of 1973 1st ex. sess. and by section 4, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.33.040 are each amended and reenacted to read as follows:

In order to maintain adequate tuberculosis hospital facilities and to provide for adequate hospitalization, nursing home and other appropriate facilities and services for the residents of the state of Washington who are or may be suffering from tuberculosis and to assure their proper care (~~pursuant to this chapter~~), the standards set by the secretary pursuant to RCW 70.33.020 and (~~RCW 70.32.010~~;) 70.32.050(;) and 70.32.060 (~~and 70.32.090~~), the legislative authority of (~~Clallam, Jefferson, Kitsap, Mason, Grays Harbor, Thurston, Pacific, Lewis, Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, Pierce, King, Snohomish, Skagit, Whatcom, San Juan and Island counties~~) each county shall (~~levy annually a tax in the sum equal to the amount which would be raised by a levy of six and one-quarter cents per thousand dollars of assessed value against the taxable property~~) budget annually a sum to provide such services in the county.

If such counties desire to receive state services, they may elect to utilize funds (~~collected~~) pursuant to this section for the purpose of contracting with the state

upon agreement by the state for the cost of providing tuberculosis hospitalization and/or outpatient treatment including laboratory services, or such funds may be retained by the county for operating its own services for the prevention and treatment of tuberculosis or any other community health purposes authorized by law. None of such counties shall be required to make any payments to the state or any other agency from these funds except upon the express consent of the county legislative authority: PROVIDED, That if the counties do not comply with the promulgated standards of the department the secretary shall take action to provide such required services and to charge the affected county directly for the provision of these services by the state.

Sec. 5. Section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 1, chapter 90, Laws of 1975 1st ex. sess. and RCW 82.04.050 are each amended to read as follows:

"Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a) purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), or (c) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsections (2) and (7) and RCW 82.04.290.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real

property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting; (d) the sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW; (e) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same; (f) the sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), and (e) above when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this paragraph shall be construed to modify the first paragraph of this section and nothing contained in the first paragraph of this section shall be construed to modify this paragraph.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal business or professional services, including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities; (a) amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

The term shall also include the renting or leasing of tangible personal property to consumers.

The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind, nor shall it include sales of feed, seed, fertilizer, and spray

materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

The term shall not include the sale of or charge made for (~~tangible personal property consumed and/or for~~) labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority.

Sec. 6. Section 82.04.120, chapter 15, Laws of 1961 as amended by section 3, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.120 are each amended to read as follows:

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include the production or fabrication of special made or custom made articles, and the generation or production of electrical energy for resale or consumption outside the state.

"To manufacture" shall not include activities which consist of cutting, grading, or ice glazing sea-food which has been cooked, frozen or canned outside this state.

Sec. 7. Section 82.04.260, chapter 15, Laws of 1961 as last amended by section 5, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.260 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every person engaging within this state in the business of manufacturing aluminum pig, ingot, billet, plate, sheet (flat or coiled), rod, bar, wire, cable or extrusions; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of four-tenths of one percent.

(7) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(8) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of thirty-three one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

Sec. 8. Section 4, chapter 169, Laws of 1974 ex. sess. and RCW 82.04.443 are each amended to read as follows:

For the purposes of this chapter:

"Business inventories" means all livestock and means personal property acquired or produced solely for the purpose of sale, or for the purpose of consuming such property in producing for sale a new article of tangible personal property of which such property becomes an ingredient or component. Business inventories shall not mean personal property acquired or produced for the purpose of lease or rental. It shall include inventories of finished goods and work in process.

"Successor" shall have the meaning given to it in RCW 82.04.180.

Sec. 9. Section 82.04.460, chapter 15, Laws of 1961 and RCW 82.04.460 are each amended to read as follows:

(1) Any person rendering services taxable under RCW 82.04.290 and maintaining places of business both within and without this state which contribute to the rendition of such services shall, for the purpose of computing tax liability under ~~((this chapter))~~ RCW 82.04.290, apportion to this state that portion of his gross income which is derived from services rendered within this state. Where such apportionment cannot be accurately made by separate accounting methods, the taxpayer shall apportion to this state that proportion of his total income which the cost of doing business within the state bears to the total cost of doing business both within and without the state.

(2) Notwithstanding the provision of subsection (1) of this section, persons doing business both within and without the state who receive gross income from service charges, as defined in RCW 63.14.010(8) (relating to amounts charged for granting the right or privilege to make deferred or installment payments) or who receive gross income from engaging in business as financial institutions within the scope of chapter 82.14A RCW (relating to city taxes on financial institutions) shall apportion or allocate gross income taxable under RCW 82.04.290 to this state pursuant to rules promulgated by the department consistent with uniform rules for apportionment or allocation developed by the states.

Sec. 10. Section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 185, Laws of 1974 ex. sess. and RCW 82.08.030 are each amended to read as follows:

The tax hereby levied shall not apply to the following sales:

(1) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under chapters 82.04, 82.16 or 82.28 RCW: PROVIDED, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12 RCW;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16 RCW, when the gross proceeds from such sales must be included in the measure of the tax imposed under said chapter;

(3) The distribution and newsstand sale of newspapers;

(4) Sales which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(5) Sales of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and sales of motor vehicle fuel taxable under chapter 82.36 RCW: PROVIDED, That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12 RCW;

(6) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) or (11) of RCW 82.16.010;

(7) Auction sales made by or through auctioneers of tangible personal property (including household goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise;

(8) Sales to corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same;

(9) Sales of purebred livestock for breeding purposes where the animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(10) Sales of tangible personal property (other than the type referred to in subdivision (11) hereof) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail, or water in interstate or foreign commerce: PROVIDED, That any actual use of such property in this state shall, at the time of such actual use, be subject to the tax imposed by chapter 82.12 RCW;

(11) Sales of airplanes, locomotives, railroad cars, or watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such airplanes, locomotives, railroad cars, or watercraft, and of motor vehicles or trailers whether owned by or leased with or without drivers and used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state, in the course of constructing, repairing, cleaning, altering, or improving the same; also sales of or charges made for labor and services rendered in respect to such constructing, repairing, cleaning, altering, or improving;

(12) Sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce whether such use is by the owner or whether such motor vehicles and trailers are leased to the user with or without drivers: PROVIDED, That the purchaser or user must be the holder of a carrier permit issued by the Interstate Commerce Commission and that the vehicles will first move upon the highways of this state from the point of delivery in this state to a point outside of this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100;

(13) Sales of motor vehicles and trailers to nonresidents of this state for use outside of this state, even though delivery be made within this state, but only when (a) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100, or (b) said motor vehicles and trailers will be registered and licensed immediately under the laws of the state of the purchaser's residence, will not be

used in this state more than three months, and will not be required to be registered and licensed under the laws of this state;

(14) Sales to nonresidents of this state for use outside of this state of tangible personal property which becomes a component part of any machinery or other article of personal property belonging to such nonresident, in the course of installing, repairing, cleaning, altering, or improving the same and also sales of or charges made for labor and services rendered in respect to any installing, repairing, cleaning, altering, or improving, of personal property of or for a nonresident, but this subsection (14) shall apply only when the seller agrees to, and does, deliver the property to the purchaser at a point outside this state, or delivers the property to a common or bona fide private carrier consigned to the purchaser at a point outside this state;

(15) Sales to nonresidents of this state for use outside of this state of watercraft requiring coast guard registration or registration by the state of principal use according to the Federal Boating Act of 1958, even though delivery be made within this state, but only when (a) the watercraft will not be used within this state for more than forty-five days and (b) an appropriate exemption certificate supported by identification ascertaining residence as provided by the department of revenue and signed by the purchaser or his agent establishing the fact that the purchaser is a nonresident and that the watercraft is for use outside of this state, one copy to be filed with the department of revenue with the regular report and a duplicate to be retained by the dealer.

(16) Sales of poultry for use in the production for sale of poultry or poultry products.

(17) Sales to nonresidents of this state for use outside of this state of machinery and implements for use in conducting a farming activity, when such machinery and implements will be transported immediately outside the state. As proof of exemption, an affidavit or certification in such form as the department of revenue shall require shall be made for each such sale, to be retained as a business record of the seller.

(18) Sales for use in states, territories and possessions of the United States which are not contiguous to any other state, but only when, as a necessary incident to the contract of sale, the seller delivers the subject matter of the sale to the purchaser or his designated agent at the usual receiving terminal of the carrier selected to transport the goods, under such circumstances that it is reasonably certain that the goods will be transported directly to a destination in such noncontiguous states, territories and possessions.

(19) Sales to municipal corporations, the state, and all political subdivisions thereof of tangible personal property consumed and/or of labor and services rendered in respect to contracts for watershed protection and/or flood prevention. This exemption shall be limited to that portion of the selling price which is reimbursed by the United States government according to the provisions of the Watershed Protection and Flood Prevention Act, Public Laws 566, as amended;

(20) Sales of semen for use in the artificial insemination of livestock;

(21) Sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser has applied for and received from the department of revenue a permit certifying (1) that he is a bona fide resident of a

state or possession or Province of Canada other than the state of Washington, (2) that such state, possession, or Province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (3) that he does agree, when requested, to grant the department of revenue access to such records and other forms of verification at his place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this subsection must display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and maintain records which shall show the permit number attributable to each nontaxable sale.

Permits shall be personal and nontransferable, shall be renewable annually, and shall be issued by the department of revenue upon payment of a fee of one dollar. The department may in its discretion designate independent agents for the issuance of permits, according to such standards and qualifications as the department may prescribe. Such agents shall pay over and account to the department for all permit fees collected, after deducting as a collection fee the sum of fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of perjury. Any person making tax exempt purchases by displaying a permit not his own, or a counterfeit permit, with intent to violate the provisions of this subsection shall be guilty of a misdemeanor and, in addition, may be subject to a penalty not to exceed the amount of the tax due on such purchases. Any vendor who makes sales without collecting the tax to a person who does not hold a valid permit, and any vendor who fails to maintain records of permit numbers as provided in this section shall be personally liable for the amount of tax due.

(22) Sales of form lumber to any person engaged in the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof.

(23) Sales of, cost of, or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling of sand, gravel and rock when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to sales of, cost of, or charges made for such labor and services, if the sand, gravel, or rock is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(24) Sales of wearing apparel to persons who themselves use such wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(25) Sales of pollen.

(26) Sales to one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

(27) The renting or leasing of motor vehicles and trailers to a nonresident of this state for use exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and for purposes of this exemption the term "nonresident" shall apply to a renter or lessee who has one or more places of business in this state as well as in one or more other states but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained and operated from the renter's or lessee's place of business in another state.

(28) Sales of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment (~~in humans ordered by the written direction of a dentist, physician, or other person duly authorized by law of this state or laws of another jurisdiction to issue such written order~~) in humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

(29) Sales of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(30) Sales of insulin, prosthetic devices, and medically prescribed oxygen.

Sec. 11. Section 82.12.030, chapter 15, Laws of 1961 as last amended by section 2, chapter 185, Laws of 1974 ex. sess. and RCW 82.12.030 are each amended to read as follows:

The provisions of this chapter shall not apply:

(1) In respect to the use of any article of tangible personal property brought into the state by a nonresident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than three months, and which is not required to be registered or licensed under the laws of this state; or in respect to the use of household goods, personal effects and private automobiles by a bona fide resident of this state, if such articles were acquired and used by such person

in another state while a bona fide resident thereof and such acquisition and use occurred more than thirty days prior to the time he entered this state;

(2) In respect to the use of any article of tangible personal property purchased at retail or acquired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 or 82.12 RCW and such tax has been paid by the present user or by his bailor or donor; or in respect to the use of property acquired by bailment and such tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 or 82.12 RCW as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and such original bailment was prior to June 9, 1961;

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16 RCW;

(4) In respect to the use of any airplane, locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or watercraft, and in respect to the use by a nonresident of this state of any motor vehicle or trailer used exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and in respect to the use by a nonresident of this state of any motor vehicle or trailer so registered and licensed and used within this state for a period not exceeding fifteen consecutive days under such rules as the department of revenue shall adopt: PROVIDED, That under circumstances determined to be justifiable by the department of revenue a second fifteen day period may be authorized consecutive with the first fifteen day period; and for the purposes of this exemption the term "nonresident" as used herein, shall include a user who has one or more places of business in this state as well as in one or more other states, but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained, and operated from the user's place of business in another state; and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer whether owned by or leased with or without driver to the permit holder and used in substantial part in the normal and ordinary course of the user's business for transporting therein persons or property for hire across the boundaries of this state if the first use of which within this state is actual use in conducting interstate or foreign commerce; and in respect to the use of any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the director of motor vehicles pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a

carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state whether such motor vehicle or trailer is owned by or leased with or without driver to the permit holder;

(5) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States;

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36 RCW: PROVIDED, That the use of such fuel upon which a refund of the motor vehicle fuel tax is obtained shall not be exempt, and the director of motor vehicles shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue;

(7) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by the state or a political subdivision thereof in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of RCW 82.16.010;

(8) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity, if such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise;

(9) In respect to the use of tangible personal property by corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, flood, and other national calamities and to devise and carry on measures for preventing the same;

(10) In respect to the use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(11) In respect to the use of poultry in the production for sale of poultry or poultry products;

(12) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same;

(13) In respect to the use of motor vehicles, equipped with dual controls, which are loaned to and used exclusively by a school in connection with its driver training program: PROVIDED, That this exemption and the term "school" shall apply only to (a) the University of Washington, Washington State University, the state colleges and the state community colleges or (b) any public, private or parochial school accredited by either the state board of education or by the University of Washington (the state accrediting station) or (c) any public vocational school meeting the standards, courses and requirements established and prescribed or

approved in accordance with the Community College Act of 1967 (chapter 8, Laws of 1967 first extraordinary session);

(14) In respect to the use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental and testing activities conducted by the user, provided the acquisition or use of such articles by the bailor was not subject to the taxes imposed by chapter 82.08 RCW or chapter 82.12 RCW;

(15) In respect to the use by residents of this state of motor vehicles and trailers acquired and used while such persons are members of the armed services and are stationed outside this state pursuant to military orders, but this exemption shall not apply to members of the armed services called to active duty for training purposes for periods of less than six months and shall not apply to the use of motor vehicles or trailers acquired less than thirty days prior to the discharge or release from active duty of any person from the armed services;

(16) In respect to the use of semen in the artificial insemination of livestock;

(17) In respect to the use of form lumber by any person engaged in the constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof;

(18) In respect to the use of any sand, gravel, or rock to the extent of the cost of or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling such sand, gravel, or rock, when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to the use of such material to the extent of the cost of or charge made for such labor and services, if the material is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(19) In respect to the use of wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(20) In respect to the use of tangible personal property held for sale and displayed in single trade shows for a period not in excess of thirty days, the primary purpose of which is to promote the sale of products or services.

(21) In respect to the use of pollen.

(22) In respect to the use of the personal property of one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

(23) In respect to the use of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease

or other ailment ((in humans ordered by the written direction of a dentist, physician, or other person duly authorized by law of this state or laws of another jurisdiction to issue such written order)) in humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

(24) In respect to the use of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(25) In respect to the use of insulin, prosthetic devices, and medically prescribed oxygen.

Sec. 12. Section 84.36.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.020 are each amended to read as follows:

The following property shall be exempt from taxation:

All lands, and buildings required for necessary administration and maintenance, used, or to the extent used, exclusively for public burying grounds or cemeteries without discrimination as to race, color, national origin or ancestry;

All churches and the ground, not exceeding five acres in area, upon which a church of any nonprofit recognized religious denomination is or shall be built, together with a parsonage (~~and~~), convent, and buildings and improvements required for the maintenance and safeguarding of such property. The area exempted shall in any case include all ground covered by the church, parsonage (~~and~~), convent, and buildings and improvements required for the maintenance and safeguarding of such property and the structures and ground necessary for street access, parking, light, and ventilation, but the area of unoccupied ground exempted in such cases, in connection with church, parsonage, (~~and~~) convent, and buildings and improvements required for the maintenance and safeguarding of such property, shall not exceed the equivalent of one hundred twenty by one hundred twenty feet except where additional unoccupied land may be required to conform with state or local codes, zoning, or licensing requirements. The parsonage and convent need not be on land contiguous to the church property. To be exempt the property must be wholly used for church purposes: PROVIDED, That the loan or rental of property otherwise exempt under this paragraph to a nonprofit organization, association, or corporation, or school for use for an eleemosynary activity shall not nullify the exemption provided in this paragraph if the rental income, if any, is reasonable and is devoted solely to the operation and maintenance of the property.

NEW SECTION. Sec. 13. The real and personal property of the administrative offices of non-profit recognized religious organizations shall be exempt to the extent that the property is used for the administration of the religious programs of

the organization and such other programs as would be exempt under RCW 84.36.020 and 84.36.030 as now or hereafter amended.

Sec. 14. Section 1, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.381 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed in accordance with the following conditions:

(1) The property taxes must have been imposed upon a residence which has been regularly occupied by the person claiming the exemption during the two calendar years preceding the year in which the exemption claim is filed; or the property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of January 1st of the year for which the claim is filed and the person claiming the exemption must also have been a resident of the state of Washington for the last three calendar years preceding the year in which the claim is filed: **PROVIDED**, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year((:));

(2) The person claiming the exemption must have owned, at the time of filing, in fee, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community shall be deemed to be owned by each spouse((:));

(3) The person claiming the exemption must have been sixty-two years of age or older on January 1st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability((:));

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated, on the basis of the combined income, from all sources whatsoever, of the person claiming the exemption and his or her spouse for the preceding calendar year, in accordance with the following schedule:

Income Range	Percentage of Excess Levies Exemption
\$5,000 or less	One hundred percent
\$5,001 - \$6,000	Fifty percent

PROVIDED, HOWEVER, That, in addition, any person, who otherwise qualifies under the provisions of this section, and is within the income range of four thousand dollars or less shall be exempt from any obligation to pay regular property taxes on up to five thousand dollars of valuation of his or her residence: **PROVIDED FURTHER**, That only two-thirds of any social security benefits, federal civil service retirement, or railroad retirement pension shall be considered as income for the purposes of this section: **AND PROVIDED FURTHER**, That the gain realized by any person from the sale, transfer, or upon being displaced from

his or her residence shall not be considered as income for the purposes of this section if reinvested in a replacement residence within eighteen months of its realization.

Sec. 15. Section 2, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.383 are each amended to read as follows:

As used in this chapter, except where the context clearly indicates a different meaning:

(1) The term "residence" shall mean a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080, 84.04.090 or 84.40.250, such a residence shall be deemed real property.

(2) The term "real property" except for the purposes of chapters 84.56 and 84.60 RCW, shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities.

(3) The term "preceding calendar year" shall mean the calendar year preceding the year in which the claim for exemption is to be made.

(4) "Department" shall mean the state department of revenue.

Sec. 16. Section 4, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.387 are each amended to read as follows:

(1) All claims for exemption shall be made and signed by the person entitled to the exemption, by his or her attorney in fact or in the event the residence of such person is under mortgage or purchase contract requiring accumulation of reserves out of which the holder of the mortgage or contract is required to pay real estate taxes, by such holder or by the owner, either before two witnesses or the county ~~((treasurer))~~ assessor or his deputy in the county where the real property is located: PROVIDED, That if a claim for exemption is made by a person living in a cooperative housing association, corporation, or partnership, such claim shall be made and signed by the person entitled to the exemption and by the authorized agent of such cooperative.

(2) If the taxpayer is unable to submit his own claim, the claim shall be submitted by a duly authorized agent or by a guardian or other person charged with the care of the person or property of such taxpayer.

(3) Any person signing a false claim with the intent to defraud or evade the payment of any tax shall be guilty of the offense of perjury.

(4) The tax liability of a cooperative housing association, corporation, or partnership shall be reduced by the amount of tax exemption to which a claimant residing therein is entitled and such cooperative shall reduce any amount owed by the claimant to the cooperative by such exact amount of tax exemption or, if no

amount be owed, the cooperative shall make payment to the claimant of such exact amount of exemption.

Sec. 17. Section 8, chapter 169, Laws of 1974 ex. sess. and RCW 84.36.470 are each amended to read as follows:

~~((All animals, birds, or insects, and all agricultural crops,))~~ Any agricultural or horticultural produce or crop, including any animal, bird, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom grown or produced for sale by any person upon his own lands or upon lands in which he has a present right of possession who is exempted from payment of business and occupation tax pursuant to RCW 82.04.330 as now or hereafter amended shall be assessed for the purposes of ad valorem taxes according to the following schedule:

Commencing with assessment as of January 1, 1975, for taxes due in 1976 the assessment level shall be seventy-five percent of true and fair value.

Commencing with assessment as of January 1, 1976, for taxes due in 1977 the assessment level shall be seventy percent of true and fair value.

Commencing with assessment as of January 1, 1977, for taxes due in 1978 the assessment level shall be sixty percent of true and fair value.

Commencing with assessment as of January 1, 1978, for taxes due in 1979 the assessment level shall be fifty percent of true and fair value.

Commencing with assessment as of January 1, 1979, for taxes due in 1980 the assessment level shall be forty percent of true and fair value.

Commencing with assessment as of January 1, 1980, for taxes due in 1981 the assessment level shall be thirty percent of true and fair value.

Commencing with assessment as of January 1, 1981, for taxes due in 1982 the assessment level shall be twenty percent of true and fair value.

Commencing with assessment as of January 1, 1982, for taxes due in 1983 the assessment level shall be ten percent of true and fair value.

Commencing with assessment as of January 1, 1983, for taxes due in 1984 such inventories shall be fully exempt under chapter 84.36 RCW.

Commencing with January 1, 1983, assessments for taxes due in 1984, taxpayers shall not be required to report, or assessors to list, the inventories covered by this phase out exemption.

Nothing in this section shall be construed to remove or otherwise affect any exemption from assessment granted by RCW 84.44.060.

Sec. 18. Section 9, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.815 are each amended to read as follows:

In order to qualify ~~((or requalify))~~ for exempt status for real or personal property pursuant to the provisions of chapter 84.36 RCW, as now or hereafter amended, all foreign national governments, churches, cemeteries, nongovernmental nonprofit corporations, organizations, and associations, private schools or colleges, and soil and water conservation districts ~~((must))~~ shall file an ((annual renewal)) initial application ((verifying the facts in the original claim)) on or before March 31 with the state department of revenue. All ~~((application forms shall be signed by an authorized agent of the applicant. Such))~~ applications ((must)) shall be filed on forms prescribed by the department ((of revenue no later than March 31 of each year. The department of revenue may provide by rule that such

applications may be available at and filed with each county assessor and forwarded to the department of revenue for review)) and shall be signed by an authorized agent of the applicant.

In order to requalify for exempt status, such applicants except nonprofit cemeteries shall file a renewal application on or before March 31 of the fourth year following the date of such initial application and on or before March 31 of every fourth year thereafter. An applicant previously granted exemption shall annually file on forms prescribed by the department an affidavit certifying the exempt status of the real or personal property owned by the exempt organization: PROVIDED, That where an applicant previously granted exemption acquires or otherwise converts real property to exempt status, such applicant shall file a renewal application no later than sixty days following the conversion of such real property to exempt status. Failure to file a renewal application within sixty days of conversion of such real property to exempt status shall nullify the exemption otherwise available for such property in the year of such conversion.

Sec. 19. Section 11, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.825 are each amended to read as follows:

An application fee of thirty-five dollars for each ~~((annual))~~ initial and renewal application ((for exemption)) shall be required and shall be deposited within the general fund. Applications made for assessment year 1974 ((with)), if approved, shall be considered initial applications whether or not an exemption has previously been approved.

Sec. 20. Section 19, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.865 are each amended to read as follows:

The department of revenue of the state of Washington shall make such rules and regulations consistent with chapter 34.04 RCW and the provisions of this ~~((1973 amendatory act))~~ chapter as shall be necessary or desirable to permit its effective administration.

Sec. 21. Section 84.69.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 122, Laws of 1974 ex. sess. and RCW 84.69.020 are each amended to read as follows:

On order of the board of county commissioners or other county legislative authority of any county, ad valorem taxes paid before or after delinquency shall be refunded if they were:

- (1) Paid more than once; or
- (2) Paid as a result of manifest error in description; or
- (3) Paid as a result of a clerical error in extending the tax rolls; or
- (4) Paid as a result of other clerical errors in listing property; or
- (5) Paid with respect to improvements which did not exist on assessment date;

or

- (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional;

or

(7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to ~~((RCW 84.36.128 or pursuant to RCW 84.36.370 and 84.36.380))~~ RCW 84.36.381 through 84.36.389, as now or hereafter amended; or

(8) Paid or overpaid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person paying the same or paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person paying the same with respect to real property in which the person paying the same has no legal interest; or

(9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board; or

(10) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded under subsections (9) and (10) shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order.

(11) Paid as a state property tax levied upon county assessed property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 (Amendment 59) of the state Constitution equal one percent of the assessed value established by the board.

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsection (9), (10), and (11).

NEW SECTION. Sec. 22. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

The following property shall be exempt from taxation: The real and personal property of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture. The loan or rental of property otherwise exempt under this section to a nonprofit organization, association, or corporation, or municipal corporation shall not nullify the exemption provided in this section if the rental income, if any, is reasonable and is devoted solely to the operation and maintenance of the property. The loan or rental of property otherwise exempt under this section to a private concessionaire or to any person for use as a concession in conjunction with activities permitted under this section shall not nullify the exemption if the concession charges are subject to agreement and the rental income, if any, is reasonable and is devoted solely to the operation and maintenance of the property.

NEW SECTION. Sec. 23. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

All property owned in fee or by contract purchase by any nonprofit corporation or association which is available without charge for research by, or for the training of, doctors, nurses, laboratory technicians, hospital administrators and staff or other hospital personnel, and which otherwise is used exclusively for medical research, the results of which will be available without cost to the public, shall be exempt from ad valorem taxation.

NEW SECTION. Sec. 24. The following acts or parts of acts are each hereby repealed:

(1) Section 1, chapter 191, Laws of 1939, section 1, chapter 163, Laws of 1943, section 6, chapter 47, Laws of 1970 ex. sess., section 78, chapter 195, Laws of 1973 1st ex. sess., section 4, chapter 4, Laws of 1973 2nd ex. sess., section 1, chapter ... (ESSB 2736), Laws of 1975 1st ex. sess. and RCW 70.12.010;

(2) Section 3, chapter 117, Laws of 1959, section 1, chapter 101, Laws of 1961, section 15, chapter 110, Laws of 1967 ex. sess., section 24, chapter 277, Laws of 1971 ex. sess., section 80, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.32.090;

(3) Section 5, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.010;

(4) Section 6, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.020;

(5) Section 7, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.030;

(6) Section 8, chapter 277, Laws of 1971 ex. sess., section 5, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.35.040;

(7) Section 9, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.050;

(8) Section 10, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.060;

(9) Section 11, chapter 277, Laws of 1971 ex. sess., section 1, chapter 143, Laws of 1972 ex. sess., section 82, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.35.070;

(10) Section 5, chapter 143, Laws of 1972 ex. sess. and RCW 70.35.075;

(11) Section 12, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.080;

(12) Section 13, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.090;

(13) Section 14, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.100;

(14) Section 6, chapter 143, Laws of 1972 ex. sess. and RCW 70.35.110; and

(15) Section 18, chapter 288, Laws of 1971 ex. sess. and RCW 84.10.010.

NEW SECTION. Sec. 25. Any moneys for such tuberculosis hospital district purposes not theretofore expended upon the effective date of section 24 of this 1975 amendatory act and not used in the decommissioning of the tuberculosis hospital facilities to be abolished as provided in section 24 of this 1975 amendatory act shall be distributed pro rata as between the counties of Okanogan, Chelan, Kittitas, Yakima, Benton, Walla Walla, Franklin, Grant, Douglas, Ferry, Lincoln, Adams, Columbia, Asotin, Garfield, Whitman, Spokane, Stevens and Pend Oreille, to be used by such counties for health purposes in such manner as they shall determine. The department of social and health services shall aid in the effective decommissioning of such tuberculosis hospital facilities to be so abolished by January 1, 1977 in such manner as the secretary thereof shall determine and as necessary to carry out the purposes of sections 24 and 25 of this 1975 amendatory act.

NEW SECTION. Sec. 26. Savings once deemed adequate for retirement living have been rendered inadequate by increased tax rates, increased property values, and the failure of pension systems to adequately reflect such factors. It is therefore deemed necessary that the legislature, in addition to that tax exemption as provided for in RCW 84.36.381 through 84.36.389 as now or hereafter amended, allow retired persons to defer payment of special assessments on their residences, and to defer their real property tax obligations on their residences, an amount of

up to eighty percent of their equity in said property. This deferral program is intended to assist retired persons in maintaining their dignity and a reasonable standard of living by residing in their own homes, providing for their own needs, and managing their own affairs without requiring assistance from public welfare programs.

NEW SECTION. Sec. 27. Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Claimant" means a retired person who elects to defer payment of the special assessments and/or real property taxes accrued on his residence by filing a declaration to defer as provided by this chapter.

When two individuals of a household file or seek to file a declaration to defer, they may determine between them as to who the claimant shall be.

(2) "Consumer price index" shall mean the consumer price index for urban wage earners and clerical workers as compiled by the bureau of labor statistics of the United States department of labor.

(3) "Department" means the state department of revenue.

(4) "Equity value" means the amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property.

(5) "Owned" includes possession under a contract of sale, deed of trust, or tenancy in common.

(6) "Special assessment" means the charge or obligation imposed by a city, town, county, or other municipal corporation upon property specially benefited by a local improvement.

(7) "Real property taxes" means ad valorem property taxes levied on a residence in this state in the preceding calendar year. If a residence is an integral part of a larger unit such as a farm, or a multi-purpose or multi-dwelling building, real property taxes shall be that percentage of the total property taxes accrued as the value of the residence is of the total value of the unit. For purposes of this paragraph "unit" refers to the parcel of property covered by a single tax statement of which the residence is a part.

(8) "Preceding calendar year" shall mean the calendar year preceding the year in which the application for deferral of special assessment and/or real property taxes is made.

(9) The term "residence" shall mean a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre per unit. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington or its municipal corporations, and notwithstanding the provisions of RCW 84.04.080, 84.04.090, or 84.40.250, such a residence shall be deemed real property.

(10) The term "real property", except for the purposes of chapters 84.56 and 84.60 RCW, shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned

or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water or other utilities.

NEW SECTION. Sec. 28. A retired person may elect to defer payment of special assessments and/or real property taxes on his residence up to eighty percent of the amount of his equity value in said property if the following conditions are met:

(1) The special assessments and/or property taxes must have been imposed upon a residence: (a) Which has been regularly occupied by the person claiming the deferral during the two calendar years preceding the year in which the deferral claim is filed; or (b) which was occupied by the person claiming the deferral as a principal place of residence as of January 1st of the year in which the claim is filed and the person claiming the deferral must also have been a resident of the state of Washington for the last three calendar years preceding the year in which the claim is filed.

(2) The claimant must have owned, at the time of filing, the residence on which the special assessment and/or real property taxes have been imposed. For purposes of this subsection, a residence owned by a marital community shall be deemed to be owned by each spouse.

(3) The claimant must have been sixty-two years of age or older on January 1st of the year in which the deferral claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability.

(4) The claimant and/or his or her spouse must not have received income of the type referred to in RCW 84.36.381, as now or hereafter amended, during the preceding calendar year which exceeds the following amounts:

(a) For claims filed in 1976—eight thousand dollars;

(b) For claims filed in subsequent years, an amount equal to the previous year's income limit adjusted by the percentage change in the consumer price index for the twelve month period ending September 31st of the previous year.

(5) The claimant must have and keep in force fire and casualty insurance in sufficient amount to protect the interest of the state in the claimant's equity value.

(6) In the case of special assessment deferral, claimant must have opted for payment of such special assessments on the installment method if such method was available.

NEW SECTION. Sec. 29. (1) Each claimant electing to defer payment of special assessments and/or real property tax obligations under this chapter shall file with the county assessor, on forms prescribed by the department and supplied by the assessor, a written declaration thereof. The declaration to defer special assessments and/or real property taxes for any year shall be filed prior to July 1st each year for deferral for the following year.

(2) The declaration shall designate the property to which the deferral applies, and shall include a statement setting forth (a) a list of all members of the claimant's household, (b) the claimant's equity value in his residence, (c) facts establishing the eligibility for the deferral under the provisions of this chapter, and (d) any other relevant information required by the rules of the department. Each copy shall be signed by the claimant subject to the penalties as provided in chapter 9.72 RCW for the false swearing. The first declaration to defer filed in a county shall include proof of the claimant's age acceptable to the assessor.

(3) The county assessor shall determine if each claimant shall be granted a deferral for each year but the claimant shall have the right to appeal this determination to the county board of equalization whose decision shall be final as to the deferral of that year.

NEW SECTION. Sec. 30. (1)(a) Declarations to defer property taxes for all years following the first year may be made by filing with the county assessor on or before July 1st a renewal form in duplicate, prescribed by the department of revenue and supplied by the county assessor, which affirms the continued eligibility of the claimant.

(b) In January of each year, the county assessor shall send to each claimant who has been granted deferral of ad valorem taxes for the previous year renewal forms and notice to renew.

(2) Declarations to defer special assessments shall be made by filing with the assessor on or before July 1st of any year on a form to be prescribed by the department of revenue and supplied by the county assessor. Upon approval, the full amount of special assessments upon such claimant's residence shall be deferred for the following year but not to exceed an amount equal to eighty percent of the claimant's equity value in said property.

NEW SECTION. Sec. 31. If the claimant is unable to make his own declaration of deferral, it may be made by a duly authorized agent or by a guardian or other person charged with care of the person or property of such claimant.

NEW SECTION. Sec. 32. If the claimant declaring his intention to defer special assessments or real property tax obligations under this chapter ceases to reside permanently on the property for which the declaration to defer is made between the date of filing the declaration and December 15th of that year, the deferral otherwise allowable under this chapter shall not be allowed on such tax roll. However, this section shall not apply where the claimant dies, leaving a spouse surviving, who is also eligible for deferral of special assessment and/or property taxes.

NEW SECTION. Sec. 33. A person's right to defer special assessments and/or property tax obligations on his residence shall not be reduced by contract or agreement, from the effective date of this chapter onward.

NEW SECTION. Sec. 34. If any residence is under mortgage or purchase contract requiring accumulation of reserves out of which the holder of the mortgage or contract is required to pay real estate taxes, said holder shall co-sign the declaration of deferral either before a notary public or the county assessor or his deputy in the county where the real property is located.

NEW SECTION. Sec. 35. Whenever a person's special assessment and/or real property tax obligation is deferred under the provisions of this chapter, it shall become a lien in favor of the state upon his property and shall have priority as provided in chapters 35.50 and 84.60 RCW: PROVIDED, That the interest of a mortgage or purchase contract holder who is required to co-sign a declaration of deferral under section 34 of this act, shall have priority to said deferred lien. This lien may accumulate up to eighty percent of the amount of the claimant's equity value in said property and shall bear interest each year at the rates prescribed for

delinquent taxes in RCW 84.56.020 as now or hereafter amended per year until said obligation becomes due and payable under section 38 of this act.

NEW SECTION. Sec. 36. The county assessor shall:

(1) Transmit one copy of each declaration to defer to the department of revenue. The department may audit any declaration and shall, not later than August 31st, notify the assessor of any claim where any factor appears to disqualify the claimant for the deferral sought.

(2) Transmit one copy of each declaration to defer a special assessment to the local improvement district which imposed such assessment.

(3) After October 15th, compute the dollar tax rate for the county as if any deferrals provided by this chapter did not exist.

(4) On or before December 15th, notify the department of revenue and the county treasurer of the amount of real property taxes deferred for that year and notify the department of revenue and the respective treasurers of municipal corporations of the amount of special assessments deferred for each local improvement district within such unit.

NEW SECTION. Sec. 37. Upon receipt of the notification from the county assessor of the amount of deferred special assessments and/or real property taxes the department shall certify to the state treasurer the amount due the respective municipal corporations prior to the following February 15th and the state treasurer shall pay to the treasurers of such municipal corporations said amounts, equivalent to the amount of special assessments and/or real property taxes deferred, to be distributed to the local improvement or taxing districts which levied the taxes so deferred.

NEW SECTION. Sec. 38. Special assessments and/or real property tax obligations deferred under this chapter shall become payable together with interest as provided in section 35 of this amendatory act:

(1) Upon the sale of property which has a deferred special assessment and/or real property tax lien upon it.

(2) Upon the death of the claimant with an outstanding deferred special assessment and/or real property tax lien except a surviving spouse who is qualified under this chapter may elect to incur the special assessment and/or real property tax lien which shall then be payable by that spouse as provided in this section.

(3) Upon the condemnation of property with a deferred special assessment and/or real property tax lien upon it by a public or private body exercising eminent domain power, except as otherwise provided in RCW 84.60.070.

(4) At such time as the claimant ceases to reside permanently in the residence upon which the deferral has been granted.

(5) Upon the failure of any condition set forth in section 28(5) of this amendatory act.

NEW SECTION. Sec. 39. (1) The county treasurer shall collect all the amounts deferred together with interest under this chapter, in the manner provided for in chapter 84.56 RCW. For purposes of collection of deferred taxes, the provisions of chapters 84.56, 84.60, and 84.64 RCW shall be applicable.

(2) When any deferred special assessment and/or real property taxes together with interest are collected the moneys shall be credited to a special account in the

county treasury. The county treasurer shall remit the amount of deferred special assessment and/or real property taxes together with interest to the state treasurer, with a remittance advice to the department within thirty days from the date of collection.

(3) The state treasurer shall deposit the deferred taxes in the state general fund.

NEW SECTION. Sec. 40. (1) A surviving spouse of the claimant may elect to continue the property in its deferred tax status if the property is the residence of the spouse of the claimant and the spouse meets the requirements of this chapter.

(2) The election under this section to continue the property in its deferred status by the spouse of the claimant shall be filed in the same manner as an original claim for deferral is filed under this chapter, not later than ninety days from the date of the claimant's death. Thereupon, the property with respect to which the deferral of special assessments and/or real property taxes is claimed shall continue to be treated as deferred property. When the property has been continued in its deferred status by the filing of the spouse of the claimant of an election under this section, the spouse of the claimant may continue the property in its deferred status in subsequent years by filing a claim under this chapter so long as the spouse meets the qualifications set out in this section.

NEW SECTION. Sec. 41. Any person may at any time pay a part or all of the deferred taxes but such payment shall not affect the deferred tax status of the property.

NEW SECTION. Sec. 42. Nothing in this chapter is intended to or shall be construed to prevent the collection, by foreclosure, of personal property taxes which become a lien against tax-deferred property.

NEW SECTION. Sec. 43. The department of revenue of the state of Washington shall devise the forms and make rules and regulations consistent with chapter 34.04 RCW and the provisions of this chapter as shall be necessary or desirable to permit its effective administration.

NEW SECTION. Sec. 44. There is added to Title 84 RCW a new chapter to consist of sections 26 through 43 of this amendatory act.

NEW SECTION. Sec. 45. If any provision of this 1975 amendatory 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. 46. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing institutions, and shall take effect immediately: PROVIDED, That sections 8 and 26 through 43 of this amendatory act shall be effective on and after January 1, 1976: PROVIDED FURTHER, That sections 2, 3, and 4, and subsections (1) and (2) of Section 24 shall be effective on and after

January 1, 1977: AND PROVIDED FURTHER, That subsections (3) through (15) of Section 24 shall be effective on and after January 1, 1978.

Passed the Senate June 9, 1975.

Passed the House June 9, 1975.

Approved by the Governor July 2, 1975.

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

CHAPTER 292

[Substitute House Bill No. 591]

COMMERCE AND ECONOMIC DEVELOPMENT ADVISORY COUNCIL—STATE INTERNATIONAL TRADE FAIRS

AN ACT Relating to trade fairs; amending section 43.31.090, chapter 8, Laws of 1965 and RCW 43.31.090; amending section 1, chapter 148, Laws of 1965 and RCW 43.31.790; amending section 3, chapter 148, Laws of 1965 and RCW 43.31.810; amending section 4, chapter 148, Laws of 1965 and RCW 43.31.820; amending section 5, chapter 148, Laws of 1965 and RCW 43.31.830; amending section 6, chapter 148, Laws of 1965 and RCW 43.31.840; amending section 8, chapter 148, Laws of 1965 and RCW 43.31.850; amending section 2, chapter 93, Laws of 1972 ex. sess. and RCW 43.31.832; and amending section 9, chapter 55, Laws of 1933 as last amended by section 7, chapter 148, Laws of 1965 and RCW 67.16.100.

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

Section 1. Section 43.31.090, chapter 8, Laws of 1965 and RCW 43.31.090 are each amended to read as follows:

To aid and advise the director in the performance of his functions as specified in this chapter, an advisory council shall be appointed by the governor, such council to be composed of not more than fifteen members, all of whom shall be residents of this state, representing such geographical and economic areas the governor shall determine will best further the purposes of this chapter. Terms of council members shall not exceed two years and shall continue until their successors are appointed. Vacancies shall be filled in the same manner as original appointments. Members shall receive no per diem but shall receive reimbursement for actual subsistence and traveling expenses incurred in the performance of their duties.

In addition to the members of the advisory council there shall be four ex officio members without vote from the legislature consisting of: (1) Two members of the senate, both to be appointed by the president of the senate, and not more than one to be affiliated with any one political party; (2) two members of the house of representatives, both to be appointed by the speaker of the house of representatives, and not more than one to be affiliated with any one political party; such appointments shall be for the term of two years or for the period in which the appointee serves as a legislator, whichever expires first; members may be reappointed; vacancies shall be filled in the same manner as original appointments are made. Such ex officio members who shall collect data deemed essential to future legislative proposals and exchange information with the council shall be deemed engaged in legislative business while in attendance upon the business of the council and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120, the same to be paid from the "state international trade fair fund" as being expenses relative to such business.

Sec. 2. Section 1, chapter 148, Laws of 1965 and RCW 43.31.790 are each amended to read as follows:

The legislature hereby recognizes the economic benefits resultant from the participation in and presentation of state international trade fairs; to a large degree the present export of state products from the ports of this state has resulted from state international trade fair presentation or participation; as this state is the natural gateway to the Orient, participation in trade fairs in that area is essential to the furtherance of industrial markets of this state; Washington products must be put on view to the people of the state, this country, and the world; nothing serves this purpose more appropriately than state international trade fairs, the support of which through state aid the legislature herewith proposes.

Sec. 3. Section 3, chapter 148, Laws of 1965 and RCW 43.31.810 are each amended to read as follows:

For the purposes of RCW 43.31.790 through 43.31.860 and 67.16.100, as now or hereafter amended, state international trade fair organizations, to be eligible for state financial aid hereunder (1) must have had at least two or more years of experience in the presentation of or participation in state international trade fairs, whether held in this state, another state or territory of the United States or a foreign country, however these need not be consecutive years; (2) must be able to provide, from its own resources derived from general admission or otherwise, funds sufficient to match at least one-half the amount of state financial aid allotted.

Sec. 4. Section 4, chapter 148, Laws of 1965 and RCW 43.31.820 are each amended to read as follows:

The board of trustees of any state international trade fair sponsored by any public agency, qualifying under the provisions of RCW 43.31.790 through 43.31.860 and 67.16.100, as now or hereafter amended, may apply to the director for moneys to carry on the continued development as well as the operation of said fair, said money to be appropriated from the state international trade fair fund as provided for in RCW 67.16.100, as now or hereafter amended.

Sec. 5. Section 5, chapter 148, Laws of 1965 and RCW 43.31.830 are each amended to read as follows:

It shall be the duty of the director to certify, from the applications received, the state international trade fair or fairs qualified and entitled to receive funds under RCW 43.31.790 through 43.31.860 and 67.16.100, as now or hereafter amended. The director shall make annual allotments to state international trade fairs determined qualified to be entitled to participate in the state international trade fair fund and shall fix times for the division of and payment from the state international trade fair fund: PROVIDED, That total payment to any one state international trade fair shall not exceed ~~((thirty))~~ sixty thousand dollars in any one year, where participation or presentation occurs within the United States, and ~~((forty))~~ eighty thousand dollars in any one year, where participation or presentation occurs outside the United States: PROVIDED FURTHER, That a state international trade fair may qualify for the full allotment of funds under either category. Upon certification of the allotment and division of fair funds by the director of commerce and economic development the treasurer shall proceed to pay

the same to carry out the purposes of RCW 43.31.790 through 43.31.860 and 67.16.100, as now or hereafter amended.

Sec. 6. Section 6, chapter 148, Laws of 1965 and RCW 43.31.840 are each amended to read as follows:

The director shall at the end of each year for which an annual allotment has been made, cause to be conducted, a post audit of all of the books and records of each state international trade fair participating in the state trade fair fund. The purpose of such post audit shall be to determine how and to what extent each participating state international trade fair has expended all of its funds.

The audit required by this section shall be a condition to future allotments of money from the state international trade fair fund, and the director shall make a report of the findings of each post audit and shall use such report as a consideration in an application for any future allocations.

Sec. 7. Section 8, chapter 148, Laws of 1965 and RCW 43.31.850 are each amended to read as follows:

State international trade fair as used in RCW 43.31.790 through 43.31.860 and 67.16.100, as now or hereafter amended, shall mean a fair supported by public agencies basically for the purpose of introducing and promoting the sale of manufactured or cultural products and services of a given area, whether presented in this state, the United States or its territories, or in a foreign country.

Sec. 8. Section 2, chapter 93, Laws of 1972 ex. sess. and RCW 43.31.832 are each amended to read as follows:

In addition to the sum transferred in RCW 43.31.831, additional funds determined to be surplus funds by the director of the department of commerce and economic development may be transferred from the state international trade fair fund to the general fund upon the recommendation of the director of the department of commerce and economic development and the state treasurer.

**Sec. 9. Section 9, chapter 55, Laws of 1933 as last amended by section 7, chapter 148, Laws of 1965 and RCW 67.16.100 are each amended to read as follows:*

In addition to the license fees required by this chapter the licensee shall pay to the commission five percent of the gross receipts of all parimutuel machines at each race meet, which sums shall be paid daily to the commission.

All sums paid to the commission, together with all sums collected for license fees under the provisions of this chapter, shall be disposed of by the commission as follows: Twenty percent thereof shall be retained by the commission for the payment of the salaries of its members, secretary, clerical, office, and other help and all expenses incurred in carrying out the provisions of this chapter. No salary, wages, expenses, or compensation of any kind shall be paid by the state in connection with the work of the commission. Of the remaining eighty percent, (~~forty-seven~~) forty-six percent shall, on the next business day following the receipt thereof, be paid to the state treasurer to be deposited in the general fund, and (~~three~~) four percent shall, on the next business day following the receipt thereof, be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "state international trade fair fund" which shall be maintained as a separate and independent fund, and made available to the director of commerce

and economic development for the sole purpose of assisting state international trade fairs. The remaining thirty percent shall be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "fair fund," which shall be maintained as a separate and independent fund outside of the state treasury, and made available to the director of agriculture for the sole purpose of assisting fairs in the manner provided in Title 15 RCW. Any moneys collected or paid to the commission under the terms of this chapter and not expended at the time of making its report to the legislature, shall be paid to the state treasurer and be placed in the general fund.

*Sec. 9. was vetoed, see message at end of chapter.

Passed the House June 5, 1975.

Passed the Senate June 3, 1975.

Approved by the Governor July 2, 1975 with the exception of section 9 which is vetoed.

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

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

"I am returning herewith without my approval as to one section Substitute House Bill No. 591 entitled:

"AN ACT Relating to trade fairs."

Section 9 of the bill increases the revenue to the trade fair fund from three to four percent, and correspondingly decreases the revenue to the general fund derived from horse racing parimutual machines by one percent.

I am advised that the trade fair fund has a current balance in excess of \$150,000, and at the present three percent level of funding receives annually an average of \$130,645. The maximum annual expenditure from the fund to finance fairs both within and outside the United States, including the increased funding allotments and state agency support costs, would be \$155,980. Since domestic fairs are not held on a regular basis, funds accrued during the intervening periods are sufficient to hold such an event at the appropriate time. Therefore the existing revenue base is sufficient for present and projected demands on the fund, and the increase is unwarranted at this time.

With the exception of section 9, which I have vetoed for the reasons stated, the remainder of Substitute House Bill No. 591 is approved."

CHAPTER 293

[House Bill No. 675]

STATE FISCAL MANAGEMENT

AN ACT Relating to state government; amending section 43.09.310, chapter 8, Laws of 1965 as amended by section 2, chapter 170, Laws of 1971 ex. sess. and RCW 43.09.310; amending section 43.62.050, chapter 8, Laws of 1965 and RCW 43.62.050; amending section 43.79.270, chapter 8, Laws of 1965 as amended by section 2, chapter 144, Laws of 1973 and RCW 43.79.270; amending section 43.88.090, chapter 8, Laws of 1965 as amended by section 6, chapter 100, Laws of 1973 1st ex. sess. and RCW 43.88.090; amending section 43.88.110, chapter 8, Laws of 1965 and RCW 43.88.110; amending section 1, chapter 263, Laws of 1971 ex. sess. and RCW 43.88.115; amending section 43.88.160, chapter 8, Laws of 1965 as last amended by section 11, chapter 40, Laws of 1975 and RCW 43.88.160; amending section 1, chapter 248, Laws of 1969 ex. sess. and RCW 43.88.195; amending section 4, chapter 41, Laws of 1967 ex. sess. as amended by section 3, chapter 17, Laws of 1973 2nd ex. sess. a RCW 43.88.205; amending section 43.88.230, chapter 8, Laws of 1965 and RCW 43.88.230; amending section 2, chapter 43, Laws of 1951 and RCW 44.28.060; amending section 4, chapter 43, Laws of 1951 as amended by section 10, chapter 206, Laws of 1955 and RCW 44.28.080; amending section 3, chapter 170, Laws of 1971 ex. sess. and RCW 44.28.085; amending section 6, chapter 43, Laws of 1951 and RCW 44.28.100; amending section 11,

chapter 43, Laws of 1951 as amended by section 9, chapter 206, Laws of 1955 and RCW 44.28.140; amending section 7, chapter 43, Laws of 1951 and RCW 44.28.150; amending section 2, chapter 195, Laws of 1971 ex. sess. and RCW 44.40.025; amending section 4, chapter 25, Laws of 1965 as last amended by section 2, chapter 91, Laws of 1971 ex. sess. and RCW 46.68.041; adding a new section to chapter 43.88 RCW; adding a new section to chapter 44.04 RCW; repealing section 1, chapter 40, Laws of 1971 ex. sess. and RCW 28B.10.180; repealing section 43.79.280, chapter 8, Laws of 1965, section 3, chapter 144, Laws of 1973 and RCW 43.79.280; repealing section 5, chapter 43, Laws of 1951 and RCW 44.28.090; repealing section 2, chapter 148, Laws of 1959 and RCW 44.28.160; declaring an emergency; and providing an effective date.

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

Section 1. Section 43.09.310, chapter 8, Laws of 1965 as amended by section 2, chapter 170, Laws of 1971 ex. sess. and RCW 43.09.310 are each amended to read as follows:

The state auditor, through the division of departmental audits, shall make a post-audit of every state department at such reasonable periodic intervals as he shall determine but in each case an audit shall be conducted every two years. A report shall be made of each post-audit upon completion thereof, ~~((shall be made in sextuplet,))~~ and one copy shall be transmitted to the governor, one to the director of the office of program planning and fiscal management, one to the attorney general, one to the state department audited, one to the legislative budget committee, one each to the standing committees on ways and means of the house and senate, one to the chief clerk of the house, one to the secretary of the senate, and at least one shall be kept on file in the office of the state auditor.

Sec. 2. Section 43.62.050, chapter 8, Laws of 1965 and RCW 43.62.050 are each amended to read as follows:

The board shall develop and maintain student enrollment forecasts of Washington schools, including both public and private, elementary schools, junior high schools, high schools, colleges and universities. The board shall submit reports on such forecasts to the governor ~~((and to)),~~ the legislative budget committee, and the standing committees on ways and means of the house and the senate on or before the fifteenth day of November of each even-numbered year.

*Sec. 3. Section 43.79.270, chapter 8, Laws of 1965 as amended by section 2, chapter 144, Laws of 1973 and RCW 43.79.270 are each amended to read as follows:

(1) Whenever any money, from the federal government, or from other sources, is expected to be available for expenditure and which was not anticipated in the budget approved by the legislature ((has actually been received)) and is designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure shall be made is to submit to the governor a statement ((which may be in the form of a request for an allotment amendment)) setting forth the facts constituting the need for such expenditure and the estimated amount to be expended((- PROVIDED, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received)). A copy of any proposal submitted to the governor to expend money ((from an appropriated fund or account in excess of appropriations provided by law)) which is based on the receipt of unanticipated revenues shall be submitted to the legislative budget committee and ((also)) to the standing committees on ways and means of the

house and senate (~~(if the legislature is in session)~~) at the same time as it is transmitted to the governor.

(2) If the governor approves such estimate in whole or in part, he shall endorse on each copy of the statement his approval, together with a statement of the amount recommended for expenditure, and transmit one copy to the legislative budget committee. The committee staff shall compile such expenditure recommendations and periodically submit them for legislative consideration and disposition as set forth in section 12 of this 1975 amendatory act. The committee staff shall also prepare and submit appropriate recommendations as to legislative disposition on each proposal for additional spending recommended by the governor pursuant to this section. The committee shall advise the office of program planning and fiscal management, the affected state agency, and the standing committees on ways and means of the house and senate of all actions on spending proposals recommended by the governor under the terms of this section.

*Sec. 3. was vetoed, see message at end of chapter.

*NEW SECTION. Sec. 4. There is added to chapter 43.88 RCW a new section to read as follows:

(1) Federal funds available during a fiscal period which were not anticipated relative to appropriations enacted for that fiscal period shall be used in lieu of funds appropriated from state or local revenue sources wherever possible unless prohibited by federal law, rule, regulation, or other restriction. Exceptions to the fund substitution requirements imposed by this subsection may be granted by a favorable majority vote of the standing committees on ways and means of the house and senate while the legislature is in session or has not been in recess for three days or more. At other times, exceptions may be granted by action of the legislative budget committee.

(2) Unanticipated receipts other than those covered by subsection (1) of this section, available during a fiscal period which were not anticipated relative to appropriations enacted for that fiscal period may also be substituted for appropriated funds by direction of either the legislative budget committee or the standing committees on ways and means of the house and senate in the same manner as federal fund substitutions are handled under subsection (1) of this section.

*Sec. 4. was vetoed, see message at end of chapter.

Sec. 5. Section 43.88.090, chapter 8, Laws of 1965 as amended by section 6, chapter 100, Laws of 1973 1st ex. sess. and RCW 43.88.090 are each amended to read as follows:

For purposes of developing his budget proposals to the legislature, the governor shall have the power, and it shall be his duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as he shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget. Estimates for the legislature and for the supreme court shall be included in the budget without revision. Copies of all such estimates shall be transmitted to the (~~legislative budget committee~~) standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of program planning and fiscal management. In the year of the gubernatorial election, the governor shall invite the governor-elect or his designee to attend all hearings provided

in RCW 43.88.100; and the governor shall furnish the governor-elect or his designee with such information as will enable him to gain an understanding of the state's budget requirements. The governor-elect or his designee may ask such questions during the hearings and require such information as he deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the ~~((legislative budget committee. The governor shall also invite the legislative budget committee to designate one or more persons to be present at all hearings provided in RCW 43.88.100. The designees of the legislative budget committee may also ask such questions during the hearings and require such information as they deem necessary))~~ standing committees on ways and means of the house and senate.

Sec. 6. Section 43.88.110, chapter 8, Laws of 1965 and RCW 43.88.110 are each amended to read as follows:

Subdivisions (1) and (2) of this section set forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch.

(1) Before the beginning of the fiscal period, all agencies shall submit to the governor a statement of proposed agency expenditures at such times and in such form as may be required by him. The statement of proposed expenditures shall show, among other things, the requested allotments of appropriations for the ensuing fiscal period for the agency concerned for such periods as may be determined by the budget director for the entire fiscal period. The governor shall review the requested allotments in the light of the agency's plan of work and, with the advice of the budget director, he may revise or alter agency allotments: PROVIDED, That revision of allotments shall not be made for ~~((the following:))~~ agencies headed by elective officials ~~((; University of Washington, Washington State University, Central Washington State College, Eastern Washington State College, and Western Washington State College))~~. The aggregate of the allotments for any agency shall not exceed the total of appropriations available to the agency concerned for the fiscal period.

(2) Except for agencies headed by elective officials, ~~((and for institutions for higher education, as provided in this section, the))~~ approved allotments may be revised during the course of the fiscal period in accordance with the regulations issued pursuant to this chapter. If at any time during the fiscal period the governor shall ascertain that available revenues for the applicable period will be less than the respective appropriations, he shall revise the allotments concerned so as to prevent the making of expenditures in excess of available revenues. To the same end, and with the exception stated in this section for allotments involving agencies headed by elective officials ~~((and for institutions for higher education))~~ the governor is authorized to withhold and to assign to, and to remove from, a reserve status any portion of an agency appropriation which in the governor's discretion is not needed for the allotment. No expenditures shall be made from any portion of an appropriation which has been assigned to a reserve status except as provided in this section.

(3) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter.

Sec. 7. Section 1, chapter 263, Laws of 1971 ex. sess. and RCW 43.88.115 are each amended to read as follows:

Either the legislative budget committee ((rs)) or the standing committees on ways and means of the house and senate are authorized and may order reductions in general fund expenditures for other elected public officials and all public educational agencies and their facilities ((except institutions of higher learning)) up to the amount of reductions which are required by agencies under the control of the governor, to the end that while the independence of such elective offices and educational agencies ((except institutions of higher learning)) be assured, necessary measures of economy shall be shared by all agencies concerned with the functions of government.

Sec. 8. Section 43.88.160, chapter 8, Laws of 1965 as last amended by section 11, chapter 40, Laws of 1975 and RCW 43.88.160 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of program planning and fiscal management. The governor, through his director of program planning and fiscal management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for comprehensive central accounts in the office of program planning and fiscal management. The director of program planning and fiscal management may require such financial, statistical and other reports as he deems necessary from all agencies covering any period.

In addition, the director of program planning and fiscal management, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and he shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: **PROVIDED**, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications

requirements for recruitment, appointment, or promotion of employees of any agency. He shall advise and confer with agencies including ~~((the legislative budget committee and the legislative council))~~ appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials~~((; University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; Western Washington State College; The Evergreen State College; new, four-year state colleges subsequently authorized; professional education employees of the state board for community college education; and the various state community colleges))~~.

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by him except that he shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials; ~~((University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; Western Washington State College; The Evergreen State College; new, four-year state colleges subsequently authorized; professional education employees of the state board for community college education; and the various state community colleges;))~~

(e) Promulgate regulations to effectuate provisions contained in subsections (a) through (d) hereof.

(2) The treasurer shall:

(a) Receive, keep and disburse all public funds of the state not expressly required by law to be received, kept and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under his supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by him, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of program planning and fiscal management. Said forms shall provide for authentication and certification by the agency head or his designee that the services have been rendered or the materials have been furnished; or, in the case of payments for periodic maintenance services to be performed on state-owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of program planning and fiscal management ~~((and the legislative budget committee))~~; and the treasurer shall not be liable under his surety bond for erroneous or improper payments so made: PROVIDED, That when services are lawfully paid for in advance of full performance by

any private individual or business entity other than as provided for by RCW 42-24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: AND PROVIDED FURTHER, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or his designee in accordance with regulations issued pursuant to this chapter.

~~((The auditor's current post audit of each agency may include a separate section setting forth recommendations to the legislature as provided by subsection (3)(c) of this section.))~~

(3) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end he may, in his discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. The current post audit of each agency may include a section on recommendations to the legislature as provided in subsection (3)(c) of this section.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make his official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

Determinations as to whether agencies, in making expenditures, complied with the laws of this state: PROVIDED, That nothing in this act shall be construed to grant the state auditor the right to perform performance audits. A performance audit for the purpose of this act shall be the examination of the effectiveness of the administration, its efficiency and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085 as now or hereafter amended.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of program planning and fiscal management. It shall be the duty of the director of program planning and fiscal management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Shall promptly report any irregularities to the attorney general.

(4) The legislative budget committee may:

(a) Make post audits (~~of such~~) of the financial transactions (~~as it may determine~~) of any agency and management surveys and program reviews as provided for in RCW 44.28.085 (~~and~~) as now or hereafter amended. To this end the committee may in its discretion examine the books (~~and~~), accounts, and other records of any agency, official, or employee (~~charged with the receipt, custody, or safekeeping of public funds~~).

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the (~~financial affairs of the~~) performance and management of state agencies.

(c) Make (~~its official~~) a report (~~on or before the thirty-first of December which precedes the meeting of~~) to the legislature (~~The report~~) which shall (~~be for the last complete fiscal period and shall~~) include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management(~~and~~

~~(iii) A report on the efficiency and accuracy of the post audit operations of the state government)).~~

Sec. 9. Section 1, chapter 248, Laws of 1969 ex. sess. and RCW 43.88.195 are each amended to read as follows:

After August 11, 1969, no state agency, state institution, state institution of higher education, which shall include all state universities, state colleges, and community colleges, shall establish any new accounts or funds which are to be located outside of the state treasury: PROVIDED, That the (~~state budget director~~) office of program planning and fiscal management shall be authorized to grant permission for the establishment of such an account or fund outside of the state treasury only when the requesting agency presents compelling reasons of economy and efficiency which could not be achieved by placing such funds in the state treasury. When the (~~state budget director~~) director of the office of program planning and fiscal management authorizes the creation of such fund or account, he shall forthwith give written notice of the fact to the (~~legislative budget committee~~) standing committees on ways and means of the house and senate.

Sec. 10. Section 4, chapter 41, Laws of 1967 ex. sess. as amended by section 3, chapter 17, Laws of 1973 2nd ex. sess. and RCW 43.88.205 are each amended to read as follows:

(1) Whenever an agency makes application, enters into a contract or agreement, or submits state plans for participation in, and for grants of federal funds under any federal law, the agency making such application shall at the time of such action, give notice in such form and manner as the director of program planning and fiscal management (~~or any successor agency or committee of the legislature~~) may prescribe, or the chairman of the legislative budget committee, standing committees on ways and means of the house and senate, the chief clerk of the house, or the secretary of the senate may request.

(2) Whenever any such application, contract, agreement, or state plan is amended, such agency shall notify each such officer of such action in the same manner as prescribed or requested pursuant to subsection (1) of this section.

(3) Such agency shall promptly furnish such progress reports in relation to each such application, contract, agreement, or state plan as may be requested following the date of the filing of the application, contract, agreement, or state plan; and shall also file with each such officer a final report as to the final disposition of each such application, contract, agreement, or state plan if such is requested.

Sec. 11. Section 43.88.230, chapter 8, Laws of 1965 and RCW 43.88.230 are each amended to read as follows:

For the purposes of this chapter, ~~((the legislative council,))~~ the statute law committee, the legislative budget committee, and all legislative ~~((interim))~~ standing committees of both houses shall be deemed a part of the legislative branch of state government.

**NEW SECTION. Sec. 12. There is added to chapter 44.04 RCW a new section to read as follows:*

(1) *The legislative budget committee is authorized and directed to approve, modify and approve, defer or reject by a majority vote any spending recommendations from unanticipated receipts submitted by the governor during any period during which the legislature is not in session or has been in recess for three days or more.*

(2) *During any period when the legislature is in session or has not been in recess three days or longer, the house and senate standing committees on ways and means are authorized to jointly or separately approve, modify and approve, defer, or reject by a majority vote of each, any spending recommendations from unanticipated receipts which the governor may recommend.*

**Sec. 12. was vetoed, see message at end of chapter.*

Sec. 13. Section 2, chapter 43, Laws of 1951 and RCW 44.28.060 are each amended to read as follows:

The committee shall have the power and duty to appoint its own chairman, vice chairman, and other officers; to make rules and regulations for orderly procedure; to perform, either through the legislative budget committee ~~((or through the legislative council))~~ or through subcommittees of the legislative budget committee, all duties and functions relating to ~~((the study of expenditures by the))~~ improving the economy, efficiency, and effectiveness of state agency management by performance audits and other staff studies of state government, its officers, boards, committees, commissions, institutions, and other state agencies.

Sec. 14. Section 4, chapter 43, Laws of 1951 as amended by section 10, chapter 206, Laws of 1955 and RCW 44.28.080 are each amended to read as follows:

The committee shall have the following powers:

(1) To make ~~((current))~~ examinations and reports ~~((concerning the current condition of all state funds, appropriations and other state moneys;))~~ concerning whether or not ~~((such))~~ ap, 'ropriations are being ~~((currently))~~ expended for the purposes and within the statutory restrictions provided by the legislature; concerning the ~~((current availability))~~ economic outlook and estimates of revenue to meet expenditures ~~((under appropriations));~~ and concerning the organization and

operation of procedures necessary or desirable to ~~((control the expenditures and other fiscal operations of the))~~ promote economy, efficiency, and effectiveness in state government, its officers, boards, committees, commissions, institutions and other state agencies, and to make recommendations and reports to the legislature.

(2) To make such other studies and examinations of ~~((the expenses of the))~~ economy, efficiency, and effectiveness of state government and its state agencies as it may find advisable, and to hear complaints, hold hearings, gather information and make findings of fact with respect thereto.

(3) The committee shall have the power to receive messages and reports in person or in writing from the governor or any other state officials and to study generally any and all business relating to economy, efficiency, and effectiveness in state government and state agencies.

Sec. 15. Section 3, chapter 170, Laws of 1971 ex. sess. and RCW 44.28.085 are each amended to read as follows:

The legislative budget committee ~~((may))~~ shall make management surveys and program reviews as to every public body, officer or employee subject to the provisions of RCW 43.09.290 through 43.09.340. The legislative budget committee may also make management surveys and program reviews of local school districts, intermediate school districts, and other units of local government receiving state funds as grants-in-aid or as shared revenues. Management surveys for the purposes of this section shall be an independent examination for the purpose of providing the legislature with an evaluation and report of the manner in which any public agency, officer, administrator, or employee ~~((of a state agency subject to RCW 43.09.290 through 43.09.340))~~ has discharged ~~((his))~~ the ~~((responsibilities))~~ responsibility to faithfully, efficiently, and effectively administer any legislative purpose of the state. Program reviews for the purpose of this section shall be an examination of ~~((agency))~~ state or local government programs to ascertain whether or not such programs continue to serve their intended purposes, are conducted in an efficient and effective manner, or require modification or elimination: PROVIDED, That nothing in this section shall limit the power or duty of the state auditor to report to the legislature as directed by subsection (3) of RCW 43.88.160 as ~~((amended by this 1971 amendatory act))~~ now or hereafter amended. The authority in this section conferred excludes a like authority in the state auditor.

The legislative budget committee shall receive a copy of each report of examination issued by the state auditor under RCW 43.09.310, shall review all such reports, and shall make such recommendations to the legislature and to the state auditor as it deems appropriate.

Sec. 16. Section 6, chapter 43, Laws of 1951 and RCW 44.28.100 are each amended to read as follows:

The committee shall have the power to make reports from time to time to the members of the legislature ~~((to the legislative council,))~~ and to the public with respect to any of its findings or recommendations. The committee shall keep complete minutes of its meetings. The committee shall make and distribute its final report to the members of the ensuing legislature at least ten days prior to the convening of the legislature.

Sec. 17. Section 11, chapter 43, Laws of 1951 as amended by section 9, chapter 206, Laws of 1955 and RCW 44.28.140 are each amended to read as follows:

The committee is hereby authorized and empowered to appoint an officer to be known as the legislative auditor, and to fix his compensation, who shall be the executive officer of the committee and assist in its duties and shall compile information for the committee. The committee is hereby authorized and empowered to select and employ other clerical, legal, accounting, research and other personnel that it may deem desirable in the performance of its duties, and the compensation and salaries shall be fixed by the legislative budget committee.

The duties of the legislative auditor shall be as follows:

(1) To ascertain the facts and make recommendations to the committee and under their direction to the committees of the state legislature concerning

(a) ~~((state budget;~~

~~(b)))~~ revenues and expenditures of the state; and

~~((c)))~~ (b) the organization and functions of the state, its departments, subdivisions and agencies.

(2) To assist the ~~((appropriations))~~ several standing committees of the house and senate ~~((respectively,))~~ in consideration of ~~((the budget and all bills carrying express or implied appropriations and all))~~ legislation affecting state departments and their efficiency; to appear before ~~((any))~~ other legislative committees and to assist any other legislative committee~~((s))~~ upon instruction by the legislative budget committee.

(3) To provide the legislature with information obtained under the direction of the legislative budget committee.

(4) To maintain a record of all work performed by the legislative auditor under the direction of the legislative budget committee and to keep and make available all documents, data and reports submitted to him by any legislative committee.

Sec. 18. Section 7, chapter 43, Laws of 1951 and RCW 44.28.150 are each amended to read as follows:

The committee shall cooperate, act and function with ~~((the legislative council))~~ legislative committees and with the councils or committees of other states similar to this committee and with other interstate research organizations.

Sec. 19. Section 2, chapter 195, Laws of 1971 ex. sess. and RCW 44.40.025 are each amended to read as follows:

In addition to the powers and duties authorized in RCW 44.40.020 the committee, the standing committees on ways and means and on transportation and utilities of the house and senate shall, in coordination with the legislative budget committee, ascertain, study, and/or analyze all available facts and matters relating or pertaining to sources of revenue, appropriations, expenditures, and financial condition of the motor vehicle fund and accounts thereof, the highway safety fund, and all other funds related to transportation programs of the state.

Sec. 20. Section 4, chapter 25, Laws of 1965 as last amended by section 2, chapter 91, Laws of 1971 ex. sess. and RCW 46.68.041 are each amended to read as follows:

(1) The department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state

treasurer who shall deposit such moneys to the credit of the highway safety fund except as otherwise provided in this section.

(2) One dollar of each fee collected for a temporary instruction permit shall be deposited in the driver education account in the general fund.

(3) Out of each fee of five dollars collected for a driver's license, the sum of three dollars and ten cents shall be deposited in the highway safety fund, and one dollar and ninety cents shall be deposited in the general fund(~~(-PROVIDED; That the legislative budget committee and the legislative transportation committee are directed to jointly review methods for providing adequate financing of the state patrol and report their conclusions to the next session of the legislature commencing after January 1, 1972))~~).

*NEW SECTION. Sec. 21. The following acts or parts of acts are each hereby repealed:

(1) Section 43.79.280, chapter 8, Laws of 1965, section 3, chapter 144, Laws of 1973 and RCW 43.79.280;

(2) Section 5, chapter 43, Laws of 1951 and RCW 44.28.090;

(3) Section 2, chapter 148, Laws of 1959 and RCW 44.28.160; and

(4) Section 1, chapter 40, Laws of 1971 ex. sess. and RCW 28B.10.180.

*Sec. 21. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 22. If any provision of this 1975 amendatory 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. 23. This 1975 amendatory 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 on July 1, 1975.

Passed the House June 4, 1975.

Passed the Senate June 3, 1975.

Approved by the Governor July 2, 1975 with the exception of certain items which are vetoed.

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

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

"I am returning herewith without my approval as to several sections House Bill No. 675 entitled:

"AN ACT Relating to state government."

This bill changes, among other things, the existing law as it relates to the expenditure of unanticipated receipts, and delegates to the Legislative Budget Committee the power to approve or disapprove expenditure of such receipts while the Legislature is not in session. During a legislative session, such power of approval would rest with the House and Senate standing committees on Ways and Means. Under existing law, it is the duty of the Governor to review and approve proposals for expenditure of unanticipated receipts with due notice to the Legislative Budget Committee and the Ways and Means Committees of each house.

This bill is one of the latest of a number of bills passed in recent sessions designed to take away from the executive functions and duties which are executive in nature and delegate them instead to legislative committees. I have vetoed several bills or portions of bills which have attempted to accomplish this, and I object to several sections of this bill for the same reasons.

I believe that the interposing of legislative committees into executive functions at best violates the fundamentals of good government. Even more seriously, I am advised that the delegation of such a function to a legislative committee could transform that committee into a "civil office" within the meaning of Article II, section 13 of the Washington State Constitution. This would prevent any member of the Legislature from serving on such a committee, which is an unfortunate result that I do not believe the Legislature intended.

While the Legislature as a whole has the constitutional power to control expenditure of public funds through the appropriation process, I question whether the delegation of such power to a legislative committee is permissible under our constitution, and look on this as even more reason why I cannot approve this kind of procedure.

For these reasons, I have determined to veto sections 3, 4, and 12. Since subsection (1) in section 21 repeals the existing section of the law on approval of expenditure of unanticipated receipts, I have determined also to veto that subsection. I do not believe I am constrained in vetoing the entire section 21 inasmuch as the repealer in subsection (1) constitutes a separate and independent subject by itself.

With those exceptions, the remainder of the bill is approved."

CHAPTER 294

[Second Substitute House Bill No. 827]

PUBLIC DISCLOSURE

AN ACT Relating to open government; amending section 1, chapter 1, Laws of 1973 and RCW 42.17.010; amending section 2, chapter 1, Laws of 1973 and RCW 42.17.020; amending section 4, chapter 1, Laws of 1973 and RCW 42.17.040; amending section 6, chapter 1, Laws of 1973 and RCW 42.17.060; amending section 8, chapter 1, Laws of 1973 and RCW 42.17.080; amending section 9, chapter 1, Laws of 1973 and RCW 42.17.090; amending section 12, chapter 1, Laws of 1973 and RCW 42.17.120; amending section 16, chapter 1, Laws of 1973 and RCW 42.17.160; amending section 17, chapter 1, Laws of 1973 and RCW 42.17.170; amending section 18, chapter 1, Laws of 1973 and RCW 42.17.180; amending section 19, chapter 1, Laws of 1973 and RCW 42.17.190; amending section 24, chapter 1, Laws of 1973 and RCW 42.17.240; amending section 26, chapter 1, Laws of 1973 and RCW 42.17.260; amending section 27, chapter 1, Laws of 1973 and RCW 42.17.270; amending section 29, chapter 1, Laws of 1973 and RCW 42.17.290; amending section 31, chapter 1, Laws of 1973 and RCW 42.17.310; amending section 32, chapter 1, Laws of 1973 and RCW 42.17.320; amending section 33, chapter 1, Laws of 1973 and RCW 42.17.330; amending section 34, chapter 1, Laws of 1973 and RCW 42.17.340; amending section 35, chapter 1, Laws of 1973 and RCW 42.17.350; amending section 36, chapter 1, Laws of 1973 and RCW 42.17.360; amending section 37, chapter 1, Laws of 1973 and RCW 42.17.370; amending section 38, chapter 1, Laws of 1973 and RCW 42.17.380; amending section 40, chapter 1, Laws of 1973 and RCW 42.17.400; adding new sections to chapter 42.17 RCW; creating new sections; and declaring an emergency.

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

Section 1. Section 1, chapter 1, Laws of 1973 and RCW 42.17.010 are each amended to read as follows:

It is hereby declared by the sovereign people to be the public policy of the state of Washington:

(1) That political campaign and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is to be avoided.

(2) That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty, and fairness in their dealings.

(3) That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interest.

(4) That our representative form of government is founded on a belief that those entrusted with the offices of government have nothing to fear from full public disclosure of their financial and business holdings, provided those officials deal honestly and fairly with the people.

(5) That public confidence in government at all levels is essential and must be promoted by all possible means.

(6) That public confidence in government at all levels can best be sustained by assuring the people of the impartiality and honesty of the officials in all public transactions and decisions.

(7) That the concept of attempting to increase financial participation of individual contributors in political campaigns is encouraged by the passage of the Revenue Act of 1971 by the Congress of the United States, and in consequence thereof, it is desirable to have implementing legislation at the state level.

(8) That the concepts of disclosure and limitation of election campaign financing are established by the passage of the Federal Election Campaign Act of 1971 by the Congress of the United States, and in consequence thereof it is desirable to have implementing legislation at the state level.

(9) That small contributions by individual contributors are to be encouraged, and that not requiring the reporting of small contributions may tend to encourage such contributions.

(10) That the public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private.

(11) That, mindful of the right of individuals to privacy and of the desirability of the efficient administration of government, full access to information concerning the conduct of government on every level must be assured as a fundamental and necessary precondition to the sound governance of a free society.

The provisions of this chapter shall be liberally construed to promote complete disclosure of all information respecting the financing of political campaigns and lobbying, and the financial affairs of elected officials and candidates, and full access to public records so as to assure continuing public confidence of fairness of elections and governmental processes, and so as to assure that the public interest will be fully protected. In promoting such complete disclosure, however, this chapter shall be enforced so as to insure that the information disclosed will not be misused for arbitrary and capricious purposes and to insure that all persons reporting under this chapter will be protected from harassment and unfounded allegations based on information they have freely disclosed.

Sec. 2. Section 2, chapter 1, Laws of 1973 and RCW 42.17.020 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, public official, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, city and county, school district, municipal corporation, district, political subdivision, or any board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to

the voters of ((any specific)) the state or any municipal corporation, political subdivision or other voting constituency ((which)) from and after the time when such proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) "Campaign depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.240, as now or hereafter amended, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while such official is engaged in the official business of such governmental entity.

(9) "Continuing political committee" means a political committee which is an organization of continuing existence not established in anticipation of any particular election.

(10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of "part time" personal services of the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers not in excess of twenty-five dollars personally paid for by ((any volunteer campaign)) such worker. "Part time" services, for the purposes of this chapter, means services in addition to regular full time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables

furnished in connection with the purchase of such tickets, and only the excess over actual cost of such consumables shall be deemed a contribution.

~~((9))~~ (11) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

~~((10))~~ (12) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section I (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

~~((11))~~ (13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

~~((12))~~ (14) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported, or payment of service charges against a political committee's campaign account.

~~((13))~~ (15) "Final report" means the report described as a final report in RCW 42.17.080(2).

~~((14))~~ (16) "Immediate family" includes the spouse (~~and children living in the household and other relatives living in the household~~), dependent children, and other dependent relatives, if living in the household.

~~((15))~~ (17) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter which may be the subject of action by either house, or any committee of the legislature and all bills and resolutions which having passed both houses, are pending approval by the governor.

~~((16))~~ (18) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Acts, chapter 34.04 RCW and chapter 28B.19 RCW.

~~((17))~~ (19) "Lobbyist" includes any person who shall lobby either in his own or another's behalf.

~~((18))~~ (20) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

~~((19))~~ (21) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

~~((20))~~ (22) "Person in interest" means the person who is the subject of a record or any representative designated by said person, except that if such person be under a legal disability, the term "person in interest" shall mean and include the parent or duly appointed legal representative.

~~((21))~~ (23) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

~~((22))~~ (24) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

~~((23))~~ (25) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

~~((24))~~ (26) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

~~((25))~~ (27) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Sec. 3. Section 4, chapter 1, Laws of 1973 and RCW 42.17.040 are each amended to read as follows:

(1) Every political committee, within ten days after its organization or, within ten days after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file a statement of organization with the commission and with the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition, the county in which the campaign treasurer resides). Each political committee in existence on the effective date of this act shall file a statement of organization with the commission within ninety days after such effective date.

(2) The statement of organization shall include but not be limited to:

- (a) The name and address of the committee;
- (b) The names and addresses of all related or affiliated committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders;

(d) The name and address of its campaign treasurer and campaign depository;

(e) A statement whether the committee is a continuing one;

(f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and, if the committee is supporting the entire ticket of any party, the name of the party;

(g) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition;

(h) What distribution of surplus funds will be made in the event of dissolution;
((and))

(i) The hours during which the committee will make available for public inspection its books of account and all reports filed in accordance with section 5 of this 1975 amendatory act and RCW 42.17.080, as now or hereafter amended; and

(j) Such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(3) Any material change in information previously submitted in a statement of organization shall be reported to the commission and to the appropriate county auditor within the ten days following the change.

Sec. 4. Section 6, chapter 1, Laws of 1973 and RCW 42.17.060 are each amended to read as follows:

(1) All monetary contributions received by a candidate or political committee shall be deposited by the campaign treasurer or deputy treasurer in a campaign depository in an account designated, "Campaign Fund of" (name of candidate or political committee).

(2) All deposits made by a campaign treasurer or deputy campaign treasurer shall be accompanied by a statement containing the name of each person contributing the funds so deposited and the amount contributed by each person: PROVIDED, That contributions not exceeding ~~((five))~~ ten dollars from any one person may be deposited without identifying the contributor. The statement shall be in triplicate, upon a form prescribed by the commission, one copy to be retained by the campaign depository for its records for the minimum term of three years, one copy to be filed by the campaign treasurer with the commission, and one copy to be retained by the campaign treasurer for his records. In the event of deposits made by a deputy campaign treasurer, the third copy shall be forwarded to the campaign treasurer to be retained by him for his records. Each statement shall be certified as correct by the campaign treasurer or deputy campaign treasurer making the deposit.

(3) ~~((a) Accumulated anonymous contributions in excess of one dollar from any individual contributor, and~~

~~((b))~~ Political committees which support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purpose: PROVIDED, That each such account shall bear the same name followed by an appropriate designation which accurately identifies its separate purpose: AND PROVIDED FURTHER, That transfers of funds which must be reported under

RCW 42.17.090(1)(d), as now or hereafter amended, may not be made from more than one such account.

(4) Accumulated ((anonymous)) unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's campaign treasurer pursuant to RCW 42.17.090(1)(b), which total in excess of one percent of the total accumulated contributions received ((to date)) in the current calendar year or three hundred dollars (whichever is ((less)) more), shall not be deposited, used, or expended, but shall be returned to the donor, if his identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state, and shall be paid to the state treasurer for deposit in the state general fund.

NEW SECTION. Sec. 5. There is added to chapter 42.17 RCW a new section to read as follows:

(1) In addition to the provisions of this section, a continuing political committee shall file and report on the same conditions and at the same times as any other committee in accordance with the provisions of RCW 42.17.040, 42.17.050, and 42.17.060.

(2) A continuing political committee shall file with the commission and the auditor of the county in which the committee treasurer resides a report on the tenth day of the month detailing its activities for the preceding calendar month in which the committee has received a contribution or made an expenditure: PROVIDED, That interest on moneys deposited or service charges shall not be deemed contributions or expenditures. The report shall be on a form supplied by the commission and shall include the following information:

(a) The information required by RCW 42.17.090;

(b) Each expenditure made to retire previously accumulated debts of the committee; identified by recipient, amount, and date of payments;

(c) Such other information as the commission shall by rule prescribe.

(3) If a continuing political committee shall make a contribution in support of or in opposition to a candidate or ballot proposition within sixty days prior to the date on which such candidate or ballot proposition will be voted upon, such continuing political committee shall report pursuant to RCW 42.17.080, as now or hereafter amended, until twenty-one days after said election.

(4) A continuing political committee shall file reports as required by this chapter until it is dissolved, at which time a final report shall be filed. Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

(5) The campaign treasurer shall maintain books of account in accordance with generally accepted accounting principles reflecting all contributions and expenditures on a current basis within three business days of receipt or expenditure. During the eight days immediately preceding the date of any election, for which the committee has received any contributions or made any expenditures, the books of account shall be kept current within one business day and shall be open for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 as now or

hereafter amended, at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

(6) All reports filed pursuant to this section shall be certified as correct by the campaign treasurer.

Sec. 6. Section 8, chapter 1, Laws of 1973 and RCW 42.17.080 are each amended to read as follows:

(1) On the day the campaign treasurer is designated, each candidate or political committee shall file with the commission and the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition, the county in which the campaign treasurer resides), in addition to any statement of organization required under RCW 42.17.040, a report of all contributions received and expenditures made in the election campaign prior to that date (~~PROVIDED, That if the political committee is an organization of continuing existence not established in anticipation of any particular election the campaign treasurer shall report, at the times required by this chapter, and at such other times as are designated by the commission, all contributions received and expenditures made since the date of his or his predecessor's last report. In addition to any statement of organization required under RCW 42.17.040, the initial report of the campaign treasurer of such a political committee in existence at the time this chapter becomes effective need include only:~~

(a) ~~The funds on hand at the time of the report, and~~
 (b) ~~Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter).~~

(2) At the following intervals each campaign treasurer shall file with the commission and the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition the county in which the campaign treasurer resides) a further report of the contributions received and expenditures made since the date of the last report:

(a) On the fifth and nineteenth days immediately preceding the date on which the election is held; and

(b) Within ten days after the date of a primary election, and within twenty-one days after the date of all other elections; and

(c) On the tenth day of each month preceding the election in which no other reports are required to be filed under this section: PROVIDED, That such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar month. Interest on moneys deposited or service charges shall not be deemed contributions or expenditures.

The report filed under paragraph (b) above shall be the final report if there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and if in the case of a political committee, the committee has ceased to function and has dissolved. If the candidate or political committee has any outstanding debt or obligation, additional reports shall be filed at least once every six months until the obligation or indebtedness is entirely satisfied at which time a final report shall be filed. (~~A continuing political committee shall file reports as required by this chapter until it is dissolved, at which time a~~

~~final report shall be filed.))~~ Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

(3) The campaign treasurer shall maintain books of account in accordance with generally accepted accounting principles reflecting all contributions and expenditures on a current basis within three business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day and shall be open for public inspection ~~((during normal business hours))~~ for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 as now or hereafter amended, at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

(4) All reports filed pursuant to this section shall be certified as correct by the candidate and the campaign treasurer.

(5) Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 as now or hereafter amended, at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

Sec. 7. Section 9, chapter 1, Laws of 1973 and RCW 42.17.090 are each amended to read as follows:

(1) Each report required under RCW 42.17.080 shall disclose for the period beginning at the end of the period for the last report or, in the case of an initial report, at the time of the first contribution or expenditure, and ending not more than three days prior to the date the report is due:

(a) The funds on hand at the beginning of the period;

(b) The name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate value of all contributions received from each such person during the preceding twelve-month period: PROVIDED, That contributions not exceeding ~~((five))~~ ten dollars in aggregate from any one person during the election campaign may be reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the names, addresses, and amounts of each such contributor;

(c) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(d) The name and address of each political committee from which the reporting committee or candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts, dates, and purpose of all such transfers;

(e) All other contributions not otherwise listed or exempted;

(f) The name and address of each person to whom an expenditure was made in the aggregate amount of twenty-five dollars or more, and the amount, date, and purpose of each such expenditure;

(g) The total sum of expenditures;

(h) The surplus or deficit of contributions over expenditures;

(i) The disposition made of any surplus of contributions over expenditures;

(j) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter; and

(k) Funds received from a political committee not domiciled in Washington state and not otherwise required to report under this chapter (a "nonreporting committee"). Such funds shall be forfeited to the state of Washington unless the nonreporting committee or the recipient of such funds has filed or within three days following such receipt shall file with the commission a statement disclosing:

(i) its name and address; (ii) the purposes of the nonreporting committee; (iii) the names, addresses, and titles of its officers or if it has no officers, the names, addresses, and titles of its responsible leaders; (iv) a statement whether the nonreporting committee is a continuing one; (v) the name, office sought, and party affiliation of each candidate in the state of Washington whom the nonreporting committee is supporting, and, if such committee is supporting the entire ticket of any party, the name of the party; (vi) the ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition; (vii) the name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions to the nonreporting committee during the preceding twelve-month period, together with the money value and date of such contributions; (viii) the name and address of each person in the state of Washington to whom an expenditure was made by the nonreporting committee on behalf of a candidate or political committee in the aggregate amount of twenty-five dollars or more, the amount, date, and purpose of such expenditure, and the total sum of such expenditures; (ix) such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(2) The campaign treasurer and the candidate shall certify the correctness of each report.

Sec. 8. Section 12, chapter 1, Laws of 1973 and RCW 42.17.120 are each amended to read as follows:

No contribution shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment.

Sec. 9. Section 16, chapter 1, Laws of 1973 and RCW 42.17.160 are each amended to read as follows:

The following persons and activities shall be exempt from registration and reporting under RCW 42.17.150, 42.17.170, 42.17.190, and 42.17.200:

(1) Persons who limit their lobbying activities to appearance before public sessions of committees of the legislature, or public hearings of state agencies.

(2) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station.

(3) ~~((Lobbying))~~ Persons who lobby without compensation or other consideration for acting as a lobbyist: PROVIDED, Such person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. Any person exempt under this subsection (3) may at his option register and report under this chapter.

(4) Persons who restrict their lobbying activities to no more than four days or parts thereof during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed fifteen dollars: PROVIDED, That the commission shall promulgate regulations to require disclosure by persons exempt under this subsection or their employers or entities which sponsor or coordinate the lobbying activities of such persons if it determines that such regulations are necessary to prevent frustration of the purposes of this chapter. Any person exempt under this subsection (4) may at his option register and report under this chapter.

~~((4))~~ (5) The governor.

~~((5))~~ (6) The lieutenant governor.

~~((6))~~ (7) Except as provided by RCW 42.17.190(1), members of the legislature.

~~((7))~~ (8) Except as provided by RCW 42.17.190(1), persons employed by the legislature for the purpose of aiding in the preparation ~~((and))~~ or enactment of legislation or the performance of legislative duties.

~~((8))~~ (9) Except as provided by RCW 42.17.190 elected state officers, state officers appointed by the governor subject to confirmation by the senate, and employees of any state agency.

Sec. 10. Section 17, chapter 1, Laws of 1973 and RCW 42.17.170 are each amended to read as follows:

(1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his activities signed by both the lobbyist and the lobbyist's employers. The reports shall be made in the form and manner prescribed by the commission. They shall be due quarterly and shall be filed within thirty days after the end of the calendar quarter covered by the report. In addition to the quarterly reports, while the legislature is in session, any lobbyist who lobbies with respect to any legislation shall file interim weekly periodic reports for each week that the legislature is in session, which reports need be signed only by the lobbyist and which shall be filed on each Tuesday for the activities of the week ending on the preceding Saturday: PROVIDED, That it shall not be necessary to file any such interim weekly periodic reports for any week during which no expenditure reportable under subsection (2) hereof was made by the reporting person.

(2) Each such quarterly and weekly periodic report shall contain:

(a) The totals of all expenditures made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report, which totals shall be segregated according to financial category, including food and refreshments; living accommodations; advertising; travel; telephone; contributions; office expenses, including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof, paid or incurred for lobbying activities; and other expenses or services: PROVIDED HOWEVER, That unreimbursed personal living and travel expenses of a lobbyist not incurred directly or indirectly for any lobbying purpose need not be reported: AND PROVIDED FURTHER, That the interim weekly reports of legislative lobbyists for the legislative session need show only the expenditures for food and refreshments; living accommodations; travel; contributions; and such other categories as the commission shall prescribe by rule. Each individual expenditure of more than fifteen dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any legislator, or for or on behalf of any legislator. All contributions made to, or for the benefit of, any legislator shall be identified by date, amount, and the name of the legislator receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or rulemaking; the proposed rules, standards, rates, or other legislative enactments under chapter 34.04 RCW and chapter 28B.19 RCW (the state Administrative Procedure Acts) and the state agency considering the same; and the number of each senate or house bill, resolution, or other legislative activity which the lobbyist has been engaged in supporting or opposing during the reporting period: PROVIDED, That in the case of appropriations bills the lobbyist shall enumerate the specific section or sections which he supported or opposed.

Sec. 11. Section 18, chapter 1, Laws of 1973 and RCW 42.17.180 are each amended to read as follows:

Every employer of a lobbyist registered under this chapter during the preceding calendar year shall file with the commission on or before ((January)) March 31st of each year a statement disclosing for the preceding ((twelve months)) calendar year the following information:

(1) The name of each state elected official((;)) and the name of each candidate((; or)) for state office who was elected to such office and any member of ((his)) the immediate family of such persons to whom such employer has paid any compensation in the amount of five hundred dollars or more during the preceding calendar year for personal employment or professional services, including professional services rendered by a corporation, partnership, joint venture, association, union, or other entity in which such person holds any office, directorship, or any

general partnership interest, or an ownership interest of ten percent or more, the value of such compensation in accordance with the reporting provisions set out in RCW 42.17.240(2), as now or hereafter amended, and the consideration given or performed in exchange for such compensation.

(2) The name of ((any corporation, partnership, joint venture, association, union or other entity of which any elected official, candidate, or any member of his immediate family is a member, officer, partner, director, associate or employee and to which the employer has paid compensation, the value of such compensation and the consideration given or performed in exchange for such compensation:)) each state elected official, successful candidate for state office or members of his immediate family to whom the lobbyist employer made expenditures, directly or indirectly, either through a lobbyist or otherwise, the amount of such expenditures and the purpose for such expenditures: PROVIDED, That for the purposes of this subsection, the term expenditure shall not include any expenditure made by the employer in the ordinary course of business if such expenditure is not made for the purpose of influencing, honoring, or benefiting such elected official, successful candidate or member of his immediate family, as an elected official or candidate.

(3) The total expenditures made by the employer for lobbying purposes, whether through or on behalf of a registered lobbyist or otherwise.

(4) All contributions made to a candidate for state office, to a political committee supporting or opposing a candidate for state office, or to a political committee supporting or opposing a state-wide ballot proposition. Such contributions shall be identified by the name and the address of the recipient and the aggregate amount contributed to each such recipient.

(5) The name and address of each registered lobbyist employed by such employer.

(6) Such other information as the commission shall by rule prescribe.

Sec. 12. Section 19, chapter 1, Laws of 1973 and RCW 42.17.190 are each amended to read as follows:

(1) Every legislator and every committee of the legislature shall file with the commission quarterly reports listing the names, addresses, and salaries of all persons employed by the person or committee making the filing for the purpose of aiding in the preparation ~~((and))~~ or enactment of legislation or the performance of legislative duties of such legislator or committee during the preceding quarter. The reports shall be made in the form and the manner prescribed by the commission and shall be filed between the first and tenth days of each calendar quarter: PROVIDED, That the information required by this subsection may be supplied, insofar as it is available, by the chief clerk of the house of representatives or by the secretary of the senate on a form prepared by the commission.

(2) Unless expressly authorized by law, no state funds shall be used directly or indirectly for lobbying: PROVIDED, This shall not prevent state officers or employees from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the

proper performance of their official duties: PROVIDED FURTHER, That this subsection shall not apply to the legislative branch.

(3) Each state agency which expends state funds for lobbying pursuant to an express authorization by law or whose officers or employees communicate on legislation directly affecting the agency to members of the legislature on request of any member or communicate to the legislature requests for legislation (~~(or appropriations)~~) shall file with the commission quarterly statements providing the following information for the quarter just completed:

(a) The name of the agency filing the statement;

(b) The name, title, and job description and salary of each employee engaged in such legislative activity, a general description of the nature of his legislative activities, and the proportionate amount of his time spent on such activities(~~(;~~

~~(c) In the case of any communications to a member of the legislature in response to a request from the member, the name of the member making the request and the nature and subject of the request)).~~

The statements shall be in the form and the manner prescribed by the commission and shall be filed within thirty days after the end of the quarter covered by the report.

(4) The provisions of this section shall not relieve any state officer or any employee of a state agency from complying with other provisions of this chapter, if such officer or employee is not otherwise exempted.

Sec. 13. Section 24, chapter 1, Laws of 1973 and RCW 42.17.240 are each amended to read as follows:

(1) Every elected official (except president, vice president, and precinct committeemen) shall ~~((on or))~~ after January 1st and before January 31st of each year(;) and every candidate, and every person appointed to fill a vacancy in an elective office (except for the offices of president, vice president, and precinct committeeman) shall, within two weeks of becoming a candidate, or being appointed to such elective office, file with the commission a written statement sworn as to its truth and accuracy stating for himself and all members of his immediate family, for the preceding twelve months: PROVIDED, That no individual shall be required to file more than once in any calendar year:

(a) Occupation, name of employer, and business address; and

(b) Each ~~((direct financial interest in excess of five thousand dollars in a))~~ bank or savings account or ~~((cash surrender value of any))~~ insurance policy in which any such person or persons owned a direct financial interest which exceeded five thousand dollars at any time during such period; each other item of intangible personal property in which any such person or persons owned a direct financial interest ~~((in excess of))~~, the value of which exceeded five hundred dollars during such period; and the name, address, nature of entity, nature and highest value of each such direct financial interest during the reporting period; and

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt:

PROVIDED, That debts arising out of a "retail installment transaction" as defined in chapter 63.14 RCW (Retail Installment Sales Act) need not be reported; and

(d) Every public or private office, directorship and position as trustee held; and

(e) All persons for whom (~~actual or proposed~~) any legislation, or any rule((s)), rate((s)), or standard((s)) has been prepared, promoted, or opposed for current or deferred compensation: PROVIDED, That for the purposes of this subsection, "compensation" shall not include payments made to an elected official by the governmental entity for which such person serves as an elected official for his service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid; and

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of such compensation; and the consideration given or performed in exchange for such compensation; and

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and with respect to each such entity: (i) With respect to a governmental unit in which the elected official holds any elective office, if such entity has received compensation in any form during the preceding twelve months from such governmental unit, the value of such compensation and the consideration given or performed in exchange for such compensation; (ii) The name of each governmental ((entity)) unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which such entity has received compensation in any form in the amount of two thousand five hundred dollars or more during the preceding twelve months and the consideration given or performed in exchange for such compensation: PROVIDED, That the term "compensation" for purposes of this subsection (I)(g)(ii) shall not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing such service; (iii) The name, address, and occupation of every other director and/or officer of any bank or commercial lending institution, the name of which is required to be reported under this subsection or all interest paid by a borrower on loans from and all interest paid to a depositor by such bank or commercial lending institution if such interest exceeds six hundred dollars; and

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for such interest; and

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for such interest, and the name and address of the person furnishing such consideration; and

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: PROVIDED, That if a description of such property has been included in a report previously filed, such property may be listed, for purposes of this provision, by reference to such previously filed report;

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm or enterprise a ten percent or greater ownership interest was held; and

(l) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall by rule prescribe.

(2) Where an amount is required to be reported under subsection (1), paragraphs (a) through (k) of this section, it shall be sufficient to comply with such requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection shall be interpreted to prevent any person from filing more information or more detailed information than required.

(3) Elected officials and candidates reporting under this section shall not be required to file the statements required to be filed with the secretary of state under RCW 42.21.060.

Sec. 14. Section 26, chapter 1, Laws of 1973 and RCW 42.17.260 are each amended to read as follows:

(1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records. To the extent required to prevent an unreasonable invasion of personal privacy, an agency shall delete identifying details when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) Each agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after ~~((June 30, 1972))~~ January 1, 1973:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(3) An agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

(4) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if—

(a) It has been indexed in an index available to the public; or

(b) Parties affected have timely notice (actual or constructive) of the terms thereof.

(5) This chapter shall not be construed as giving authority to any agency to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies shall not do so unless specifically authorized or directed by law: PROVIDED, HOWEVER, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: PROVIDED FURTHER, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.04 RCW.

Sec. 15. Section 27, chapter 1, Laws of 1973 and RCW 42.17.270 are each amended to read as follows:

Public records shall be available (~~to any person~~) for inspection and copying, and agencies shall, upon request for identifiable public records, make them promptly available to any person. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. Agencies shall honor requests received by mail for identifiable public records unless exempted by provisions of this chapter.

Sec. 16. Section 29, chapter 1, Laws of 1973 and RCW 42.17.290 are each amended to read as follows:

Agencies shall adopt and enforce reasonable rules and regulations, consonant with the intent of this chapter to provide full public access to (~~official~~) public

records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency. Such rules and regulations shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information. Nothing in this section shall relieve agencies from honoring requests received by mail for copies of identifiable public records.

Sec. 17. Section 31, chapter 1, Laws of 1973 and RCW 42.17.310 are each amended to read as follows:

(1) The following shall be exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(d) Specific intelligence information and specific investigative ~~((files))~~ records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, except as the complainant may authorize: PROVIDED, That this subsection shall not apply to persons who file complaints with the public disclosure commission about any elected official or candidate for elective office: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pre-trial discovery for causes pending in the superior courts.

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records, exempt under the provisions of this section, may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records, is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 18. Section 32, chapter 1, Laws of 1973 and RCW 42.17.320 are each amended to read as follows:

Responses to requests for public records shall be made promptly by agencies. Denials of requests must be accompanied by a written statement of the specific reasons therefor. Agencies shall establish mechanisms for the most prompt possible review of decisions denying inspection, and such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action for the purposes of judicial review.

Sec. 19. Section 33, chapter 1, Laws of 1973 and RCW 42.17.330 are each amended to read as follows:

The examination of any specific public record may be enjoined if, upon motion and affidavit, the superior court for the county in which the movant resides or in which the record is maintained, finds that such examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions.

Sec. 20. Section 34, chapter 1, Laws of 1973 and RCW 42.17.340 are each amended to read as follows:

(1) Upon the motion of any person having been denied an opportunity to inspect or copy a public record by an agency, the superior court in the county in which a record is maintained may require the responsible agency to show cause why it has refused to allow inspection or copying of a specific public record or class of records. The burden of proof shall be on the agency to establish that refusal to permit public inspection and copying is required.

(2) Judicial review of all agency actions taken or challenged under RCW 42.17.250 through 42.17.320 shall be de novo. Courts shall take into account the policy of this chapter that free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. Courts may examine any record in camera in any proceeding brought under this section.

(3) Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court to award such person an amount not to exceed twenty-five dollars for each day that he was denied the right to inspect or copy said public record.

NEW SECTION. Sec. 21. There is added to chapter 42.17 RCW a new section to read as follows:

(1) Each lobbyist shall at the time he registers submit to the commission a recent three inch by five inch black-and-white photograph of himself together with the name of the lobbyist's employer, the length of his employment as a lobbyist before the legislature, a brief biographical description, and any other information he may wish to submit not to exceed fifty words in length; such photograph and information to be published at least annually in a booklet form by the commission for distribution to legislators and the public.

(2) There is established a fund to be known as the "lobbyists' booklet revolving fund" which shall consist of all receipts from sales of the booklets described in subsection (1) of this section. This fund shall be used for expenses of production and sale of such booklets and for no other purpose.

NEW SECTION. Sec. 22. There is added to chapter 42.17 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 42.17.260 through 42.17.340, as now or hereafter amended, no state college, university, library, or archive shall be required by chapter 42.17 RCW to make available for public inspection and copying any records or documents obtained by said college, university, library, or archive through or concerning any gift, grant, conveyance, bequest, or devise, the terms of which restrict or regulate public access to such records or documents: PROVIDED, That this section shall not apply to any public records as defined in RCW 40.14.010.

Sec. 23. Section 35, chapter 1, Laws of 1973 and RCW 42.17.350 are each amended to read as follows:

There is hereby established a "Public Disclosure Commission" which shall be composed of five members who shall be appointed by the governor, with the consent of the senate. All appointees shall be persons of the highest integrity and qualifications. No more than three members shall have an identification with the same political party. The original members shall be appointed within sixty days after the effective date of this act. The term of each member shall be five years except that the original five members shall serve initial terms of one, two, three, four, and five years, respectively, as designated by the governor. No member of the commission, during his tenure, shall (1) hold or campaign for elective office; (2) be an officer of any political party or political committee; (3) permit his name to be used, or make contributions, in support of or in opposition to any candidate or proposition; (4) participate in any way in any election campaign; or (5) lobby or employ or assist a lobbyist. No member shall be eligible for appointment to more than one full term. A vacancy on the commission shall be filled within thirty

days of the vacancy by the governor, with the consent of the senate, and the appointee shall serve for the remaining term of his predecessor. A vacancy shall not impair the powers of the remaining members to exercise all of the powers of the commission. Three members of the commission shall constitute a quorum. The commission shall elect its own chairman and adopt its own rules of procedure in the manner provided in chapter 34.04 RCW. Any member of the commission may be removed by the governor, but only upon grounds of neglect of duty or misconduct in office.

~~((Members))~~ Each member shall ((serve without compensation, but)) receive per diem in the amount of forty dollars in lieu of expenses for each day or portion thereof spent in performance of his duties as a member of the commission, and in addition shall be reimbursed for ((necessary traveling and lodging)) travel expenses actually incurred while engaged in the business of the commission as provided in chapter 43.03 RCW. The compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state.

Nothing in this section shall prohibit the commission, or any of its members or staff on the authority of the commission, from responding to communications from the legislature or any of its members or from any state agency or from appearing and testifying at an open public meeting (as defined by RCW 42.30.030) or a hearing to adopt rules held pursuant to RCW 34.04.025 on matters directly affecting the exercise of their duties and powers under this chapter.

**Sec. 24. Section 36, chapter 1, Laws of 1973 and RCW 42.17.360 are each amended as follows:*

The commission shall:

(1) Develop and provide forms for the reports and statements required to be made under this chapter;

(2) Prepare and publish ~~((a manual))~~ on or before July 1, 1976, manuals and information setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter;

(3) Prepare and publish on or before July 1st of each year cumulative supplements to previously published manuals and information or revised versions of previously published forms, manuals, and information which shall incorporate all pertinent changes which occurred during the preceding calendar year;

(4) Prepare and publish bulletins announcing pertinent changes, as they occur, in previously published forms, manuals, information, and supplements;

(5) Distribute all necessary and appropriate forms, manuals, information, supplements, and bulletins to;

(a) Each candidate (except for the offices of president, vice president, and precinct committeeperson): PROVIDED, That such distribution shall be made upon receipt by the commission of the statement of political committee organization required by RCW 42.17.040 from each such candidate or upon each such candidate's filing of a declaration of candidacy, whichever occurs first: PROVIDED, FURTHER, That such distribution may be made by the election officer with whom such declaration has been filed;

(b) Each political committee (except those which are only established to support the candidacy of a single individual): PROVIDED, That such distribution shall be made upon receipt by the commission of the statement of organization required by RCW 42.17.040 from such a political committee: PROVIDED, FURTHER, That such distribution may be made by the county auditor with whom such statement of organization has been filed;

(c) Each registered lobbyist: PROVIDED, That such distribution shall be made upon receipt by the commission of the lobbyist registration statement required by RCW 42.17.150 from such a lobbyist;

(d) Each legislator and each committee of the legislature: PROVIDED, That such distribution shall be made on or before January 1st of each year;

(e) Each sponsor of a grass roots lobbying campaign: PROVIDED, That such distribution shall be made upon receipt by the commission of the registration statement required by RCW 42.17.200 from such a sponsor;

(f) Each state agency: PROVIDED, That such distribution shall be made on or before January 1st of each year;

(g) Each public official who must file the report of financial affairs required by RCW 42.17.240: PROVIDED, That such distribution shall be made on or before December 1st of the year preceding the year during which such official is required to file such a report by RCW 42.17.240 and, in the case of a person appointed to fill a vacancy in an office, such distribution shall be made upon such appointment;

(h) Any other person, committee, or entity whose obligation to report under this chapter can be ascertained by the commission: PROVIDED, That such distribution shall be made according to such rules and regulations as the commission may prescribe;

(6) Respond in writing to each request for clarification or interpretation of this chapter within thirty days of receiving such a request: PROVIDED, That the commission, before responding in writing to a telephone request, may require the person making such a request to submit the request to the commission in written form: PROVIDED, FURTHER, That nothing in this subsection shall be construed so as to suspend the reporting obligation of any person making such a request during the time prior to such person's receipt of the commission's written response;

~~((3))~~ (7) Compile and maintain a current list of all filed reports and statements;

~~((4))~~ (8) Investigate whether properly completed statements and reports have been filed within the times required by this chapter;

~~((5))~~ (9) Upon complaint or upon its own motion, investigate and report apparent violations of this chapter to the appropriate law enforcement authorities: PROVIDED, That upon a finding by the commission that probable cause exists to believe that any party has committed an apparent violation of this chapter, said party shall be entitled to a hearing, and proceedings following the finding of probable cause shall be conducted pursuant to the provisions of chapter 34.04 RCW relating to contested cases;

~~((6))~~ (10) Prepare and publish an annual report to the governor as to the effectiveness of this chapter and its enforcement by appropriate law enforcement authorities;

(11) Working in conjunction with the senate and house standing committees on Constitution and elections, report to the next session of the legislature convened after January 1, 1976, recommendations with respect to the reporting requirements for elected officials. Such report shall contain a detailed analysis of the effect of present disclosure requirements and a review of federal and state banking laws and their relation to financial disclosure requirements. Such report must demonstrate that the recommendations contained therein will facilitate the purpose and intent of this chapter as set forth in RCW 42.17.010, as now or hereafter amended; and

~~((7))~~ (12) Enforce this chapter according to the powers granted it by law.

*Sec. 24. was vetoed, see message at end of chapter.

Sec. 25. Section 37, chapter 1, Laws of 1973 and RCW 42.17.370 are each amended to read as follows:

The commission is empowered to:

(1) Adopt, promulgate, amend, and rescind suitable administrative rules and regulations to carry out the policies and purposes of this chapter, which rules and regulations shall be promulgated pursuant to the provisions of chapter 34.04 RCW;

(2) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(3) Make from time to time, on its own motion, audits and field investigations;

(4) Make public the ~~((fact that an alleged or apparent violation has occurred and the nature thereof))~~ time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

(5) Administer oaths and affirmations, ~~((subpoena witnesses))~~ issue subpoenas, ((compel their attendance)) and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records which the commission deems relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;

(6) Adopt and promulgate a code of fair campaign practices;

(7) Relieve, by published regulation of general applicability, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars; and

(8) Enact regulations prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. The term "legislative information", for the purposes of this subsection, means books, pamphlets, reports, and other materials

prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his regular examination of each agency under chapter 43.09 RCW shall review such regulations, accounts, and reports and make appropriate findings, comments, and recommendations in his examination reports concerning those agencies.

(9) The commission, after hearing, by order approved and ratified by a majority of the membership of the commission, may suspend or modify any of the reporting requirements hereunder in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that such suspension or modification will not frustrate the purposes of the chapter. Any such suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required hereunder. Any citizen shall have standing to bring an action in Thurston county superior court to contest the propriety of any order entered hereunder within one year from the date of the entry of such order.

Sec. 26. Section 38, chapter 1, Laws of 1973 and RCW 42.17.380 are each amended to read as follows:

(1) The secretary of state, through his office, shall perform such ministerial functions as may be necessary to enable the commission to carry out its responsibilities under this chapter. The office of the secretary of state shall be designated as the place where the public may file papers or correspond with the commission and receive any form or instruction from the commission.

(2) The attorney general, through his office, shall supply such assistance as the commission may require in order to carry out its responsibilities under this chapter. The commission may employ attorneys who are neither the attorney general nor an assistant attorney general to carry out any function of the attorney general prescribed in this ~~((section))~~ chapter.

Sec. 27. Section 40, chapter 1, Laws of 1973 and RCW 42.17.400 are each amended to read as follows:

(1) The attorney general and the prosecuting authorities of political subdivisions of this state may bring civil actions in the name of the state for any appropriate civil remedy, including but not limited to the special remedies provided in RCW 42.17.390.

(2) The attorney general and the prosecuting authorities of political subdivisions of this state may investigate or cause to be investigated the activities of any person who there is reason to believe is or has been acting in violation of this chapter, and may require any such person or any other person reasonably believed to have information concerning the activities of such person to appear at a time and place designated in the county in which such person resides or is found, to give such information under oath and to produce all accounts, bills, receipts, books, paper and documents which may be relevant or material to any investigation authorized under this chapter.

(3) When the attorney general or the prosecuting authority of any political subdivision of this state requires the attendance of any person to obtain such information or the production of the accounts, bills, receipts, books, papers, and

documents which may be relevant or material to any investigation authorized under this chapter, he shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least fourteen days before the date fixed for attendance. Such order shall have the same force and effect as a subpoena, shall be effective state-wide, and, upon application of the attorney general or said prosecuting authority, obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the order were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in writing, and such action shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

(4) Any person who has notified the attorney general and the prosecuting attorney in the county in which the violation occurred in writing that there is reason to believe that some provision of this chapter is being or has been violated may himself bring in the name of the state any of the actions (hereinafter referred to as a citizen's action) authorized under this chapter. This citizen action may be brought only if the attorney general ((has)) and the prosecuting attorney have failed to commence an action hereunder within ((forty)) forty-five days after such notice and ((if the attorney general has failed to commence an action within ten days after a notice in writing delivered to the attorney general advising him that a citizen's action will be brought if the attorney general does not bring an action:)) such person has thereafter further notified the attorney general and prosecuting attorney that said person will commence a citizen's action within ten days upon their failure so to do, and the attorney general and the prosecuting attorney have in fact failed to bring such action within ten days of receipt of said second notice. If the person who brings the citizen's action prevails, ((he shall be entitled to one half of any judgment awarded, and to the extent the costs and attorney's fees he has incurred exceed his share of the judgment,)) the judgment awarded shall escheat to the state, but he shall be entitled to be reimbursed ((for such costs and fees)) by the state of Washington for costs and attorney's fees he has incurred: PROVIDED, That in the case of a citizen's action which is dismissed and which the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all costs of trial and reasonable attorney's fees incurred by the defendant.

(5) In any action brought under this section, the court may award to the state all costs of investigation and trial, including a reasonable attorney's fee to be fixed by the court. If the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages. If damages or trebled damages are awarded in such an action brought against a lobbyist, the judgment may be awarded against the lobbyist, and the lobbyist's employer or employers joined as defendants, jointly, severally, or both. If the defendant prevails, he shall be awarded all costs of trial, and may

be awarded a reasonable attorney's fee to be fixed by the court to be paid by the state of Washington.

NEW SECTION. Sec. 28. This 1975 amendatory 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.

NEW SECTION. Sec. 29. If any provision of this 1975 amendatory 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 9, 1975.

Passed the Senate June 9, 1975.

Approved by the Governor July 2, 1975 with the exception of section 24 which is vetoed.

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

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

"I am returning herewith without my approval as to one section Engrossed Substitute House Bill No. 827 entitled:

"AN ACT Relating to open government."

This bill makes a number of changes in RCW chapter 42.17, the Public Disclosure Act (Initiative 276).

Section 24(9) contains a proviso which would require the Public Disclosure Commission to hold formal hearings under the Administrative Procedure Act when it finds that "probable cause exists to believe that any party has committed an apparent violation of this chapter" Although the wording of the subsection is not clear, it would appear to require the commission to (1) find probable cause, (2) hold a hearing under the APA, and based on the evidence, (3) find an apparent violation, and (4) refer the matter to the appropriate enforcement agency.

A requirement to hold formal "contested case" hearings would make sense if it were coupled with a grant of authority enabling the Commission to impose administrative remedies or penalties, or determine private rights pursuant to such hearings. However, the commission has no such authority, and I believe a requirement of that kind without corresponding authority to impose administrative sanctions would be a hollow and useless form of due process.

I am advised also that this requirement would impose an enormous administrative burden on the Public Disclosure Commission for which it has no present capability to handle. In light of the lack of real need for this provision, I cannot accept this change.

For these reasons, I have determined to veto section 24 of the bill since I am unable to veto only the applicable subsection. With the exception of that section, the remainder of the bill is approved."

CHAPTER 295

[Substitute House Bill No. 867]

AGRICULTURAL WATER SUPPLY FACILITIES

AN ACT Relating to agricultural water supply facilities; making designations of funds; setting forth guidelines; adding new sections to chapter 43.83B RCW; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. The proceeds from repayment of any loans made for agricultural water supply facilities and the interest earned from such loans, any gifts, grants, or other funds provided to the state for agricultural water supply facilities, and any interest earned on the interim investment of such funds or proceeds shall be deposited in the state and local improvements revolving account—water supply facilities and shall be used exclusively for agricultural water supply facilities.

**NEW SECTION. Sec. 2. The department of ecology is authorized to make loans or grants or combinations thereof to eligible state or federal public bodies for the Second Bacon Siphon and Tunnel with the intent of recovering such funds to the extent feasible. With respect to loans, if any, approved for such purpose, interest rates shall not exceed that interest rate incurred by the state in its most recent sale of general obligation bonds to finance water supply facilities in accordance with this chapter. Such loans, if any, shall be repaid over a period not to exceed fifty years. The director of the department of ecology or his designee is authorized to make contractual agreements in accordance with provisions of this section on behalf of the state of Washington. Contractual agreements may include provisions to secure such loans. No contractual agreement authorized by this section shall be executed by the department of ecology without the review and approval by the department of the project plans and the concurrence of the technical advisory committee, created by section 6 of this act, of the project plans and contractual agreements: PROVIDED, That such funding for the Second Bacon Siphon and Tunnel, whether in the form of a grant, loan, or combination thereof, shall be contingent on approval by the ways and means committees of the senate and house of the department's negotiations on the funding and financing thereof with the United States Bureau of Reclamation and related federal and local agencies.*

**Sec. 2. was vetoed, see message at end of chapter.*

NEW SECTION. Sec. 3. The department of ecology is authorized to make loans or grants or combinations thereof to eligible public bodies as defined in RCW 43.83B.050 for rehabilitation or betterment of agricultural water supply facilities, and/or construction of agricultural water supply facilities required to develop new irrigated lands. The department of ecology may make such loans or grants or combinations thereof as matching funds in any case where federal, local, or other funds have been made available on a matching basis. A loan or combination loan and grant shall not exceed fifty percent of the approved eligible project costs for any single proposed project. Any grant or grant portion of a combination loan and grant for any single proposed project shall not exceed fifteen percent of the eligible project costs.

**NEW SECTION. Sec. 4. Loans or the loan portions of combination loans and grants shall be repayable with interest at rates established by the department of ecology and the technical advisory committee, but in no event shall the interest rates exceed that interest rate incurred by the state in its most recent sale of general obligation bonds to finance water supply facilities in accordance with this chapter. Such loans shall be repaid over a period not to exceed fifty years.*

**Sec. 4. was vetoed, see message at end of chapter.*

NEW SECTION. Sec. 5. In addition to the powers granted by sections 2 and 3 of this act, the director of the department of ecology or his designee is authorized to make contractual agreements in accordance with provisions of this chapter on behalf of the state of Washington. Contractual agreements shall include provisions to secure such loans, and shall assure the proper and timely payment of said loans or loan portions of combination loans and grants.

***NEW SECTION.** Sec. 6. There is hereby created a technical advisory committee whose purposes shall be to assist the department of ecology in:

- (1) Establishing criteria to determine project feasibility;
- (2) Reviewing and considering proposed projects for loans or grants or combinations thereof;
- (3) Developing criteria and standards based upon project feasibility for determining among potential projects those which will receive funding assistance;
- (4) Approving or disapproving projects for funding assistance; and
- (5) Establishing for each loan the rate of interest for use of loaned capital and determining the repayment period for each loan. No project shall be approved for funding without the concurrence of the technical advisory committee.

***Sec. 6. was vetoed, see message at end of chapter.**

***NEW SECTION.** Sec. 7. The technical advisory committee created by section 6 of this act shall be composed of seven members as follows:

- (1) The director of the department of ecology or his appointed representative;
- (2) The director of the department of agriculture or his appointed representative;
- (3) One member designated by the Washington state association of irrigation districts;
- (4) One member designated by the Washington state reclamation association;
- (5) The dean of the college of agriculture, Washington state university, or his appointed representative;
- (6) One member designated by the Washington state association of soil conservation districts; and
- (7) One member, not a state employee, appointed by the director of the department of ecology, at or before the second meeting of the technical advisory committee, with concurrence of the majority of the technical advisory committee members. The term for such member shall be three years: **PROVIDED**, That such member may be reappointed with the concurrence of the majority of the technical advisory committee members.

The appropriate authorities of the United States bureau of reclamation, the United States soil conservation service, and the state office of program planning and fiscal management shall each be asked to designate one *ex officio* member who shall not be eligible to vote or be the technical advisory committee chairman. In addition, the president of the senate shall appoint one member of the senate from each major political party and the speaker of the house of representatives shall appoint one member of the house of representatives from each major political party who shall also serve for a two-year term as *ex officio* members who shall not be eligible to vote or be the technical advisory committee chairman. The members of the legislature, who serve as *ex officio* members, shall collect data for reports to the agricultural committees of the senate and house of representatives

and for future legislative proposals, and shall be deemed engaged in legislative business while in attendance upon the business of the technical advisory committee and shall be limited to such allowances therefor as provided in chapter 43.03 RCW. Members of the technical advisory committee shall serve until replaced by their sponsoring entities, except for the member provided for in subsection (7) of this section.

The director of the department of ecology shall be responsible for calling the first meeting of the technical advisory committee and the director or his designee shall act as temporary chairman. At such meeting the committee shall elect its own chairman. Representatives of the departments of ecology and agriculture shall never be eligible to serve as chairman. Chairmen will serve one year terms. The committee shall have authority to establish its own rules and to set times and places of meetings. Staff support for the committee shall be provided by the department of ecology.

Members of the technical advisory committee who are not regular full time employees of a public agency or institution or elected members of the legislature shall serve without compensation but shall be reimbursed for travel and other expenses in the same manner as provided for state officials generally in chapter 43.03 RCW as now or hereafter amended.

*Sec. 7. was vetoed, see message at end of chapter.

*NEW SECTION. Sec. 8. The department of ecology and the technical advisory committee shall develop criteria for project evaluation and shall submit them to the standing ways and means committees of the senate and house of representatives, which committees shall approve or disapprove the criteria as being within the intent of this chapter, and no commitment or disbursement whatever shall be made under the authority of this act until such criteria shall have been approved. Subsequently, the department of ecology and the technical advisory committee annually shall submit a report to the ways and means committees of the senate and house of representatives for their review and comment.

*Sec. 8. was vetoed, see message at end of chapter.

*NEW SECTION. Sec. 9. The department of ecology and the technical advisory committee shall establish and announce, with adequate public notice, both an application period and a schedule to consider proposed projects.

*Sec. 9. was vetoed, see message at end of chapter.

*NEW SECTION. Sec. 10. Upon receiving applications the department of ecology shall determine whether all other available funds will be utilized to the maximum extent possible. Prior to any commitment of funds a feasibility report for each proposed project shall be submitted to the department of ecology and the technical advisory committee. This report shall contain sufficient data to demonstrate the project's engineering, economic, and financial feasibility. Any proposed project shall have a benefit-cost ratio greater than one in order to be economically feasible. Applications and supporting reports shall be evaluated on the basis of the established criteria.

*Sec. 10. was vetoed, see message at end of chapter.

*NEW SECTION. Sec. 11. At least once a year the department of ecology and the technical advisory committee shall, through a competitive selection process,

make a preliminary selection of those projects which will receive funding assistance. Within ninety days after the preliminary selection of the projects the department of ecology and the technical advisory committee, after providing adequate public notice to all interested parties, shall conduct a public hearing on the selected projects. After the public hearing the department of ecology and the technical advisory committee shall make the final selection of projects to be funded: *PROVIDED HOWEVER*, That the department shall inform the ways and means committees of the senate and house of representatives as to the projects which have been preliminarily selected for approval, and as to the proposed terms and conditions of financing related to each such project, at least 30 days prior to the commitment of any state funds under this act.

Proposed projects not selected for funding assistance may be considered during a subsequent funding period following petition by the applicants.

***Sec. 11. was vetoed, see message at end of chapter.**

***NEW SECTION.** *Sec. 12. Upon final selection of a project for funding assistance letters of intent may obligate appropriated funds subject to the execution of a contract within a period not to exceed two years from the date of the letter. Before a contractual agreement is made the department of ecology and the technical advisory committee must be satisfied that the nonstate share of any project financing has been assured.*

***Sec. 12. was vetoed, see message at end of chapter.**

***NEW SECTION.** *Sec. 13. The department of ecology and the technical advisory committee shall consider requests from existing public bodies operating irrigation systems for emergency loans to assist in the repair or replacement of systems rendered inoperable or impaired by some natural disaster. The department of ecology and the technical advisory committee may make such loans: *PROVIDED*, That contractual agreements are provided to assure proper and timely repayment: *PROVIDED FURTHER*, That emergency loans must be necessary to insure the timely and adequate delivery of water for the current or ensuing irrigation season.*

***Sec. 13. was vetoed, see message at end of chapter.**

NEW SECTION. *Sec. 14. In the course of considering applications under this chapter, the department of ecology shall make known to other state agencies possibilities which may arise to provide public benefits such as recreation or fish and wildlife enhancement in connection with proposed projects. Such agencies, including the department of ecology, are authorized to participate in said projects provided agency funds are made available to pay the full cost of their participation.*

***NEW SECTION.** *Sec. 15. Commitments and expenditures undertaken or incurred by the department of ecology for agricultural water supply facilities pursuant to this chapter prior to the effective date of this act shall not be subject to the provisions of sections 1 through 14 of this act.*

Section 2 of this act shall apply only to the Second Bacon Siphon and Tunnel.

Section 3 through 14 shall not apply to the Second Bacon Siphon and Tunnel except for the duties of the technical advisory committee set forth in section 2 of this act.

*Sec. 15. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 16. There is hereby appropriated to the department of ecology from the general fund—state and local improvements revolving account—water supply facilities (appropriated pursuant to chapter 128, Laws of 1972 ex. sess.—Referendum 27) for the biennium ending June 30, 1977, the sum of \$164,202, or so much thereof as shall be necessary, for administration and planning of agricultural water supply projects.

NEW SECTION. Sec. 17. 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. 18. Sections 1 through 15 of this act shall be added to chapter 43.83B RCW.

NEW SECTION. Sec. 19. 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 8, 1975.

Approved by the Governor July 2, 1975 with the exception of certain items which are vetoed.

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

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

"I am returning herewith without my approval as to certain sections Substitute House Bill No. 867 entitled:

"AN ACT Relating to agricultural water supply facilities."

The intent of the bill, insofar as it sets out a general policy and limitations on the use of Referendum 27 funds for agricultural water supply facilities, is highly commendable. Until the present time, there has been no clear statutory delineation of how these funds are to be used. Furthermore, the establishment of specific criteria to determine project feasibility and relative priority of proposed projects is highly desirable.

Section 6 of the bill creates what is purported to be a technical "advisory" committee vested with wide-ranging policy-making responsibilities and substantive powers in regard to project criteria and selection, interest rates, repayment periods, and other matters. Although I have no objection to the creation of such a committee in an advisory capacity and do not doubt its potential value, I cannot accept the premise that the intent of the Legislature and the duties assigned to the department under the bill can be more effectively achieved through the division of responsibilities between the committee and the department. The delegation of substantive functions to a committee consisting of diverse and potentially conflicting interests may well delay and inhibit legislative directives and unduly complicate the achievement of the purposes of the bill. I believe the tasks can be performed more promptly and efficiently by the Department of Ecology, particularly to the extent that legislative intent is clearly defined and adequate staff funding provided. I would not hesitate to approve a bill containing sections substantially the same as herein vetoed but charging the department with the primary responsibility for administering the bill.

I further cannot accept the provisions of sections 2 and 8 which require the approval of the Ways and Means Committees of each house of financing arrangements and project criteria relating to the expenditure of Referendum 27 funds. As I have set out more fully in my veto message attached to Substitute House Bill 111 dated

March 17, 1975, I believe these provisions constitute an encroachment into executive functions by legislative committees and further question whether this is a valid delegation of legislative power.

With the exception of sections 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, and 15 which I have vetoed for the foregoing reasons, the remainder of Substitute House Bill 867 is approved."

CHAPTER 296

[Engrossed Substitute Senate Bill No. 2408]
PUBLIC EMPLOYMENT RELATIONS

AN ACT Relating to public employment labor relations; amending section 28A.72.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.020; amending section 28A.72.060, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 52, Laws of 1969 ex. sess. and RCW 28A.72.060; amending section 28A.72.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.080; amending section 1, chapter 115, Laws of 1973 1st ex. sess. and RCW 28A.72.100; amending section 2, chapter 196, Laws of 1971 ex. sess. as amended by section 1, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.020; amending section 5, chapter 196, Laws of 1971 ex. sess. as amended by section 3, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.060; amending section 7, chapter 196, Laws of 1971 ex. sess. as amended by section 5, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.080; amending section 3, chapter 108, Laws of 1967 ex. sess. as amended by section 2, chapter 131, Laws of 1973 and RCW 41.56.030; amending section 5, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.050; amending section 6, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.060; amending section 7, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.070; amending section 8, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.080; amending section 9, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.090; amending section 10, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.100; amending section 2, chapter 59, Laws of 1973 and RCW 41.56.122; amending section 3, chapter 59, Laws of 1973 and RCW 41.56.125; amending section 3, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.160; amending section 4, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.170; amending section 5, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.180; amending section 6, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.190; amending section 3, chapter 131, Laws of 1973 and RCW 41.56.440; amending section 4, chapter 131, Laws of 1973 and RCW 41.56.450; amending section 7, chapter 131, Laws of 1973 and RCW 41.56.480; amending section 43.22.260, chapter 8, Laws of 1965 as last amended by section 11, chapter 16, Laws of 1973 2nd ex. sess. and RCW 43.22.260; amending section 43.22.270, chapter 8, Laws of 1965 as last amended by section 12, chapter 16, Laws of 1973 2nd ex. sess. and RCW 43.22.270; amending section 47.64.010, chapter 13, Laws of 1961 and RCW 47.64.010; amending section 47.64.030, chapter 13, Laws of 1961 and RCW 47.64.030; amending section 47.64.040, chapter 13, Laws of 1961 and RCW 47.64.040; amending section 1, chapter 58, Laws of 1903 and RCW 49.08.010; amending section 2, chapter 58, Laws of 1903 and RCW 49.08.020; amending section 3, chapter 101, Laws of 1967 and RCW 53.18.030; adding a new chapter to Title 41 RCW; and repealing section 47.64.020, chapter 13, Laws of 1961 and RCW 47.64.020.

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

NEW SECTION. Section 1. (1) It is the intent of the legislature by the adoption of this 1975 amendatory act to provide, in the area of public employment, for the more uniform and impartial (a) adjustment and settlement of complaints, grievances, and disputes arising out of employer-employee relations and, (b) selection and certification of bargaining representatives by transferring jurisdiction of such matters to the public employment relations commission from other boards and commissions. It is further the intent of the legislature, by such transfer, to achieve more efficient and expert administration of public labor relations administration and to thereby ensure the public of quality public services.

(2) Nothing contained in this 1975 amendatory act shall be construed to alter any existing collective bargaining unit or the provisions of any existing bargaining agreement.

(3) Nothing contained in this 1975 amendatory act shall be construed to alter any power or authority regarding the scope of collective bargaining in the employment areas affected by this 1975 amendatory act, but this amendatory act shall be construed as transferring existing jurisdiction and authority to the public employment relations commission.

(4) Nothing contained in this 1975 amendatory act shall be construed to prohibit the consideration or adjustment of complaints or grievances by the public employer.

**NEW SECTION. Sec. 2. (1) There is hereby created the public employment relations commission (hereafter called the "commission") to administer the provisions of this chapter. The commission shall consist of three members who shall be citizens appointed by the governor by and with the advice and consent of the senate: PROVIDED, That no member appointed when the legislature was not in session shall continue to be a member of the commission after the thirtieth day of the next legislative session unless his appointment shall have been approved by the senate. One of the original members shall be appointed for a term of three years, one for a term of four years, and one for a term of five years. Their successors shall be appointed for terms of five years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. Commission members shall be eligible for reappointment. The governor shall designate one member to serve as chairman of the commission. Any member of the commission may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.*

(2) No person may be appointed, reappointed, or continue to serve as a member of the commission who is employed by the state or any agency or subdivision thereof, or who is employed by an association of persons employed by the state or any agency or subdivision thereof.

(3) In making citizen member appointments initially, and subsequently thereafter, the governor shall be cognizant of the desirability of appointing persons knowledgeable in the area of labor relations in the state.

(4) A vacancy in the commission shall not impair the right of the remaining members to exercise all of the powers of the commission, and two members of the commission shall, at all times, constitute a quorum of the commission.

(5) The commission shall at the close of each fiscal year make a report in writing to the legislature and to the governor stating the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the commission, and an account of all moneys it has disbursed.

***Sec. 2. was vetoed, see message at end of chapter.**

**NEW SECTION. Sec. 3. (1) Each member of the commission shall be paid fifty dollars for each day in which he has actually attended a meeting of the commission officially held. The members of the commission may receive any number of daily payments for official meetings of the commission actually attended. Members of the commission shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally in chapter 43.03 RCW.*

(2) *The commission shall appoint an executive director whose annual salary shall be determined under the provisions of RCW 43.03.028. He shall perform such duties and have such powers as the commission shall prescribe in order to carry out the provisions of this chapter, including assisting employees and employers in the settlement of labor disputes through mediation and fact-finding. The executive director, with such assistance as may be provided by the attorney general and such additional legal assistance consistent with chapter 43.10 RCW, shall have authority on behalf of the commission, in matters concerning the investigation of charges and issuances of complaints under this chapter.*

(3) *The commission shall employ such employees as it may from time to time find necessary for the proper performance of its duties, consistent with the provisions of this chapter.*

(4) *All of the expenses of the commission, including all necessary traveling and subsistence expenses outside the city of Olympia incurred by the members or employees of the commission under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the commission or by any individual it designates for that purpose.*

***Sec. 3. was vetoed, see message at end of chapter.**

NEW SECTION. Sec. 4. (1) It shall be the duty of the commission, in order to prevent or minimize interruptions growing out of labor disputes, to assist employers and employees to settle such disputes through mediation and fact-finding.

(2) The commission, through the director, may proffer its services in any labor dispute involving a political subdivision, municipal corporation, or the community college system of the state, either upon its own motion or upon the request of one or more of the parties to the dispute, whenever in its judgment such dispute threatens to cause a substantial disruption to the public welfare.

(3) If the director is not able to bring the parties to agreement by mediation within a reasonable time, he shall seek to induce the parties to voluntarily seek other means of settling the dispute without resort to strike or other coercion, including submission to the employees in the bargaining unit of the employer's last offer of settlement for approval or rejection in a secret ballot. The failure or refusal of either party to agree to any procedure suggested by the director shall not be deemed a violation of any duty or obligation imposed by this chapter.

(4) Final adjustment by a method agreed upon by the parties is declared to be the desirable method for settlement of grievance disputes arising over the application or interpretation of an existing collective bargaining agreement. The commission is directed to make its mediation and fact-finding services available in the settlement of such grievance disputes only as a last resort.

NEW SECTION. Sec. 5. The principal office of the commission shall be in the city of Olympia, but it may meet and exercise any or all of its powers at any other place in the state.

NEW SECTION. Sec. 6. In order to prevent or minimize disruptions to the public welfare growing out of labor disputes, employers and employees and their representatives shall:

(1) Exert every reasonable effort to make and maintain agreements concerning rates of pay, hours, and working conditions, including provision for adequate notice of any proposed change in the terms of such agreements;

(2) Whenever a dispute arises over the terms or application of a collective bargaining agreement and a conference is requested by a party or prospective party thereto, arrange promptly for such a conference to be held and endeavor in such conference to settle such dispute expeditiously; and

(3) In case such dispute is not settled by conference, participate fully and promptly in such meetings as may be undertaken by the commission under this chapter for the purpose of aiding in a settlement of the dispute.

NEW SECTION. Sec. 7. The board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the administrative procedure act, chapter 34.04 RCW, such rules and regulations as may be necessary to carry out the provisions of this chapter.

Sec. 8. Section 28A.72.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.020 are each amended to read as follows:

As used in this chapter:

"Employee organization" means any organization which includes as members certificated employees of a school district and which has as one of its purposes the representation of the employees in their employment relations with the school district.

"Certificated employee" means any employee holding a regular teaching certificate of the state and who is employed by any school district with the exception of the chief administrative officer of each local district.

"Commission" means the public employment relations commission.

Sec. 9. Section 28A.72.060, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 52, Laws of 1969 ex. sess. and RCW 28A.72.060 are each amended to read as follows:

In the event that any matter being jointly considered by the employee organization and the board of directors of the school district is not settled by the means provided in this chapter, either party, twenty-four hours after serving written notice of their intended action to the other party, may request the assistance and advice of ~~((a committee composed of educators and school directors appointed by the state superintendent of public instruction. This committee shall make a written report with recommendations to both parties within twenty calendar days of receipt of the request for assistance. Any recommendations of the committee shall be advisory only and not binding upon the board of directors or the employee organization))~~ the commission.

Sec. 10. Section 28A.72.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.080 are each amended to read as follows:

~~((Boards of directors of school districts))~~ The commission shall adopt reasonable rules and regulations for the administration of employer-employee relations under this chapter.

Sec. 11. Section 1, chapter 115, Laws of 1973 1st ex. sess. and RCW 28A.72.100 are each amended to read as follows:

Notwithstanding the provisions of chapter 28A.72 RCW or any other law, rule or regulation, school principals and assistant principals shall be considered to be certificated employees unless a majority elect by secret ballot to be excluded from this definition at an election conducted pursuant to rules and regulations of the ~~((office of the superintendent of public instruction))~~ commission. Should the principals and assistant principals within a school district choose pursuant to this section to be excluded from the definition of certificated employee, the provisions of chapter 28A.72 RCW shall have equal application to them separately and the term "certificated employee" as used in chapter 28A.72 RCW shall be used interchangeably to also refer to principals and assistant principals: PROVIDED, That negotiations between the employer and the bargaining representative of the principals and assistant principals shall be limited in scope to school district policies respecting solely the compensation, hours of work and the duration of employment contracts, of principals and assistant principals. Nothing in this section shall be construed to annul or modify, or to preclude the renewal or continuation of, any lawful agreement heretofore entered into between any school district and any representative of its employees.

Sec. 12. Section 2, chapter 196, Laws of 1971 ex. sess. as amended by section 1, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.020 are each amended to read as follows:

As used in this chapter:

"Employee organization" means any organization which includes as members the academic employees of a community college district and which has as one of its purposes the representation of the employees in their employment relations with the community college district.

"Academic employee" means any teacher, counselor, librarian, or department head, who is employed by any community college district, with the exception of the chief administrative officer of, and any administrator in, each community college district.

"Administrator" means any person employed either full or part time by the community college district and who performs administrative functions as at least fifty percent or more of his assignments, and has responsibilities to hire, dismiss, or discipline other employees. Administrators shall not be members of the bargaining unit unless a majority of such administrators and a majority of the bargaining unit elect by secret ballot for such inclusion pursuant to rules and regulations as adopted in accordance with RCW 28B.52.080.

"Commission" means the public employment relations commission.

Sec. 13. Section 5, chapter 196, Laws of 1971 ex. sess. as amended by section 3, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.060 are each amended to read as follows:

~~((In addition to the authority to convene an impasse committee, the director of the state system of community colleges))~~ The commission is authorized to conduct fact-finding and mediation activities upon the consent of both parties as a means of assisting in the settlement of unresolved matters considered under this chapter.

In the event that any matter being jointly considered by the employee organization and the board of trustees of the community college district is not settled by the means provided in this chapter, either party, twenty-four hours after serving

written notice of its intended action to the other party, may, ~~((with the concurrence of the director,))~~ request the assistance and advice of ~~((a committee appointed by the director. This committee may make a written report with recommendations to both parties within twenty calendar days of receipt of the request for assistance. Any recommendations of the committee shall be advisory only and not binding upon the board of trustees or the employee organization.~~

~~The state board for community college education is authorized to make rules governing the operations of impasse committees))~~ the commission.

Sec. 14. Section 7, chapter 196, Laws of 1971 ex. sess. as amended by section 5, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.080 are each amended to read as follows:

~~((Boards of trustees of community college districts))~~ The commission shall adopt reasonable rules and regulations for the administration of employer-employee relations under this chapter. The boards may request the services of the ~~((department of labor and industries))~~ commission to assist in the conduction of certification elections as provided for in RCW 28B.52.030.

Sec. 15. Section 3, chapter 108, Laws of 1967 ex. sess. as amended by section 2, chapter 131, Laws of 1973 and RCW 41.56.030 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) ~~((Department means the department of labor and industries))~~ "Commission" means the public employment relations commission.

(6) "Uniformed personnel" means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of

AA counties or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended.

Sec. 16. Section 5, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.050 are each amended to read as follows:

In the event that a public employer and public employees are in disagreement as to the selection of a bargaining representative the ((department)) commission shall be invited to intervene as is provided in RCW 41.56.060 through 41.56.090.

Sec. 17. Section 6, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.060 are each amended to read as follows:

The ((department)) commission, after hearing upon reasonable notice, shall decide in each application for certification as an exclusive bargaining representative, the unit appropriate for the purpose of collective bargaining. In determining, modifying, or combining the bargaining unit, the ((department)) commission shall consider the duties, skills, and working conditions of the public employees; the history of collective bargaining by the public employees and their bargaining representatives; the extent of organization among the public employees; and the desire of the public employees. The ((department)) commission shall determine the bargaining representative by (1) examination of organization membership rolls, (2) comparison of signatures on organization bargaining authorization cards, or (3) by conducting an election specifically therefor.

Sec. 18. Section 7, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.070 are each amended to read as follows:

In the event the ((department)) commission elects to conduct an election to ascertain the exclusive bargaining representative, and upon the request of a prospective bargaining representative showing written proof of at least thirty percent representation of the public employees within the unit, the ((department)) commission shall hold an election by secret ballot to determine the issue. The ballot shall contain the name of such bargaining representative and of any other bargaining representative showing written proof of at least ten percent representation of the public employees within the unit, together with a choice for any public employee to designate that he does not desire to be represented by any bargaining agent. Where more than one organization is on the ballot and neither of the three or more choices receives a majority vote of the public employees within the bargaining unit, a run-off election shall be held. The run-off ballot shall contain the two choices which received the largest and second-largest number of votes. No question concerning representation may be raised within one year of a certification or attempted certification. Where there is a valid collective bargaining agreement in effect, no question of representation may be raised except during the period not more than ninety nor less than sixty days prior to the expiration date of the agreement. Any agreement which contains a provision for automatic renewal or extension of the agreement shall not be a valid agreement; nor shall any agreement be valid if it provides for a term of existence for more than three years.

Sec. 19. Section 8, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.080 are each amended to read as follows:

The bargaining representative which has been determined to represent a majority of the employees in a bargaining unit shall be certified by the ((department))

commission as the exclusive bargaining representative of, and shall be required to represent, all the public employees within the unit without regard to membership in said bargaining representative: PROVIDED, That any public employee at any time may present his grievance to the public employer and have such grievance adjusted without the intervention of the exclusive bargaining representative, if the adjustment is not inconsistent with the terms of a collective bargaining agreement then in effect, and if the exclusive bargaining representative has been given reasonable opportunity to be present at any initial meeting called for the resolution of such grievance.

Sec. 20. Section 9, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.090 are each amended to read as follows:

The ~~((department))~~ commission shall promulgate, revise or rescind such rules and regulations as it may deem necessary or appropriate to administer the provisions of this chapter in conformity with the intent and purpose of this chapter and consistent with the best standards of labor-management relations.

Sec. 21. Section 10, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.100 are each amended to read as follows:

A public employer shall have the authority to engage in collective bargaining with the exclusive bargaining representative and no public employer shall refuse to engage in collective bargaining with the exclusive bargaining representative: PROVIDED, That nothing contained herein shall require any public employer to bargain collectively with any bargaining representative concerning any matter which by ordinance, resolution or charter of said public employer has been delegated to any civil service commission or personnel board similar in scope, structure and authority to the board created by chapter 41.06 RCW. Upon the failure of the public employer and the exclusive bargaining representative to conclude a collective bargaining agreement, any matter in dispute may be submitted by either party to the ~~((state mediation service of the department of labor and industries))~~ commission.

Sec. 22. Section 2, chapter 59, Laws of 1973 and RCW 41.56.122 are each amended to read as follows:

A collective bargaining agreement may:

(1) Contain union security provisions: PROVIDED, That nothing in this section shall authorize a closed shop provision: PROVIDED FURTHER, That agreements involving union security provisions must safeguard the right of nonassociation of public employees based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member. Such public employee shall pay an amount of money equivalent to regular union dues and initiation fee to a nonreligious charity or to another charitable organization mutually agreed upon by the public employee affected and the bargaining representative to which such public employee would otherwise pay the dues and initiation fee. The public employee shall furnish written proof that such payment has been made. If the public employee and the bargaining representative do not reach agreement on such matter, the ~~((department of labor and industries))~~ commission shall designate the charitable organization. When there is a conflict between any collective bargaining agreement reached by a public employer and a bargaining

representative on a union security provision and any charter, ordinance, rule, or regulation adopted by the public employer or its agents, including but not limited to, a civil service commission, the terms of the collective bargaining agreement shall prevail.

(2) Provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement.

Sec. 23. Section 3, chapter 59, Laws of 1973 and RCW 41.56.125 are each amended to read as follows:

In addition to any other method for selecting arbitrators, the parties may request the ~~((department of labor and industries))~~ public employment relations commission to, and the ~~((department))~~ commission shall, appoint a qualified person who may be an employee of the ~~((department))~~ commission to act as an arbitrator to assist in the resolution of a labor dispute between such public employer and such bargaining representative arising from the application of the matters contained in a collective bargaining agreement. The arbitrator shall conduct such arbitration of such dispute in a manner as provided for in the collective bargaining agreement: PROVIDED, That the ~~((department))~~ commission shall not collect any fees or charges from such public employer or such bargaining representative for services performed by the ~~((department))~~ commission under the provisions of this chapter: PROVIDED FURTHER, That the provisions of chapter 49.08 RCW shall have no application to this chapter.

Sec. 24. Section 3, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.160 are each amended to read as follows:

The ~~((department))~~ commission is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. This power shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law.

Sec. 25. Section 4, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.170 are each amended to read as follows:

Whenever a charge has been made concerning any unfair labor practice, the ~~((department))~~ commission shall have power to issue and cause to be served a complaint stating the charges in that respect, and containing a notice of hearing before the ~~((department))~~ commission at a place therein fixed to be held not less than seven days after the serving of said complaint. Any such complaint may be amended by the ~~((department))~~ commission any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint within five days after the service of such original or amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint. In the discretion of the ~~((department))~~ commission, any other person may be allowed to intervene in the said proceedings and to present testimony. In any such proceeding the ~~((department))~~ commission shall not be bound by technical rules of evidence prevailing in the courts of law or equity.

Sec. 26. Section 5, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.180 are each amended to read as follows:

For the purpose of all hearings and investigations, which, in the opinion of the ((department)) commission, are necessary and proper for the exercise of the powers vested in it by RCW 41.56.140 through 41.56.190, the ((department)) commission shall at all reasonable times have access to, for the purposes of examination, and the right to examine, copy or photograph any evidence, including payrolls or lists of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The ((department)) commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the ((department)) commission. The ((department)) commission, or any agent, or agency designated by the ((department)) commission for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence.

Sec. 27. Section 6, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.190 are each amended to read as follows:

The ((department)) commission, or any party to the ((department)) commission proceedings, thirty days after the ((department)) commission has entered its findings of fact, shall have power to petition the superior court of the state within the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, or if such court be on vacation or in recess, then to the superior court of any county adjoining the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was made and the findings and order of the ((department)) commission. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the ((department)) commission.

Sec. 28. Section 3, chapter 131, Laws of 1973 and RCW 41.56.440 are each amended to read as follows:

Negotiations between representatives of the public employer and uniformed personnel shall be commenced at least five months prior to the submission of the budget to the legislative body of the public employer. If after a forty-five day period of negotiation between representatives of the public employer and uniformed personnel, an agreement has not been concluded, then an impasse is declared to exist, and either party may voluntarily submit the matters in dispute to mediation, as provided for in RCW 41.56.100. If the parties have still not reached agreement after a ten day period of mediation, a fact-finding panel shall be created in the following manner: Each party shall appoint one member within two days; the two appointed members shall then choose a third member within two days who shall act as chairman of the panel. If the two members so appointed cannot agree

within two days to the appointment of a third member, either party may request, and the ((department)) commission shall name a third member who shall be chairman of the fact-finding panel and who may be an employee of the ((department)) commission. The panel shall begin hearings on the matters in dispute within five days of the formation of the fact-finding panel and shall conclude such hearings and issue findings of fact and recommendations to the parties within thirty days of the date upon which hearings were commenced.

Reasonable notice of such hearings shall be given to the parties who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. Minutes of the proceedings shall be taken. Any oral or documentary evidence and other data deemed relevant by the panel may be received in evidence. The panel shall have the power to administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements, and documents as may be deemed by the panel material to a just determination of the issues in dispute and to issue subpoenas. Costs of each party's appointee shall be paid by the party, and the costs of proceedings otherwise shall be borne by the ((department)) commission.

In making its findings, the fact-finding panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards of guidelines to aid it in developing its recommendations, it shall take into consideration those factors set forth in RCW 41.56.460.

Sec. 29. Section 4, chapter 131, Laws of 1973 and RCW 41.56.450 are each amended to read as follows:

If an agreement has not been reached within forty-five days after mediation and fact-finding has commenced, an arbitration panel shall be created in the following manner: Each party shall submit a list of three persons to the ((director, who)) commission, which shall then name one from each list as members to the panel, all within two days. The two appointed members shall utilize one of the two following options in the appointment of the third member, who shall act as chairman of the panel: (1) By mutual consent, the two appointed members may jointly request the ((department)) commission, and the ((department)) commission shall appoint a third member within two days of such request. Costs of each party's appointee shall be borne by each party respectively; other costs of the arbitration proceedings shall be borne by the ((department)) commission; or (2) The two appointed members shall choose a third member within two days. The costs of each party's appointee shall be borne by each party respectively, and the costs of the proceedings otherwise shall be shared equally between the parties.

If the two members so appointed under alternative (2) cannot agree within two days to the appointment of a third member, either party may apply to the superior court of the county where the labor disputes exist and request that the third member of the panel be appointed as provided by RCW 7.04.050. The panel thus composed shall be deemed an agency of the executive director and a state agency for the purposes of this 1973 amendatory act. The panel shall hold hearings on the matters in dispute within five days after the formation of the arbitration panel and take oral or written testimony.

Reasonable notice of such hearings shall be given to the parties who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. A recording of the proceedings shall be taken. Any oral or documentary evidence and other data deemed relevant by the panel may be received in evidence. The panel shall have the power to administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements and documents as may be deemed by the panel material to a just determination of the issues in dispute and to issue subpoenas. If any person refuses to obey such subpoena or refuses to be sworn to testify, or any witness, party or attorney of a party is guilty of any contempt while in attendance at any hearing held hereunder, the panel may invoke the jurisdiction of the superior court in the county where a labor dispute exists and such court shall have jurisdiction to issue an appropriate order. Any failure to obey such order may be punished by the court as a contempt thereof.

The hearing conducted by the panel shall be concluded within twenty days of the time of commencement and, within fifteen days after conclusion of the hearings, the chairman shall make written findings of fact and a written determination of the dispute based upon the issues presented, a copy of which shall be mailed or otherwise delivered to the employees' negotiating agent or its attorney or other designated representative and to the employer or the employer's attorney or designated representative. The decision made by the panel shall be final and binding upon both parties, subject to review by the superior court upon the application of either party solely upon the question of whether the decision of the panel was arbitrary or capricious.

Sec. 30. Section 7, chapter 131, Laws of 1973 and RCW 41.56.480 are each amended to read as follows:

If the representative of either or both the uniformed personnel and the public employer refuse to submit to the procedures set forth in RCW 41.56.440 and 41.56.450, the parties, or the ~~((department))~~ commission on its own motion, may invoke the jurisdiction of the superior court for the county in which the labor dispute exists and such court shall have jurisdiction to issue an appropriate order. A failure to obey such order may be punished by the court as a contempt thereof. A decision of the arbitration panel shall be final and binding on the parties, and may be enforced at the instance of either party, the arbitration panel or the ~~((department))~~ commission in the superior court for the county where the dispute arose.

Sec. 31. Section 43.22.260, chapter 8, Laws of 1965 as last amended by section 11, chapter 16, Laws of 1973 2nd ex. sess. and RCW 43.22.260 are each amended to read as follows:

The director of labor and industries shall appoint and deputize an assistant director, to be known as the supervisor of industrial relations, who shall ~~((be the state mediator, and))~~ have charge and supervision of the division of industrial relations.

With the approval of the director, he may appoint an assistant to be known as the industrial statistician, and an assistant to be known as the supervisor of employment standards and may appoint and employ ~~((such assistant mediators,))~~

experts, clerks, and other assistants as may be necessary to carry on the work of the division.

Sec. 32. Section 43.22.270, chapter 8, Laws of 1965 as last amended by section 12, chapter 16, Laws of 1973 2nd ex. sess. and RCW 43.22.270 are each amended to read as follows:

The director of labor and industries shall have the power, and it shall be his duty, through and by means of the division of industrial relations:

(1) ~~((To promote mediation in, conciliation concerning, and the adjustment of, industrial disputes, in such manner and by such means as may be provided by law;~~

~~(2)))~~ (2) To study and keep in touch with problems of industrial relations and, from time to time, make public reports and recommendations to the legislature;

~~((3)))~~ (2) To, with the assistance of the industrial statistician, exercise all the powers and perform all the duties in relation to collecting, assorting, and systematizing statistical details relating to labor within the state, now vested in, and required to be performed by, the secretary of state, and to report to, and file with, the secretary of state duly certified copies of the statistical information collected, assorted, systematized, and compiled, and in collecting, assorting, and systematizing such statistical information to, as far as possible, conform to the plans and reports of the United States department of labor;

~~((4)))~~ (3) To, with the assistance of the industrial statistician, make such special investigations and collect such special statistical information as may be needed for use by the department or division of the state government having need of industrial statistics;

~~((5)))~~ (4) To, with the assistance of the supervisor of employment standards, supervise the administration and enforcement of all laws respecting the employment and relating to the health, sanitary conditions, surroundings, hours of labor, and wages of employees employed in business and industry in accordance with the provisions of chapter 49.12 RCW;

~~((6)))~~ (5) To exercise all the powers and perform all the duties, not specifically assigned to any other division of the department of labor and industries, now vested in, and required to be performed by, the commissioner of labor;

~~((7)))~~ (6) To exercise such other powers and perform such other duties as may be provided by law.

Sec. 33. Section 47.64.010, chapter 13, Laws of 1961 and RCW 47.64.010 are each amended to read as follows:

Words and phrases used in this chapter shall have the meaning in this chapter ascribed to them except where, from the context thereof, they shall clearly have a contrary meaning:

(1) "Washington toll bridge authority" and "authority," "toll bridge authority" shall be used herein interchangeably and shall mean the Washington toll bridge authority as now, or as hereafter constituted by law, or such board, commission, authority, or officers as shall succeed to its duties;

(2) ~~((¹¹Marine employee commission" and "commission" shall be used herein interchangeably and shall mean the marine employee commission as prescribed herein))~~ "Commission" means public employment relations commission;

(3) "Ferry" shall mean any ferry, ferry system, wharves, terminals constructed or acquired under the authority of the Washington toll bridge authority;

(4) "Employee" shall mean any person employed aboard ferries, wharves, or terminals acquired or constructed under the authority of the Washington toll bridge authority.

Sec. 34. Section 47.64.030, chapter 13, Laws of 1961 and RCW 47.64.030 are each amended to read as follows:

The authority is empowered to negotiate and to enter into labor agreements with its employees or their representatives, including provisions for health and welfare benefits for its employees to be financed either wholly or in part by contributions from the operating fund. The commission shall have the authority to administer labor relations and to adjudicate all labor disputes on the best interests of the efficient operation of any ferry or ferry system. In adjudicating disputes, the commission shall take into consideration that though an individual employee shall be free to decline to associate with his fellow employees, it is necessary that he have full freedom of association, self-organization and designation of representatives of his own choosing who shall represent him in all respects before the ~~((commission))~~ authority to negotiate the terms and conditions of his employment and before the commission for the settlement of his labor disputes. The commission shall make such surveys of wages, hours and working conditions as it deems necessary, shall consider the prevailing practices for similarly skilled trades in the area in which the employee is employed~~((, and))~~. The commission shall adjust complaints, grievances and disputes concerning labor arising out of the operation of the ferry or ferry system.

Sec. 35. Section 47.64.040, chapter 13, Laws of 1961 and RCW 47.64.040 are each amended to read as follows:

Any employee, employee's representative, or Washington toll bridge authority claiming labor disputes shall in writing notify the ~~((marine employee))~~ commission who shall make careful inquiry into the cause thereof and issue an order in writing advising the employee, or his representative, and the authority as to the decision of the commission.

The parties shall be entitled to offer evidence relating to disputes at all hearings conducted by the commission. All evidence, statements and testimony in any commission hearing under this chapter shall be transcribed and preserved by the commission and be available as a public record. The orders and awards of the ~~((marine employee))~~ commission shall be final and binding upon any employee or employees or their representatives affected thereby and upon the Washington toll bridge authority.

The commission shall by regulation prescribe its rules of procedure.

The commission shall have the authority to subpoena any employee or employees, or their representatives, and any member or representative of the Washington toll bridge authority, and any witnesses. The commission shall have power to require attendance of witnesses and the production of all pertinent records at any hearings held by the commission. The subpoenas of the commission shall be enforceable by order of any superior court in the state of Washington for the county within which such proceedings may be pending.

Sec. 36. Section 1, chapter 58, Laws of 1903 and RCW 49.08.010 are each amended to read as follows:

It shall be the duty of the ~~((director of labor and industries))~~ chairman of the public employment relations commission upon application of any employer or employee having differences, as soon as practicable, to visit the location of such differences and to make a careful inquiry into the cause thereof and to advise the respective parties, what, if anything, ought to be done or submitted to by both to adjust said dispute and should said parties then still fail to agree to a settlement through said ~~((director))~~ chairman, then said ~~((director))~~ chairman shall endeavor to have said parties consent in writing to submit their differences to a board of arbitrations to be chosen from citizens of the state as follows, to wit: Said employer shall appoint one and said employees acting through a majority, one, and these two shall select a third, these three to constitute the board of arbitration and the findings of said board of arbitration to be final.

Sec. 37. Section 2, chapter 58, Laws of 1903 and RCW 49.08.020 are each amended to read as follows:

The proceedings of said board of arbitration shall be held before the ~~((director of labor and industries))~~ chairman of the public employment relations commission who shall act as moderator or chairman, without the privilege of voting, and who shall keep a record of the proceedings, issue subpoenas and administer oaths to the members of said board, and any witness said board may deem necessary to summon.

Sec. 38. Section 3, chapter 101, Laws of 1967 and RCW 53.18.030 are each amended to read as follows:

In determining which employee organization will represent them, employees shall have maximum freedom in exercising their right of self-organization.

Controversies as to the choice of employee organization within a port shall be submitted to ~~((arbitration in accordance with RCW 49.08.010))~~ the public employment relations commission. Employee organizations may agree with the port district to independently resolve jurisdictional disputes: PROVIDED, That when no other procedure is available the procedures of RCW 49.08.010 shall be followed in resolving such disputes. In such case the ~~((director of labor and industries))~~ chairman of the public employment relations commission shall, at the request of any employee organization, arbitrate any dispute between employee organizations and enter a binding award in such dispute.

NEW SECTION. Sec. 39. Section 47.64.020, chapter 13, Laws of 1961 and RCW 47.64.020 are each repealed.

NEW SECTION. Sec. 40. Sections 1 through 7 of this 1975 amendatory act shall constitute a new chapter in Title 41 RCW.

Passed the Senate April 2, 1975.

Passed the House June 3, 1975.

Approved by the Governor July 2, 1975, with the exception of two sections which are vetoed.

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

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

"I am returning herewith without my approval as to two sections Engrossed Senate Bill No. 2408 entitled:

"AN ACT Relating to public employment relations."

This bill creates a new commission on employment relations to administer many of the mediation and fact-finding duties presently vested in the Department of Labor and Industries and is intended to consolidate dispute settlement mechanisms in the public employment sector in one single agency.

The new commission set up by the bill consists of three members appointed by the Governor with the advice and consent of the Senate. A proviso appearing in section 2 specifies that unless a member appointed when the Legislature is not in session is confirmed by the Senate during the first thirty days of the next session, that member's appointment shall be deemed rejected.

On this same date I have vetoed a section from Substitute Senate Bill No. 2500 containing an identical proviso with respect to the commission created under that bill. As stated in my message attached to that bill, I believe it is bad policy to allow the Senate to, in effect, reject an appointment to the commission by inaction. A governor goes on record in making an appointment; if the law requires confirmation by the Senate, that body should be required to go on record as confirming or rejecting the appointment. Otherwise there is no way for the record to show to the governor, the appointee, and the public those who opposed the appointment and the reasons for their opposition.

Section 3 of the bill contains a subsection which provides that all expenses of the commission, including travel expenses incurred by members and staff, shall be allowed and paid on approval by the commission itself or by someone designated by the commission for that purpose. I am concerned that this section could be interpreted to mandate approval of all gravel and subsistence expenses incurred, whether such expenses conform to the standards and limits set in RCW chapter 43.03 and regulations promulgated thereunder. I question the need for this subsection in any event, since existing law well covers the limits of and procedures for payment of necessary expenses

I recognize that the veto of sections 2 and 3 would render the rest of the bill virtually unworkable, and therefore urge the Legislature to redraft the same at the next opportune moment. With the exception of those two sections, the remainder of the bill is approved."

CHAPTER 297

[Engrossed Senate Bill No. 2422]

HANDICAPPED PERSONS— SPECIAL PARKING PRIVILEGES

AN ACT Relating to handicapped persons; amending section 1, chapter 128, Laws of 1961 as amended by section 26, chapter 32, Laws of 1967 and RCW 46.16.380; amending section 2, chapter 128, Laws of 1961 and RCW 46.61.580; declaring an emergency and providing an effective date.

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

Section 1. Section 1, chapter 128, Laws of 1961 as amended by section 26, chapter 32, Laws of 1967 and RCW 46.16.380 are each amended to read as follows:

Any person who shall submit satisfactory proof to the director that he or she has lost both of his or her lower extremities, or who has lost the normal or full use thereof, or who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair, shall be entitled to receive ((for one motor vehicle only;)) a special ((~~dec~~) card to be ((~~affixed to the~~) left in a vehicle in a conspicuous

place (~~designated by the director~~), bearing distinguishing marks, letters or numerals indicating that the vehicle is (~~owned by~~) being used to transport such a privileged person. Such a privileged person shall also be entitled to receive for one motor vehicle only, a special decal to be affixed to the vehicle in a conspicuous place designated by the director, bearing distinguishing marks, letters or numerals indicating that the vehicle is owned by or primarily used for such a privileged person. Whenever such owner transfers or assigns his interest in such vehicle, the special decal shall be removed. Such person shall immediately surrender the decal to the director together with a notice of the transfer of interest in such vehicle. If another vehicle is acquired by, or for the primary use of, such person, a new decal shall be issued by the director. Application for renewal, except for the permanently disabled who shall be issued a permanent card, must be made by January 10th of each renewal year together with satisfactory proof of the right to continued use of such special card and decal. No additional fees shall be charged for the issuance of such special card and decal. The director shall promulgate such rules and regulations as he deems necessary to carry into effect this section.

Any unauthorized use of such distinguishing card and decal shall constitute a gross misdemeanor.

Sec. 2. Section 2, chapter 128, Laws of 1961 and RCW 46.61.580 are each amended to read as follows:

Any person who has lost both of his or her lower extremities, or who has lost the normal or full use thereof, or who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair, shall be allowed to park (~~his~~) a vehicle being used to transport such person for unlimited periods of time in parking zones or areas which are otherwise restricted as to the length of time parking is permitted. This section shall have no application to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. Such person shall not be permitted the foregoing privilege unless he obtains and displays a distinguishing card or decal as provided in RCW 46.16.380.

**NEW SECTION. Sec. 3. 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 on July 1, 1975.*

**Sec. 3. was vetoed, see message at end of chapter.*

Passed the Senate June 8, 1975.

Passed the House June 7, 1975.

Approved by the Governor July 2, 1975 with the exception of section 3 which is vetoed.

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

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

"I am returning herewith without my approval as to one section Engrossed Senate Bill No. 2422 entitled:

"AN ACT Relating to handicapped persons."

This bill provides for special parking privileges to vehicles transporting persons with severe physical handicaps or disabilities.

Section 3 declares an emergency and provides for the act to take effect immediately. I have, on several recent occasions, expressed my increasing apprehension

over repeated and unwarranted use of emergency clauses in bills that do not measure up to the standard of urgency contained in Article II, section 1(b) of our Constitution. I have vetoed emergency clauses from such bills, and must do so again for the same reason in the case of this bill.

With the exception of section 3 which I have vetoed, the remainder of Engrossed Senate Bill No. 2422 is approved."

PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT
1975 REGULAR SESSION FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 1975

HOUSE JOINT RESOLUTION NO. 19

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to the Constitution of the state of Washington by adding a new article to read as follows:

Article ____ . Section 1. To the extent permitted by the Constitution of the United States, and notwithstanding any other provision of the Constitution of the state of Washington to the contrary, the legislature may provide assistance for students of public and private schools, and for students of public and private institutions for post secondary or higher education, for the purpose of advancing their education, regardless of the creed or religious affiliation of the students, or the creed or religious affiliation, influence, or nature of the educational entity which they attend.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House February 13, 1975.

Passed the Senate March 5, 1975.

Filed in Office of Secretary of State March 10, 1975.

PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT 1975
FIRST
EXTRAORDINARY SESSION FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 1975

SENATE JOINT RESOLUTION NO. 101

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in the state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to the Constitution of the state of Washington repealing all of Article IV as amended by Amendment 25, Amendment 28, Amendment 38, Amendment 41, and Amendment 50, and adopting in lieu thereof as Article IVA the following:

**ARTICLE IVA
THE JUDICIAL SYSTEM**

Article IVA, section 1. **JUDICIAL SYSTEM.** (1) **Court System.** The judicial power of the state shall be vested in a judicial system which shall be divided into one supreme court, a court of appeals, a superior court, a district court and such other courts as may be established by law.

(2) **Court of Record.** The supreme court, the court of appeals, and the superior court shall be courts of record. Any other court may be made a court of record by law.

(3) **Right of Review.** All parties shall be entitled to at least one review, except in civil cases of minor significance as designated by law. A trial de novo, as authorized by law, does not constitute a review.

(4) **Operations.** When necessary for the effective administration of justice, justices and judges may, pursuant to law, be directed or permitted to perform, temporarily, judicial duties in any court of record. Any justice or judge may also, upon request and at his discretion, temporarily perform judicial duties in any court not of record. Retired justices or judges may, upon request and at their discretion, temporarily perform judicial duties in any court as provided by law.

(5) **Decisions.** All determinations of causes by any court shall be documented as required by law or rule.

(6) **Decision Time Limits.** The legislature, by law, shall prescribe time limits from the time of the submission of the cause within which decisions shall be rendered. The time limits shall not be less than six months for the supreme court, not less than four months for the court of appeals, and not less than three months for the superior court.

(7) **Funding.** The legislature shall provide the method of funding the operations of the courts to the extent it deems necessary.

(8) The judicial branch of the government of the state shall be subject to fiscal post-audit by the state auditor of receipts and expenditures of public funds within its control to the extent provided by law.

Article IVA, section 2. **SUPREME COURT.** (1) **Number.** The supreme court shall be not less than five nor more than nine justices as may be provided by law.

(2) **Writs and Process.** The supreme court shall have discretionary jurisdiction in habeas corpus, quo warranto, mandamus, certiorari, review and prohibition. It shall also have the power to issue writs, including such writs as the legislature may ordain, and process necessary or appropriate to secure justice to the parties and in aid of its jurisdiction.

(3) **Appellate Jurisdiction.** The supreme court shall have appellate jurisdiction over all judgments imposing a sentence of death or life imprisonment and shall have power to assume appellate jurisdiction over any other court decision. Appellate jurisdiction of decisions of other courts or administrative agencies shall be exercised as provided by law or by rule authorized by law.

Article IVA, section 3. **COURT OF APPEALS.** (1) **Number.** The number of judges of the court of appeals shall be as provided by law.

(2) **Jurisdiction.** The jurisdiction of the court of appeals shall be as provided by law or rule authorized by law.

Article IVA, section 4. SUPERIOR COURT. (1) Number. The number of judges of the superior court shall be as provided by law.

(2) Jurisdiction. The superior court shall have original jurisdiction in all cases except as to any limited original or concurrent jurisdiction as may be assigned to other courts by the legislature. The superior court shall also have such appellate jurisdiction as may be assigned by law. Judges of the superior court shall have the power to issue writs, including such writs as the legislature may ordain, and process necessary or appropriate to secure justice to parties and in aid of its jurisdiction.

Article IVA, section 5. DISTRICT COURTS. (1) Number. The number of judges of the district court shall be as provided by law.

(2) Jurisdiction. The district court shall have such jurisdiction as may be assigned by the legislature, provided, such courts shall not have jurisdiction of felonies or in civil cases where the boundaries or title to real property shall be in question.

Article IVA, section 6. JUDGES PRO TEMPORE. A case in the superior court or district court may be tried by a judge, pro tempore, who must be admitted to the practice of law in the state of Washington, agreed upon by the parties litigant or their attorneys of record, approved by the court and sworn to try the case. Such service shall not preclude such person from holding another public office during or after his service as a judge pro tempore.

Article IVA, section 7. ELIGIBILITY OF JUSTICES AND JUDGES. To be eligible for appointment or election to a judicial position in a court of record, the person must be domiciled within the state, a citizen of the United States, and admitted to the practice of law in the state of Washington. To be eligible for appointment or election to a judicial position in a district court, the person must meet all of the requirements of a judge sitting in a court of record except that a person who has been elected and has served as a justice of the peace or as a district court judge in Washington shall not be required to be admitted to the practice of law in the state of Washington.

Article IVA, section 8. ELECTION, APPOINTMENT AND TERMS OF JUSTICES AND JUDGES. (1) Method. Justices and judges shall be elected by the electorate as provided by law: PROVIDED, No person who meets the qualifications in Article IVA, section 7, other than a judge removed from office pursuant to Article IVA, section 13(3), shall be precluded from filing as a candidate for election to a judicial position.

(2) Term of Office. The term of office for justices of the supreme court and for judges of the court of appeals shall be six years and for judges of the superior court and the district court four years commencing on the second Monday in January following the election of the justice or judge. The term of office for judges of any other courts as may be established by the legislature shall be as provided by law.

(3) Vacancies in Judicial Positions. If a vacancy occurs in the office of a justice of the supreme court or a judge of the court of appeals or the superior court, the governor shall appoint a person residing in the electoral area served by such court to hold the office until the election and qualification of a justice or judge to fill the vacancy, which election shall take place at the next succeeding general election,

SJR 101 PROPOSED CONSTITUTIONAL AMENDMENTS

and the justice or judge so elected shall hold office for the remainder of the unexpired term. A vacancy in the office of a judge of a district court or of a judge of any other courts as may be established by the legislature shall be filled as provided by law.

(4) **Electorate.** The electorate of the entire state shall vote on justices of the supreme court. The electorate for other judges shall be as provided by law.

(5) **Times of Voting.** Justices and judges shall be voted on at general elections unless provided otherwise by law.

(6) **Nonpartisan.** All judicial elections shall be nonpartisan.

Article IVA, section 9. OATHS. Every justice and judge shall, before entering upon the duties of his office, take and subscribe an oath that he will support the Constitutions of the United States and of the state of Washington, and will faithfully and impartially discharge his judicial duties to the best of his ability, which oath shall be filed in the office of the secretary of state.

Article IVA, section 10. COMPENSATION. Compensation for justices and judges shall be fixed and paid as provided by law but shall not be diminished during the term of a justice or judge.

Article IVA, section 11. RESTRICTION. (1) **Practice of Law and Other Employment.** No justice or judge of a court of record or full time district court judge shall engage in the practice of law or hold other employment inconsistent with canons of judicial conduct during the time in which he holds office.

(2) **Politics.** Any justice or judge shall, during his tenure in office, be ineligible to hold any other office or public employment other than a judicial office; nor shall he make contributions for the election of any public official nor engage in any political activities inconsistent with canons of judicial conduct.

Article IVA, section 12. RETIREMENT. Any justice or judge shall retire from office at the end of the calendar year in which the age of seventy-five years is attained. The legislature may provide for a lesser age for mandatory retirement, not earlier than the end of the calendar year in which any justice or judge attains the age of seventy years.

Article IVA, section 13, DISCIPLINE AND REMOVAL. (1) **Judicial Qualifications Commission.** There shall be a commission on judicial qualifications. The commission shall be composed of an appellate court judge, appointed by the chief justice, a superior court judge, selected by the superior court judges, a district court judge, selected by the district court judges, two lawyers admitted to the practice of law in the state of Washington appointed by the bar association of the state and four lay citizens selected by the governor. Procedures of the commission and the terms of office of its members shall be prescribed by law.

(2) **Powers of Commission.** The judicial qualifications commission for cause may recommend to the supreme court that any justice or judge be suspended, removed or otherwise disciplined for misconduct in office or for willful or persistent failure to perform his duties or for conduct prejudicial to the administration of justice that brings the judicial office into disrepute. The commission may also recommend to the supreme court that a justice or judge be retired for disability seriously interfering with the performance of his duties which is of a permanent character.

(3) Supreme Court Review. Upon a recommendation for disciplinary action by the judicial qualifications commission, the supreme court shall hold a hearing to review the records of the proceedings of the commission on the law and facts, and in its discretion, may order retirement, suspension, removal, or any other appropriate discipline as it finds just and proper. Upon an order for involuntary retirement for a permanent disability, the justice or judge shall thereby be retired with the same rights and privileges as if he retired pursuant to law. Upon an order for removal, the justice or judge shall thereby be removed from office and his salary shall cease from the date of such order. On the entry of an order for retirement or for removal, the office shall be deemed vacant.

Article IVA, section 14. THE CHIEF JUSTICE. (1) Selection and Term. The chief justice shall be selected from the elected membership of the supreme court by a majority vote of the court for a term of four years and shall serve at the pleasure of the court. He may be selected to not more than two consecutive terms as chief justice upon a majority vote of the court, but no such selection shall extend the term of a justice. The term of the chief justice first selected shall commence on the effective date of this article and continue for the term herein provided and until his successor is selected by the court.

(2) Administrative Role. The chief justice shall be the chief administrative officer of the judicial system of the state of Washington and shall supervise and direct the performance of the management and administrative duties of the judicial system and shall preside at sessions of the supreme court. The supreme court may select an acting chief justice from the membership of the supreme court pursuant to rule to perform the duties of the chief justice in his absence.

Article IVA, section 15. PROCEDURE. The supreme court shall have authority to adopt rules for the procedure of all courts.

Article IVA, section 16. MANAGEMENT AND ADMINISTRATION. (1) Responsibility. Responsibility for the management and administration of the judicial system shall be vested in the supreme court and exercised pursuant to supreme court rule unless provided otherwise by law.

(2) Court Administrator. The supreme court shall appoint a court administrator and such other personnel as the court may deem necessary to aid the administration of the courts.

(3) Administrative Regions. The state may be divided into judicial regions for administrative purposes pursuant to supreme court rule. A region may embrace one or more trial court levels and one or more counties.

(4) Chief Judge. The judges of such administrative regions as shall be created by supreme court rule shall select one of their members to serve as chief administrative judge. Such chief administrative judge shall serve for such period of time as may be provided by supreme court rule. Subject to rules of the supreme court, the chief administrative judge of a region shall have general administrative authority over all courts within his region.

Article IVA, section 17. COURT COMMISSIONERS. The legislature may, by law, provide for court commissioners for each trial court level.

Article IVA, section 18. CHARGING JURIES. Judges shall not charge juries with respect to matters of fact, nor comment thereon, but shall declare the law.

SJR 101 PROPOSED CONSTITUTIONAL AMENDMENTS

Article IVA, section 19. **CLERK OF THE SUPERIOR COURT.** The county clerk shall be, by virtue of his office, clerk of the superior court.

Article IVA, section 20. **TRANSITION AND SAVINGS.** The adoption of this article shall not be construed to affect any existing right acquired under any statute, rule, regulation, resolution, ordinance, or order promulgated pursuant to and taking its validity from such superseded constitutional provision; nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor the term of office, or appointment or employment of any person appointed or elected thereunder. All rights coming into existence and occurring on or after the effective date of this article shall be governed by the provisions of this article as though the article superseded hereby never existed.

Article IVA, section 21. **EFFECTIVE DATE.** This article, if approved by the voters, will become effective on the tenth day of January, 1977.

Article IVA, section 22. **NEW ARTICLE.** Sections 1 through 20 of this joint resolution shall constitute a new article number IVA in the Constitution of the state of Washington.

Article IVA, section 23. **REPEALER.** The following article of the Constitution of the state of Washington, or parts thereof, or amendments thereto, are each hereby repealed:

- (1) Article IV, sections 1 through 30.
- (2) Amendment 25.
- (3) Amendment 28.
- (4) Amendment 38.
- (5) Amendment 41.
- (6) Amendment 50.

BE IT FURTHER RESOLVED, That the secretary of state shall cause the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the Senate May 27, 1975.

Passed the House May 23, 1975.

Filed in Office of Secretary of State May 29, 1975.

**PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT 1975
FIRST**

**EXTRAORDINARY SESSION FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 1975**

SUBSTITUTE SENATE JOINT RESOLUTION NO. 127

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the general election to be held in this state on the first Tuesday next succeeding the first Monday in November, 1975, there shall be submitted to the qualified electors of this state, for their approval and ratification, or rejection, a proposal to amend Article XXVIII of the Constitution of the state of Washington by amending section 1 thereof to read as follows:

PROPOSED CONSTITUTIONAL AMENDMENTS SSJR 127

Article XXVIII, section 1. All elected state officials shall each severally receive such compensation as the legislature may direct. The compensation of any state officer shall not be ~~((increased or))~~ diminished during his term of office ~~((, except that the legislature, at its thirty-first regular session, may increase or diminish the compensation of all state officers whose terms exist on the Thursday after the second Monday in January, 1949))~~. No member of the legislature, during the term for which he is elected, shall be appointed to any civil office in the state which shall have been created, or the emoluments of which shall have been increased, by the legislature during the term for which he was elected. Salaries for members of the legislature shall be fixed by an independent commission created by law for that purpose. No state official, member or former member of the state legislature, state employee, or official or employee of a political subdivision, municipal corporation, or special district of the state, or person required to register with a state agency as a lobbyist, shall be a member of the commission. No less than sixty percent of the membership of the commission shall be chosen by lot by the secretary of state from among the registered voters of the state, with one member from each congressional district. The balance of the membership shall be appointed as provided by law. All persons selected by lot or appointed shall possess the qualifications required by law of jurors. All persons chosen shall be confirmed by a superior court judge designated by the chief justice of the supreme court who shall examine each person for interest, prejudice, and competency. Persons who by reasons of prejudice, interest, or incompetency are found to be incapable of discharging their duties as members of the commission shall be disqualified and shall be replaced by persons chosen in the same manner in which the disqualified person was originally chosen. The term of office of the members of the commission shall be as determined by law, and no member of the commission may be removed except for cause specified by law, following a hearing by a tribunal of three superior court judges appointed by the chief justice of the supreme court. Any change of salary shall be filed with the secretary of state and shall become law ninety days thereafter without action of the legislature or governor, but shall be subject to referendum petition by the people, filed within said ninety days. Referendum measures under this section shall be submitted to the people at the next following general election, and shall be otherwise governed by the provisions of this Constitution generally applicable to referendum measures. The salaries fixed pursuant to this section shall supersede any other provision for the salaries of members of the legislature. Sections 13 and 23 of Article II are hereby repealed, and the provisions of sections 14, 16, 17, 19, 20, 21, and 22 of Article III and section ~~((23))~~ 1 of Article II insofar as they are inconsistent herewith, are hereby repealed.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendments to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the Senate June 8, 1975.

Passed the House June 8, 1975.

Filed in Office of Secretary of State June 11, 1975.

INDEX AND TABLES

(For both sessions, regular and extraordinary, 1975)

Tables

Cross reference; Bill No. to Chapter No.....	1355
RCW sections affected by 1975 laws.....	1359
Session law sections affected by 1975 laws.....	1378
Subject Index	1408

AUTHENTICATION

I, Richard O. White, Code Reviser of the State of Washington, do hereby certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by the provisions of RCW 44.20.060, the laws published herein are a true and correct reproduction of the copies of the enrolled laws of the 1975 Regular Session and the 1975 1st Ex. Sess. (1st Extraordinary Session of the 44th Legislature) as certified and transmitted to the Statute Law Committee by the Secretary of State pursuant to RCW 44.20.020.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Olympia, Washington, this fifteenth day of August, 1975.



Richard O. White

RICHARD O. WHITE
Code Reviser

TABLE: BILL NO. TO CHAPTER NO.

Bill Number	Chapter Number Laws of 1975	Bill Number	Chapter Number Laws of 1975
SENATE BILLS		SB 2192	17 E1
		SB 2194	89 E1
		(Ref. 35)	
SB 2021	8 E1	SB 2199	4
SB 2024	46 E1	SB 2203	6 E1
SB 2026	3 E1	SB 2205	56
SB 2032	137 E1	SB 2210	284 E1
SB 2033	1	SSB 2211	242 E1
SB 2035	50	SB 2215	1 E1
SB 2041	22	SB 2218	47 E1
SB 2046	259 E1	SB 2220	31
SB 2047	175 E1	SB 2226	261 E1
SB 2049	19	SB 2227	141 E1
SB 2051	23	SB 2233	32
SB 2055	24	SSB 2235	57 E1
SB 2058	61	SSB 2241	179 E1
SB 2070	176 E1	SB 2242	48 E1
SB 2071	94 E1	SSB 2249	77 E1
SB 2074	25 E1	SB 2250	33
SB 2077	76 E1	SSB 2252	63
SB 2078	25	SB 2253	97 E1
SB 2079	9 E1	SSB 2258	78 E1
SB 2080	52	SSB 2259	34
SB 2081	20	SB 2265	285 E1
SB 2082	64	SB 2266	35
SSB 2086	95 E1	SB 2268	4 E1
SSB 2092	260 E1	SB 2271	98 E1
SB 2096	5 E1	SB 2278	99 E1
SB 2097	7	SSB 2280	270 E1
SB 2105	62	SB 2292	192 E1
SB 2106	177 E1	SB 2297	49 E1
SB 2107	26	SB 2300	26 E1
SB 2108	240 E1	SB 2306	180 E1
SB 2109	138 E1	SB 2309	142 E1
SSB 2110	54 E1	SB 2310	165 E1
SB 2114	214 E1	SSB 2322	79 E1
SB 2117	96 E1	SB 2328	100 E1
SSB 2123	131 E1	SB 2331	36
SB 2124	139 E1	SB 2332	133 E1
SSB 2125	29 E1	SB 2334	264 E1
SB 2126	140 E1	SB 2346	243 E1
SB 2127	10 E1	SB 2348	215 E1
SB 2128	21	SB 2384	11 E1
SB 2131	55 E1	SB 2385	101 E1
SSB 2133	126 E1	SB 2386	181 E1
SB 2141	51	SB 2393	102 E1
SB 2143	56 E1	SB 2395	128 E1
SB 2146	178 E1	SB 2401	286 E1
SB 2147	27	SB 2402	12 E1
SSB 2150	7 E1	SB 2403	287 E1
SB 2163	8	SSB 2408	296 E1
SB 2167	55	SB 2411	80 E1
SB 2169	127 E1	SB 2416	129 E1
SB 2170	28	SB 2422	297 E1
SB 2171	2 E1	SSB 2423	173 E1
SB 2172	241 E1	SB 2434	81 E1
SB 2177	29	SSB 2443	182 E1
SB 2182	30	SB 2453	103 E1
SSB 2183	30 E1		

"E1" Denotes 1st ex. sess.

TABLE: BILL NO. TO CHAPTER NO.

Bill Number	Chapter Number Laws of 1975	Bill Number	Chapter Number Laws of 1975
HB 171	168 E1	HB 422	120 E1
HB 172	169 E1	HB 423	160 E1
HB 173	254 E1	SHB 427	279 E1
HB 174	220 E1	SHB 428	227 E1
HB 175	63 E1	HB 431	43 E1
HB 176	274 E1	HB 436	228 E1
SHB 177	34 E1	HB 437	271 E1
SHB 183	64 E1	HB 451	22 E1
SHB 184	157 E1	HB 456	18
HB 189	116 E1	HB 461	46
SHB 198	266 E1	HB 464	161 E1
HB 199	45	HB 467	162 E1
HB 205	275 E1	HB 468	121 E1
SHB 206	276 E1	HB 474	24 E1
SHB 207	221 E1	HB 475	122 E1
SHB 208	14 E1	SHB 479	203 E1
SHB 211	277 E1	HB 480	123 E1
SHB 212	166 E1	SHB 484	124 E1
HB 218	38 E1	HB 486	21 E1
SHB 219	65 E1	SHB 527	125 E1
HB 226	5	HB 530	163 E1
HB 230	255 E1	HB 537	47
SHB 239	117 E1	HB 544	37 E1
SHB 246	35 E1	HB 561	256 E1
SHB 249	196 E1	HB 573	44 E1
HB 265	148 E1	HB 578	211 E1
HB 267	158 E1	HB 587	267 E1
HB 276	16	SHB 591	292 E1
HB 278	213 E1	HB 595	150 E1
HB 279	53	HB 606	204 E1
SHB 294	222 E1	HB 612	229 E1
HB 295	87 E1	HB 619	164 E1
HB 305	118 E1	HB 620	212 E1
HB 307	68 E1	HB 627	66 E1
SHB 308	69 E1	SHB 651	39 E1
HB 310	223 E1	HB 665	45 E1
HB 311	36 E1	HB 675	293 E1
HB 314	149 E1	SHB 693	230 E1
HB 316	48	HB 695	231 E1
HB 324	20 E1	SHB 720	232 E1
HB 338	70 E1	HB 733	208 E1
HB 339	71 E1	HB 750	72 E1
SHB 340	159 E1	HB 760	73 E1
HB 344	224 E1	SHB 762	209 E1
HB 350	225 E1	HB 763	170 E1
HB 354	278 E1	HB 774	280 E1
HB 366	42 E1	SHB 788	171 E1
HB 377	15 E1	HB 796	233 E1
HB 383	202 E1	HB 798	234 E1
HB 385	93 E1	HB 806	74 E1
HB 388	119 E1	SHB 818	281 E1
SHB 389	67 E1	HB 825	205 E1
SHB 395	54	SHB 827	294 E1
HB 406	17	SHB 860	268 E1
SHB 409	92 E1	HB 861	16 E1
SHB 409	195 E1	SHB 866	269 E1
HB 410	60	SHB 867	295 E1
SHB 413	226 E1	SHB 932	152 E1

"E1" Denotes 1st ex. sess.

TABLE: BILL NO. TO CHAPTER NO.

Bill Number		Chapter Number Laws of 1975
HB	962	257 E1
SHB	972	258 E1
SHB	1007	263 E1
HB	1026	198 E1
HB	1029	172 E1
HB	1031	153 E1
HB	1035	206 E1
HB	1043	235 E1
HB	1050	75 E1
HB	1051	207 E1
HB	1075	91 E1
HB	1077	282 E1
SHB	1078	200 E1
SHB	1091	88 E1
SHB	1141	272 E1
SHB	1143	236 E1
SHB	1146	237 E1
SHB	1174	238 E1
SHB	1178	239 E1
SHB	1204	283 E1

TABLE OF RCW SECTIONS AFFECTED BY 1975 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
01.16.050	AMD	194 E1	1	09.01.070	REP 260 E1
01.20	ADD	8	1		9A.92.010
02.04.090	AMD	263 E1	2	09.01.080	REP 260 E1
02.06.060	AMD	263 E1	3		9A.92.010
02.08.063	AMD	49 E1	1	09.01.090	REP 260 E1
02.08.090	AMD	263 E1	4		9A.92.010
02.32.210	AMD	128 E1	1	09.01.100	REP 260 E1
02.32.240	AMD	261 E1	1		9A.92.010
02.36.070	AMD	203 E1	1	09.01.111	REP 260 E1
02.36.150	AMD	76 E1	1		9A.92.010
02.48.200	AMD	19 E1	3	09.01.112	REP 260 E1
03.34.010	AMD	153 E1	1		9A.92.010
03.34.065	REP	197 E1	1	09.01.113	REP 260 E1
03.46.050	AMD	33	2		9A.92.010
03.46.120	AMD	241 E1	4	09.01.114	REP 260 E1
03.50.100	AMD	241 E1	3		9A.92.010
03.54.020	AMD	241 E1	1	09.01.116	REP 260 E1
03.58.010	AMD	33	3		9A.92.010
03.58.010	AMD	263 E1	5	09.01.150	REP 260 E1
03.62.040	AMD	241 E1	2		9A.92.010
03.66.065	AMD	29	1	09.01.170	REP 260 E1
04.24	ADD	35 E1	1		9A.92.010
04.24	ADD	58	1,2	09.01.180	REP 260 E1
04.24	ADD	59 E1	1		9A.92.010
04.24.240	AMD	114 E1	1	09.01.190	REP 260 E1
04.24.250	AMD	114 E1	2		9A.92.010
04.24.260	AMD	114 E1	3	09.08.040	REP 260 E1
04.44.160	AMD	203 E1	2		9A.92.010
04.44.170	AMD	203 E1	3	09.08.050	REP 61 E1
04.56	ADD	26	1	09.09.010	REP 260 E1
04.88	ADD	261 E1	2		9A.92.010
04.92	ADD	48	1	09.09.020	REP 260 E1
04.92.060	AMD	40	1		9A.92.010
04.92.060	AMD	126 E1	1	09.09.030	REP 260 E1
04.92.070	AMD	40	2		9A.92.010
04.92.070	AMD	126 E1	2	09.09.040	REP 260 E1
04.92.130	AMD	126 E1	3		9A.92.010
04.92.140	AMD	126 E1	4	09.09.050	REP 260 E1
04.92.150	AMD	126 E1	5		9A.92.010
04.92.160	AMD	126 E1	6	09.09.060	REP 260 E1
04.92.170	AMD	126 E1	7		9A.92.010
06	ADD	240 E1	1-10	09.11.010	REP 260 E1
07.68	ADD	176 E1	7-10		9A.92.010
07.68.020	AMD	176 E1	1	09.11.020	REP 260 E1
07.68.060	AMD	176 E1	2		9A.92.010
07.68.070	AMD	176 E1	3	09.11.030	REP 260 E1
07.68.080	AMD	176 E1	4		9A.92.010
07.68.110	AMD	176 E1	5	09.11.040	REP 260 E1
07.68.140	AMD	176 E1	6		9A.92.010
09.01.010	REP	260 E1		09.11.050	REP 260 E1
		9A.92.010			9A.92.010
09.01.020	REP	260 E1		09.15.010	REP 260 E1
		9A.92.010			9A.92.010
09.01.030	REP	260 E1		09.15.020	REP 260 E1
		9A.92.010			9A.92.010
09.01.040	REP	260 E1		09.18.010	REP 260 E1
		9A.92.010			9A.92.010
09.01.050	REP	260 E1		09.18.020	REP 260 E1
		9A.92.010			9A.92.010
09.01.060	REP	260 E1		09.18.030	REP 260 E1
		9A.92.010			9A.92.010

"E1" Denotes 1st ex. sess.

TABLE OF RCW SECTIONS AFFECTED BY 1975 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
09.18.040	REP	260 E1 9A.92.010	09.27.050	REP	260 E1 9A.92.010
09.18.050	REP	260 E1 9A.92.010	09.27.060	REP	260 E1 9A.92.010
09.18.060	REP	260 E1 9A.92.010	09.27.070	REP	260 E1 9A.92.010
09.18.070	REP	260 E1 9A.92.010	09.27.080	REP	260 E1 9A.92.010
09.18.090	REP	260 E1 9A.92.010	09.27.090	REP	260 E1 9A.92.010
09.18.100	REP	260 E1 9A.92.010	09.27.100	REP	260 E1 9A.92.010
09.18.110	REP	260 E1 9A.92.010	09.30.010	REP	260 E1 9A.92.010
09.19.010	REP	260 E1 9A.92.010	09.30.020	REP	260 E1 9A.92.010
09.19.020	REP	260 E1 9A.92.010	09.30.030	REP	260 E1 9A.92.010
09.19.030	REP	260 E1 9A.92.010	09.30.040	REP	260 E1 9A.92.010
09.19.040	REP	260 E1 9A.92.010	09.30.050	REP	260 E1 9A.92.010
09.19.050	REP	260 E1 9A.92.010	09.31.005	REP	260 E1 9A.92.010
09.22.010	REP	260 E1 9A.92.010	09.31.010	REP	260 E1 9A.92.010
09.22.020	REP	260 E1 9A.92.010	09.31.020	REP	260 E1 9A.92.010
09.22.030	REP	260 E1 9A.92.010	09.31.030	REP	260 E1 9A.92.010
09.22.040	REP	260 E1 9A.92.010	09.31.040	REP	260 E1 9A.92.010
09.26.010	REP	260 E1 9A.92.010	09.31.050	REP	260 E1 9A.92.010
09.26.020	REP	260 E1 9A.92.010	09.31.060	REP	260 E1 9A.92.010
09.26.030	REP	260 E1 9A.92.010	09.31.070	REP	260 E1 9A.92.010
09.26A.010	REP	260 E1 9A.92.010	09.31.080	REP	260 E1 9A.92.010
09.26A.020	REP	260 E1 9A.92.010	09.31.100	REP	260 E1 9A.92.010
09.26A.030	REP	260 E1 9A.92.010	09.33.010	REP	260 E1 9A.92.010
09.26A.040	REP	260 E1 9A.92.010	09.33.020	REP	260 E1 9A.92.010
09.26A.050	REP	260 E1 9A.92.010	09.33.040	REP	260 E1 9A.92.010
09.26A.060	REP	260 E1 9A.92.010	09.33.050	REP	260 E1 9A.92.010
09.26A.070	REP	260 E1 9A.92.010	08.33.060	REP	260 E1 9A.92.010
09.26A.080	REP	260 E1 9A.92.010	09.33.070	REP	260 E1 9A.92.010
09.27.010	REP	260 E1 9A.92.010	09.34.010	REP	260 E1 9A.92.010
09.27.020	REP	260 E1 9A.92.010	09.34.020	REP	260 E1 9A.92.010
09.27.030	REP	260 E1 9A.92.010	09.37.010	REP	260 E1 9A.92.010
09.27.040	REP	260 E1 9A.92.010	09.37.020	REP	260 E1 9A.92.010

"E1" Denotes 1st ex. sess.

TABLE OF RCW SECTIONS AFFECTED BY 1975 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
09.37.030	REP	260 E1		09.48.040	REP	260 E1	
			9A.92.010				9A.92.010
09.37.040	REP	260 E1		09.48.050	REP	260 E1	
			9A.92.010				9A.92.010
09.37.050	REP	260 E1		09.48.060	REP	260 E1	
			9A.92.010				9A.92.010
09.37.060	REP	260 E1		09.48.070	REP	260 E1	
			9A.92.010				9A.92.010
09.38.030	REP	260 E1		09.48.080	REP	260 E1	
			9A.92.010				9A.92.010
09.38.050	REP	260 E1		09.48.090	REP	260 E1	
			9A.92.010				9A.92.010
09.40.010	REP	260 E1		09.48.100	REP	260 E1	
			9A.92.010				9A.92.010
09.40.020	REP	260 E1		09.48.110	REP	260 E1	
			9A.92.010				9A.92.010
09.40.030	REP	260 E1		09.48.120	REP	260 E1	
			9A.92.010				9A.92.010
09.40.050	REP	260 E1		09.48.130	REP	260 E1	
			9A.92.010				9A.92.010
09.40.060	REP	260 E1		09.48.140	REP	260 E1	
			9A.92.010				9A.92.010
09.40.070	REP	260 E1		09.48.150	REP	260 E1	
			9A.92.010				9A.92.010
09.40.080	REP	260 E1		09.48.160	REP	260 E1	
			9A.92.010				9A.92.010
09.44.010	REP	260 E1		09.48.170	REP	260 E1	
			9A.92.010				9A.92.010
09.44.020	REP	260 E1		09.52.010	REP	260 E1	
			9A.92.010				9A.92.010
09.44.030	REP	260 E1		09.52.020	REP	260 E1	
			9A.92.010				9A.92.010
09.44.040	REP	260 E1		09.52.030	REP	260 E1	
			9A.92.010				9A.92.010
09.44.050	REP	260 E1		09.52.040	REP	260 E1	
			9A.92.010				9A.92.010
09.44.060	REP	260 E1		09.54.010	REP	260 E1	
			9A.92.010				9A.92.010
09.44.070	REP	260 E1		09.54.020	REP	260 E1	
			9A.92.010				9A.92.010
09.45.010	REP	260 E1		09.54.030	REP	260 E1	
			9A.92.010				9A.92.010
09.45.030	REP	260 E1		09.54.040	REP	260 E1	
			9A.92.010				9A.92.010
09.45.050	REP	260 E1		09.54.050	REP	260 E1	
			9A.92.010				9A.92.010
09.45.200	REP	260 E1		09.54.060	REP	260 E1	
			9A.92.010				9A.92.010
09.46	ADD	166 E1	11-13	09.54.070	REP	260 E1	
09.46.010	AMD	259 E1	1				9A.92.010
09.46.020	AMD	259 E1	2	09.54.080	REP	260 E1	
09.46.030	AMD	259 E1	3				9A.92.010
09.46.070	AMD	259 E1	4	09.54.090	AMD	61 E1	1
09.46.090	AMD	166 E1	4	09.54.090	REP	260 E1	
09.46.130	AMD	166 E1	7				9A.92.010
09.46.140	AMD	166 E1	8	09.54.100	REP	260 E1	
09.46.160	AMD	166 E1	9				9A.92.010
09.46.210	AMD	166 E1	10	09.54.110	REP	260 E1	
09.48.010	REP	260 E1					9A.92.010
			9A.92.010	09.54.115	AMD	61 E1	2
09.48.020	REP	260 E1		09.54.115	REP	260 E1	
			9A.92.010				9A.92.010
09.48.030	REP	260 E1		09.54.120	REP	260 E1	
			9A.92.010				9A.92.010

“E1” Denotes 1st ex. sess.

TABLE OF RCW SECTIONS AFFECTED BY 1975 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
09.54.140	REP	260 E1 9A.92.010	09.72.050	REP	260 E1 9A.92.010
09.55.010	REP	260 E1 9A.92.010	09.72.060	REP	260 E1 9A.92.010
09.61.010	REP	260 E1 9A.92.010	09.72.070	REP	260 E1 9A.92.010
09.61.020	REP	260 E1 9A.92.010	09.72.080	REP	260 E1 9A.92.010
09.61.030	REP	260 E1 9A.92.010	09.72.100	REP	260 E1 9A.92.010
09.61.040	AMD	28 1	09.72.110	REP	260 E1 9A.92.010
09.61.040	REP	260 E1 9A.92.010	09.75.010	REP	260 E1 9A.92.010
09.61.050	REP	260 E1 9A.92.010	09.75.020	REP	260 E1 9A.92.010
09.61.060	REP	260 E1 9A.92.010	09.75.030	REP	260 E1 9A.92.010
09.61.070	REP	260 E1 9A.92.010	09.76.020	REP	260 E1 9A.92.010
09.61.080	REP	260 E1 9A.92.010	09.76.030	REP	260 E1 9A.92.010
09.61.090	REP	260 E1 9A.92.010	09.76.040	REP	260 E1 9A.92.010
09.61.100	REP	260 E1 9A.92.010	09.76.050	REP	260 E1 9A.92.010
09.61.110	REP	260 E1 9A.92.010	09.78.010	REP	260 E1 9A.92.010
09.61.220	REP	260 E1 9A.92.010	09.78.020	REP	260 E1 9A.92.010
09.65.010	REP	260 E1 9A.92.010	09.78.040	REP	260 E1 9A.92.010
09.65.020	REP	260 E1 9A.92.010	09.79	ADD	14 E1 1-9
09.65.030	REP	260 E1 9A.92.010	09.79.010	REP	14 E1 10
09.68	ADD	156 E1 1	09.79.020	REP	14 E1 10
09.69.010	REP	260 E1 9A.92.010	09.79.030	REP	14 E1 10
09.69.020	REP	260 E1 9A.92.010	09.79.040	REP	260 E1 9A.92.010
09.69.030	REP	260 E1 9A.92.010	09.79.050	REP	260 E1 9A.92.010
09.69.040	REP	260 E1 9A.92.010	09.79.060	REP	260 E1 9A.92.010
09.69.050	REP	260 E1 9A.92.010	09.79.070	REP	260 E1 9A.92.010
09.69.060	REP	260 E1 9A.92.010	09.79.080	REP	260 E1 9A.92.010
09.69.070	REP	260 E1 9A.92.010	09.79.090	REP	260 E1 9A.92.010
09.69.080	REP	260 E1 9A.92.010	09.79.100	REP	260 E1 9A.92.010
09.69.090	REP	260 E1 9A.92.010	09.79.110	REP	260 E1 9A.92.010
09.72.010	REP	260 E1 9A.92.010	09.79.120	REP	260 E1 9A.92.010
09.72.020	REP	260 E1 9A.92.010	09.79.130	REP	260 E1 9A.92.010
09.72.030	REP	260 E1 9A.92.010	09.80.010	REP	260 E1 9A.92.010
09.72.040	REP	260 E1 9A.92.010			

TABLE OF RCW SECTIONS AFFECTED BY 1975 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
09.80.020	REP	199 E1	13	11.88.030	AMD	95 E1	4
09.80.020	REP	260 E1		11.88.040	AMD	95 E1	5
		9A.92.010		11.88.090	AMD	95 E1	9
09.80.030	REP	260 E1		11.88.100	AMD	95 E1	10
		9A.92.010		11.88.105	AMD	95 E1	11
09.80.040	REP	260 E1		11.88.107	AMD	95 E1	12
		9A.92.010		11.88.110	AMD	95 E1	13
09.80.050	REP	260 E1		11.88.120	AMD	95 E1	14
		9A.92.010		11.88.130	AMD	95 E1	15
09.83.010	REP	260 E1		11.88.140	AMD	95 E1	16
		9A.92.010		11.88.150	AMD	95 E1	17
09.83.020	REP	260 E1		11.92.010	AMD	95 E1	18
		9A.92.010		11.92.035	AMD	95 E1	19
09.83.030	REP	260 E1		11.92.040	AMD	95 E1	20
		9A.92.010		11.92.050	AMD	95 E1	21
09.83.040	REP	260 E1		11.92.056	AMD	95 E1	22
		9A.92.010		11.92.060	AMD	95 E1	23
09.83.050	REP	260 E1		11.92.090	AMD	95 E1	24
		9A.92.010		11.92.100	AMD	95 E1	25
09.83.060	REP	260 E1		11.92.110	AMD	95 E1	26
		9A.92.010		11.92.115	AMD	95 E1	27
09.83.070	REP	260 E1		11.92.120	AMD	95 E1	28
		9A.92.010		11.92.130	AMD	95 E1	29
09.83.080	REP	260 E1		11.92.150	AMD	95 E1	30
		9A.92.010		11.92.160	AMD	95 E1	31
09.87.010	REP	260 E1		11.92.170	AMD	95 E1	32
		9A.92.010		11.92.180	AMD	95 E1	33
09.87.020	REP	260 E1		11.92.185	AMD	95 E1	34
		9A.92.010		12.12.060	AMD	119 E1	1
09.87.030	REP	260 E1		12.40.110	AMD	40 E1	1
		9A.92.010		13.04	ADD	170 E1	1
09.91.040	REP	260 E1		13.20	ADD	124 E1	1
		9A.92.010		14.04.090	AMD	161 E1	1
09.91.070	REP	260 E1		15.04	ADD	238 E1	1,2
		9A.92.010		15.13.470	AMD	257 E1	1
09.91.080	REP	260 E1		15.17.230	AMD	7 E1	1
		9A.92.010		15.17.240	AMD	40	3
09.94.060	REP	260 E1		15.24.170	AMD	7 E1	37
		9A.92.010		15.28.300	AMD	7 E1	38
09A	ADD	260 E1		15.44	ADD	136 E1	5-7
		9A.04.010-9A.92.900		15.44.020	AMD	136 E1	1
10	ADD	244 E1	1-13	15.44.025	REP	136 E1	8
10.01	ADD	144 E1	1	15.44.030	AMD	136 E1	2
10.01.010	REP	260 E1		15.44.032	AMD	136 E1	3
		9A.92.010		15.44.038	AMD	7 E1	12
10.01.020	REP	260 E1		15.44.070	AMD	7 E1	39
		9A.92.010		15.44.090	AMD	136 E1	4
10.01.112	AMD	261 E1	2	15.49.470	AMD	257 E1	2
10.19	ADD	2 E1	1	15.53.901	AMD	257 E1	3
11.08.160	AMD	278 E1	1	15.53.9014	AMD	257 E1	4
11.08.170	AMD	278 E1	2	15.53.9018	AMD	257 E1	5
11.08.180	AMD	278 E1	3	15.53.9026	REP	257 E1	12
11.08.200	AMD	278 E1	4	15.53.9028-			
11.08.230	AMD	278 E1	7	15.53.9034	REP	257 E1	12
11.08.240	AMD	278 E1	8	15.53.9036	AMD	257 E1	6
11.76.220	AMD	278 E1	10	15.53.9038	AMD	257 E1	7
11.76.240	AMD	278 E1	11	15.53.9044	AMD	257 E1	8
11.76.245	AMD	278 E1	12	15.54.350	AMD	257 E1	9
11.88	ADD	95 E1	1	15.54.360	AMD	257 E1	10
11.88	ADD	95 E1	6-8	15.54.480	AMD	257 E1	11
11.88.010	AMD	95 E1	2	15.65.020	AMD	7 E1	2
11.88.020	AMD	95 E1	3	15.65.140	AMD	7 E1	3

"E1" Denotes 1st ex. sess.

TABLE OF RCW SECTIONS AFFECTED BY 1975 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
15.65.160	AMD	7 E1	4	18.15.220	AMD	30 E1	12
15.65.250	AMD	7 E1	5	18.18.090	AMD	30 E1	13
15.66.010	AMD	7 E1	6	18.18.120	AMD	30 E1	14
15.66.060	AMD	7 E1	7	18.18.140	AMD	30 E1	15
15.66.090	AMD	7 E1	8	18.20.160	AMD	43 E1	1
15.66.120	AMD	7 E1	9	18.22.060	AMD	30 E1	16
15.66.130	AMD	7 E1	10	18.22.081	AMD	30 E1	17
15.76.170	AMD	7 E1	11	18.22.120	AMD	30 E1	18
16.13.010	AMD	7 E1	13	18.25.020	AMD	30 E1	19
16.13.020	AMD	7 E1	14	18.25.040	AMD	30 E1	20
16.13.030	AMD	7 E1	15	18.25.050	AMD	30 E1	21
16.13.040	AMD	7 E1	16	18.25.070	AMD	30 E1	22
16.13.060	AMD	7 E1	17	18.26	ADD	39 E1	9,10
16.24.040	AMD	38	1	18.26.030	AMD	39 E1	1
16.28.010	REP	7 E1	40	18.26.110	AMD	39 E1	2
16.28.020	REP	7 E1	40	18.26.120	AMD	39 E1	3
16.28.030	REP	7 E1	40	18.26.130	AMD	39 E1	4
16.28.040	REP	7 E1	40	18.26.160	AMD	39 E1	5
16.28.050	REP	7 E1	40	18.26.170	AMD	39 E1	6
16.28.060	REP	7 E1	40	18.26.180	AMD	39 E1	7
16.28.070	REP	7 E1	40	18.26.260	REP	39 E1	12
16.28.080	REP	7 E1	40	18.26.270	AMD	39 E1	8
16.28.085	REP	7 E1	40	18.28.030	AMD	30 E1	23
16.28.090	REP	7 E1	40	18.29.020	AMD	30 E1	24
16.28.100	REP	7 E1	40	18.29.040	AMD	30 E1	25
16.28.110	REP	7 E1	40	18.29.070	AMD	30 E1	26
16.28.120	REP	7 E1	40	18.32.035	AMD	49	1
16.28.130	REP	7 E1	40	18.32.110	AMD	30 E1	27
16.28.140	REP	7 E1	40	18.32.120	AMD	30 E1	28
16.28.150	REP	7 E1	40	18.32.170	AMD	30 E1	29
16.67.120	AMD	93 E1	1	18.32.180	AMD	30 E1	30
17.10	ADD	13 E1	13-17	18.32.200	AMD	30 E1	31
17.10.010	AMD	13 E1	1	18.32.210	AMD	30 E1	32
17.10.040	AMD	13 E1	2	18.32.225	AMD	30 E1	33
17.10.050	AMD	13 E1	3	18.34.070	AMD	30 E1	34
17.10.070	AMD	13 E1	4	18.34.120	AMD	30 E1	35
17.10.080	AMD	13 E1	5	18.35.040	AMD	30 E1	36
17.10.110	AMD	13 E1	6	18.35.060	AMD	30 E1	37
17.10.150	AMD	13 E1	7	18.35.080	AMD	30 E1	38
17.10.170	AMD	13 E1	8	18.36.040	AMD	30 E1	39
17.10.190	AMD	13 E1	9	18.36.050	AMD	30 E1	40
17.10.240	AMD	13 E1	10	18.36.115	AMD	30 E1	41
17.10.250	AMD	13 E1	11	18.37.010	AMD	70 E1	1
17.10.900	AMD	13 E1	12	18.37.020	AMD	70 E1	2
17.21	ADD	27	1	18.37.040	AMD	70 E1	3
18	ADD	280 E1	1-22	18.37.110	REP	70 E1	4
18.04.160	AMD	229 E1	1	18.39.050	AMD	30 E1	42
18.04.200	AMD	229 E1	2	18.39.120	AMD	30 E1	43
18.04.220	AMD	229 E1	3	18.39.130	AMD	30 E1	44
18.04.280	AMD	229 E1	4	18.39.150	AMD	30 E1	45
18.04.290	AMD	229 E1	5	18.43.050	AMD	30 E1	46
18.08.150	AMD	30 E1	1	18.43.080	AMD	23	1
18.08.190	AMD	30 E1	2	18.43.080	AMD	30 E1	47
18.08.220	AMD	30 E1	3	18.43.100	AMD	30 E1	48
18.15.040	AMD	30 E1	4	18.43.110	AMD	30 E1	49
18.15.050	AMD	30 E1	5	18.43.130	AMD	30 E1	50
18.15.060	AMD	30 E1	6	18.50.050	AMD	30 E1	51
18.15.065	AMD	30 E1	7	18.51	ADD	99 E1	3-16
18.15.095	AMD	30 E1	8	18.51	ADD	175 E1	2
18.15.097	AMD	30 E1	9	18.51.050	AMD	99 E1	1
18.15.100	AMD	30 E1	10	18.51.060	AMD	99 E1	2
18.15.125	AMD	30 E1	11	18.51.090	REP	99 E1	17

TABLE OF RCW SECTIONS AFFECTED BY 1975 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
18.51.090	AMD	213 E1	2	18.82.060	AMD	30 E1	71
18.51.120	REP	99 E1	17	18.83.060	AMD	30 E1	72
18.51.130	REP	99 E1	17	18.83.082	AMD	30 E1	73
18.52.040	AMD	97 E1	1	18.83.090	AMD	30 E1	74
18.52.070	AMD	30 E1	52	18.83.105	AMD	30 E1	75
18.52.080	AMD	30 E1	53	18.83.170	AMD	30 E1	76
18.52.110	AMD	30 E1	54	18.88.160	AMD	30 E1	77
18.52.120	AMD	97 E1	2	18.88.190	AMD	30 E1	78
18.52.130	AMD	30 E1	55	18.88.200	AMD	30 E1	79
18.53	ADD	69 E1	1	18.90.040	AMD	30 E1	80
18.53	ADD	69 E1	13,14	18.90.050	AMD	30 E1	81
18.53.010	AMD	69 E1	2	18.92.115	AMD	30 E1	82
18.53.020	AMD	69 E1	3	18.92.142	AMD	30 E1	83
18.53.040	AMD	69 E1	15	18.92.145	AMD	30 E1	84
18.53.050	AMD	30 E1	56	18.96.080	AMD	30 E1	85
18.53.060	AMD	69 E1	4	18.96.100	AMD	30 E1	86
18.53.070	AMD	30 E1	57	18.96.110	AMD	30 E1	87
18.53.070	AMD	69 E1	5	18.96.140	AMD	30 E1	88
18.53.090	REP	69 E1	16	18.106.010	AMD	71 E1	1
18.53.100	AMD	69 E1	6	18.106.020	AMD	71 E1	2
18.53.140	AMD	69 E1	7	18.106.040	AMD	71 E1	3
18.53.190	AMD	69 E1	8	18.106.120	REP	71 E1	4
18.54.050	AMD	69 E1	9	19	ADD	277 E1	1-4
18.54.070	AMD	69 E1	10	19.09.210	AMD	219 E1	1
18.54.080	AMD	69 E1	11	19.09.350	AMD	30 E1	89
18.54.140	AMD	69 E1	12	19.16.140	AMD	30 E1	90
18.57.050	AMD	30 E1	58	19.16.150	AMD	30 E1	91
18.57.130	AMD	30 E1	59	19.20.020	AMD	44	1
18.57A.040	AMD	30 E1	60	19.27	ADD	8 E1	1
18.71	ADD	171 E1	15-17	19.27.030	AMD	109 E1	8
18.71	ADD	171 E1	19	19.27.040	AMD	110 E1	9
18.71.010	AMD	171 E1	1	19.27.060	AMD	282 E1	2
18.71.015	AMD	171 E1	2	19.27.080	AMD	282 E1	1
18.71.020	AMD	171 E1	3	19.28.120	AMD	195 E1	1
18.71.025	AMD	171 E1	4	19.28.123	AMD	92 E1	2
18.71.030	AMD	171 E1	5	19.28.123	AMD	195 E1	2
18.71.040	AMD	30 E1	61	19.28.125	AMD	92 E1	3
18.71.040	AMD	171 E1	6	19.28.125	AMD	195 E1	3
18.71.050	AMD	171 E1	7	19.31.140	AMD	30 E1	92
18.71.055	AMD	171 E1	8	19.52.080	AMD	180 E1	1
18.71.060	AMD	171 E1	9	19.89.010	REP	55	1
18.71.070	AMD	171 E1	10	19.89.020	REP	55	1
18.71.080	AMD	30 E1	62	19.89.030	REP	55	1
18.71.080	AMD	171 E1	11	19.89.040	REP	55	1
18.71.090	AMD	30 E1	63	19.89.900	REP	55	1
18.71.090	AMD	171 E1	12	19.89.910	REP	55	1
18.71.095	AMD	171 E1	13	19.91.080	AMD	278 E1	13
18.71.096	REP	171 E1	20	19.91.130	AMD	278 E1	14
18.71.180	AMD	171 E1	14	19.91.140	AMD	278 E1	15
18.71.900	REP	171 E1	20	19.91.150	AMD	278 E1	16
18.71A.010	AMD	190 E1	1	19.91.180	AMD	278 E1	17
18.71A.040	AMD	30 E1	64	19.94.420	AMD	51 E1	1
18.71A.040	AMD	190 E1	2	19.105	ADD	150 E1	2-9
18.72	ADD	61	2,3	19.105.120	AMD	150 E1	1
18.72.030	AMD	61	1	20.01.030	AMD	7 E1	18
18.72.150	AMD	61	4	21.20	ADD	84 E1	26,27
18.74.050	AMD	30 E1	65	21.20.005	AMD	84 E1	1
18.74.060	AMD	30 E1	66	21.20.040	AMD	84 E1	2
18.74.070	AMD	30 E1	67	21.20.050	AMD	84 E1	3
18.78.080	AMD	30 E1	68	21.20.070	AMD	84 E1	4
18.78.090	AMD	30 E1	69	21.20.080	AMD	84 E1	5
18.82.030	AMD	30 E1	70	21.20.090	AMD	84 E1	6

"E1" Denotes 1st ex. sess.

TABLE OF RCW SECTIONS AFFECTED BY 1975 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
21.20.110	AMD	84 E1	7	28A.02	ADD	254 E1	3,4
21.20.120	AMD	84 E1	8	28A.02.070	AMD	275 E1	45
21.20.130	AMD	84 E1	9	28A.02.201	AMD	275 E1	71
21.20.140	AMD	84 E1	10	28A.03	ADD	5 E1	1
21.20.150	REP	84 E1	28	28A.03	ADD	78 E1	1-3
21.20.160	REP	84 E1	28	28A.03	ADD	127 E1	2
21.20.170	REP	84 E1	28	28A.03.028	AMD	275 E1	46
21.20.230	AMD	84 E1	11	28A.03.030	AMD	275 E1	47
21.20.240	AMD	84 E1	12	28A.03.050	REP	60 E1	1
21.20.260	AMD	84 E1	13	28A.03.050	AMD	275 E1	48
21.20.270	AMD	84 E1	14	28A.04	ADD	19	1
21.20.280	AMD	84 E1	15	28A.04	ADD	127 E1	1
21.20.310	AMD	84 E1	16	28A.04	ADD	262 E1	1
21.20.320	AMD	84 E1	17	28A.04.040	AMD	275 E1	49
21.20.325	AMD	84 E1	18	28A.04.060	AMD	19	2
21.20.330	AMD	84 E1	19	28A.04.120	AMD	275 E1	50
21.20.340	AMD	84 E1	20	28A.04.145	AMD	275 E1	51
21.20.360	AMD	84 E1	21	28A.09.070	RCOD	174 E1	17
21.20.380	AMD	84 E1	22	28A.09.080	RCOD	174 E1	17
21.20.390	AMD	84 E1	23	28A.09.090	RCOD	174 E1	17
21.20.430	AMD	84 E1	24	28A.09.100	RCOD	174 E1	17
21.20.450	AMD	84 E1	25	28A.09.110	RCOD	174 E1	17
22.09	ADD	7 E1	29-35	28A.09.120	AMD	174 E1	13
22.09.010	AMD	7 E1	19	28A.09.120	RCOD	174 E1	17
22.09.030	AMD	7 E1	20	28A.09.200	RCOD	174 E1	17
22.09.040	AMD	7 E1	21	28A.13.020	AMD	275 E1	52
22.09.060	AMD	7 E1	22	28A.14.050	AMD	275 E1	53
22.09.090	AMD	7 E1	23	28A.21.010	AMD	275 E1	1
22.09.180	AMD	7 E1	24	28A.21.030	AMD	275 E1	3
23.01.226	AMD	264 E1	1	28A.21.0302	AMD	275 E1	4
23.01.226	AMD	278 E1	18	28A.21.0303	AMD	275 E1	5
23A.08.130	AMD	264 E1	5	28A.21.0304	AMD	275 E1	6
23A.08.325	ADD	264 E1	1	28A.21.0305	AMD	275 E1	7
23A.08.350	AMD	264 E1	2	28A.21.0306	AMD	275 E1	8
23A.08.410	AMD	264 E1	3	28A.21.035	AMD	275 E1	9
23A.08.470	AMD	264 E1	4	28A.21.037	AMD	275 E1	10
23A.40.075	AMD	36 E1	1	28A.21.040	AMD	275 E1	11
26.09.010	AMD	32	1	28A.21.050	AMD	275 E1	12
26.09.040	AMD	32	2	28A.21.060	AMD	275 E1	13
26.09.060	AMD	32	3	28A.21.070	AMD	275 E1	14
26.09.280	AMD	32	4	28A.21.080	AMD	275 E1	15
26.44	ADD	217 E1	8,9	28A.21.086	AMD	275 E1	16
26.44.010	AMD	217 E1	1	28A.21.088	AMD	275 E1	17
26.44.020	AMD	217 E1	2	28A.21.090	AMD	275 E1	18
26.44.030	AMD	217 E1	3	28A.21.092	AMD	275 E1	19
26.44.040	AMD	217 E1	4	28A.21.095	AMD	275 E1	20
26.44.050	AMD	217 E1	5	28A.21.100	AMD	275 E1	21
26.44.060	AMD	217 E1	6	28A.21.105	AMD	275 E1	22
26.44.070	AMD	217 E1	7	28A.21.106	AMD	275 E1	23
27	ADD	134 E1	1-10	28A.21.110	AMD	275 E1	24
27.12	ADD	50	1	28A.21.111	AMD	275 E1	25
27.16.010	AMD	275 E1	39	28A.21.112	AMD	275 E1	26
27.16.020	AMD	275 E1	40	28A.21.113	AMD	275 E1	27
27.16.030	AMD	275 E1	41	28A.21.120	AMD	275 E1	28
27.16.040	AMD	275 E1	42	28A.21.130	AMD	275 E1	29
27.16.050	AMD	275 E1	43	28A.21.135	AMD	275 E1	30
27.16.060	AMD	275 E1	44	28A.21.140	AMD	275 E1	31
27.24	ADD	37	1	28A.21.160	AMD	275 E1	32
27.24.090	AMD	37	2	28A.21.170	AMD	275 E1	33
27.40	ADD	159 E1	1,2	28A.21.180	AMD	275 E1	34
28A	ADD	226 E1	1-6	28A.21.195	AMD	275 E1	35
28A.01.130	AMD	287 E1	21	28A.21.200	AMD	275 E1	36

"E1" Denotes 1st ex. sess.

TABLE OF RCW SECTIONS AFFECTED BY 1975 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
28A.21.220	AMD	275 E1	37	28A.57.326	AMD	275 E1	100
28A.21.300	AMD	275 E1	38	28A.57.328	AMD	43	7
28A.24.080	AMD	275 E1	54	28A.57.328	AMD	275 E1	101
28A.24.150	AMD	275 E1	55	28A.57.332	REP	43	36
28A.27.040	AMD	275 E1	56	28A.57.342	AMD	43	8
28A.27.080	AMD	275 E1	57	28A.57.344	AMD	43	9
28A.27.102	AMD	275 E1	58	28A.57.355	AMD	275 E1	102
28A.35.030	AMD	275 E1	59	28A.57.356	AMD	43	10
28A.41.130	AMD	211 E1	1	28A.57.356	AMD	275 E1	103
28A.41.160	AMD	275 E1	60	28A.57.357	AMD	43	11
28A.44.060	AMD	275 E1	61	28A.57.357	AMD	275 E1	104
28A.44.070	AMD	275 E1	62	28A.57.358	AMD	43	12
28A.44.080	AMD	275 E1	63	28A.57.358	AMD	275 E1	105
28A.44.085	AMD	275 E1	64	28A.57.390	AMD	275 E1	106
28A.44.090	AMD	275 E1	65	28A.57.415	AMD	43	13
28A.44.100	AMD	275 E1	66	28A.57.415	AMD	275 E1	107
28A.45.050	AMD	135 E1	1	28A.58	ADD	47	1
28A.47.803	AMD	98 E1	1	28A.58	ADD	66 E1	1
28A.48	ADD	66 E1	2	28A.58	ADD	243 E1	2
28A.48.010	AMD	275 E1	67	28A.58	ADD	248 E1	1
28A.48.030	AMD	275 E1	68	28A.58	ADD	284 E1	1,2
28A.48.040	REP	66 E1	3	28A.58.045	AMD	243 E1	1
28A.48.050	REP	66 E1	3	28A.58.046	REP	243 E1	3
28A.48.050	AMD	275 E1	69	28A.58.100	AMD	275 E1	108
28A.48.055	AMD	275 E1	70	28A.58.101	AMD	254 E1	1
28A.48.090	REP	43	36	28A.58.103	AMD	275 E1	109
28A.48.090	AMD	275 E1	72	28A.58.115	AMD	284 E1	3
28A.48.100	AMD	275 E1	73	28A.58.137	AMD	137 E1	1
28A.52.050	AMD	43	2	28A.58.137	AMD	254 E1	2
28A.56.030	AMD	275 E1	74	28A.58.150	AMD	275 E1	110
28A.56.040	AMD	275 E1	75	28A.58.225	AMD	275 E1	111
28A.56.050	AMD	275 E1	76	28A.58.530	AMD	275 E1	112
28A.56.060	AMD	275 E1	77	28A.58.560	AMD	275 E1	113
28A.57	ADD	43	34	28A.58.603	AMD	275 E1	114
28A.57.020	AMD	275 E1	78	28A.58.620	AMD	275 E1	115
28A.57.031	AMD	275 E1	79	28A.58.630	AMD	275 E1	116
28A.57.032	AMD	43	3	28A.58.740	AMD	205 E1	1
28A.57.032	AMD	275 E1	80	28A.59.080	AMD	275 E1	117
28A.57.033	AMD	275 E1	81	28A.59.150	AMD	275 E1	118
28A.57.040	AMD	275 E1	82	28A.60	ADD	41 E1	1,2
28A.57.050	AMD	43	4	28A.60.010	AMD	43	14
28A.57.050	AMD	275 E1	83	28A.60.070	AMD	43	15
28A.57.070	AMD	275 E1	84	28A.60.070	AMD	275 E1	119
28A.57.075	AMD	275 E1	85	28A.60.185	REP	43	36
28A.57.080	AMD	275 E1	86	28A.60.186	REP	43	36
28A.57.090	AMD	275 E1	87	28A.60.186	AMD	275 E1	120
28A.57.130	AMD	275 E1	88	28A.60.190	AMD	43	16
28A.57.140	AMD	43	1	28A.60.200	AMD	43	17
28A.57.140	AMD	275 E1	89	28A.60.210	AMD	43	18
28A.57.150	AMD	275 E1	90	28A.60.210	AMD	275 E1	121
28A.57.170	AMD	275 E1	91	28A.60.310	AMD	43	19
28A.57.180	AMD	275 E1	92	28A.60.320	AMD	43	20
28A.57.190	AMD	275 E1	93	28A.60.328	AMD	43	21
28A.57.200	AMD	23 E1	1	28A.65	ADD	151 E1	2
28A.57.200	AMD	275 E1	94	28A.65.020	AMD	202 E1	1
28A.57.240	AMD	275 E1	95	28A.65.070	AMD	53 E1	1
28A.57.245	AMD	275 E1	96	28A.65.080	AMD	43	22
28A.57.255	AMD	275 E1	97	28A.65.080	AMD	275 E1	122
28A.57.290	AMD	275 E1	98	28A.65.090	AMD	43	23
28A.57.300	AMD	275 E1	99	28A.65.100	AMD	43	24
28A.57.312	AMD	43	5	28A.65.100	AMD	275 E1	123
28A.57.324	AMD	43	6	28A.65.110	AMD	275 E1	124

"E1" Denotes 1st ex. sess.

TABLE OF RCW SECTIONS AFFECTED BY 1975 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
28A.65.120	AMD	43	25	28B.30.610	AMD	109 E1	4
28A.65.120	AMD	275 E1	125	28B.30.614	AMD	109 E1	5
28A.65.150	AMD	43	26	28B.30.619	AMD	109 E1	6
28A.65.150	AMD	275 E1	126	28B.40	ADD	232 E1	1
28A.65.153	AMD	275 E1	127	28B.40.210	REP	232 E1	2
28A.65.170	AMD	151 E1	1	28B.40.226	REP	232 E1	2
28A.65.180	AMD	275 E1	128	28B.40.380	AMD	275 E1	147
28A.66.010	AMD	43	27	28B.50.160	REP	174 E1	18
28A.66.020	AMD	43	28	28B.50.170	REP	174 E1	18
28A.66.040	AMD	43	29	28B.50.180	REP	174 E1	18
28A.66.060	AMD	275 E1	129	28B.50.200	REP	174 E1	18
28A.66.080	AMD	43	30	28B.50.220	REP	174 E1	18
28A.66.100	AMD	275 E1	130	28B.50.221	RCOD	174 E1	17
28A.67.040	AMD	275 E1	131	28B.50.230	AMD	174 E1	14
28A.67.060	AMD	275 E1	132	28B.50.230	RCOD	174 E1	17
28A.67.065	AMD	287 E1	22	28B.50.245	RCOD	174 E1	17
28A.67.070	AMD	275 E1	133	28B.50.246	AMD	174 E1	16
28A.70.110	AMD	192 E1	1	28B.50.246	RCOD	174 E1	17
28A.70.110	AMD	275 E1	134	28B.50.551	AMD	275 E1	148
28A.70.130	AMD	275 E1	135	28B.50.770	REP	174 E1	18
28A.70.140	AMD	275 E1	136	28B.50.851	AMD	112 E1	1
28A.70.160	AMD	275 E1	137	28B.52.020	AMD	296 E1	12
28A.70.170	AMD	275 E1	138	28B.52.060	AMD	296 E1	13
28A.71.100	AMD	192 E1	2	28B.52.080	AMD	296 E1	14
28A.71.100	AMD	275 E1	139	28B.80	ADD	132 E1	12-15
28A.72.010	REP	288 E1	28	28B.80.010	AMD	132 E1	1
28A.72.020	REP	288 E1	28	28B.80.020	AMD	132 E1	2
28A.72.020	AMD	296 E1	8	28B.80.030	AMD	132 E1	3
28A.72.030	REP	288 E1	28	28B.80.040	AMD	132 E1	4
28A.72.050	REP	288 E1	28	28B.80.060	AMD	132 E1	5
28A.72.060	REP	288 E1	28	28B.80.080	AMD	132 E1	6
28A.72.060	AMD	296 E1	9	28B.80.100	AMD	132 E1	8
28A.72.070	REP	288 E1	28	28B.80.900	AMD	132 E1	10
28A.72.080	REP	288 E1	28	28B.81.010	REP	132 E1	11
28A.72.080	AMD	296 E1	10	28B.81.020	REP	132 E1	11
28A.72.090	REP	288 E1	28	28B.81.030	REP	132 E1	11
28A.72.100	REP	288 E1	28	28B.81.040	REP	132 E1	11
28A.72.100	AMD	296 E1	11	28B.81.050	REP	132 E1	11
28A.87.030	AMD	275 E1	140	28B.81.060	REP	132 E1	11
28A.87.050	AMD	275 E1	141	28B.81.070	REP	132 E1	11
28A.87.080	AMD	275 E1	142	28B.81.080	REP	132 E1	11
28A.87.090	AMD	275 E1	143	28B.81.090	REP	132 E1	11
28A.87.100	AMD	275 E1	144	28B.81.900	REP	132 E1	11
28A.87.110	AMD	275 E1	145	28C	ADD	174 E1	1-11
28A.87.170	AMD	275 E1	146	28C	ADD	174 E1	17
28B	ADD	65 E1	1-10	29.07.092	AMD	184 E1	1
28B	ADD	88 E1	1-10	29.10.020	AMD	184 E1	2
28B	ADD	236 E1	1-9	29.10.160	AMD	184 E1	3
28B	ADD	237 E1	1-6	29.68.070	AMD	89 E1	1
28B.10	ADD	164 E1	2	29.85.270	AMD	162 E1	1
28B.10.180	REP	293 E1	21	29.85.280	AMD	162 E1	2
28B.10.400	AMD	212 E1	1	30	ADD	87 E1	1-10
28B.10.802	AMD	132 E1	16	30.12.010	AMD	35	1
28B.10.840	AMD	132 E1	17	30.20.100	AMD	278 E1	19
28B.10.842	AMD	40	4	30.42.110	AMD	285 E1	1
28B.15	ADD	105 E1	1	30.42.120	AMD	285 E1	2
28B.15	ADD	157 E1	2	30.42.160	AMD	285 E1	3
28B.16.100	AMD	122 E1	1	31.08.175	AMD	266 E1	1
28B.16.110	AMD	122 E1	2	31.12.190	AMD	222 E1	1
28B.30.600	AMD	109 E1	1	31.12.200	AMD	222 E1	2
28B.30.604	AMD	109 E1	2	31.12.210	AMD	222 E1	3
28B.30.606	AMD	109 E1	3	31.12.240	AMD	222 E1	4

"E1" Denotes 1st ex. sess.

TABLE OF RCW SECTIONS AFFECTED BY 1975 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
31.12.260	AMD	222 E1	5	36	ADD	270 E1	11-26
31.12.270	AMD	222 E1	6	36.01	ADD	147 E1	1
31.12.280	AMD	222 E1	7	36.18.020	AMD	30	1
31.12.310	AMD	222 E1	8	36.18.040	AMD	94 E1	1
31.12A	ADD	80 E1	2-21	36.21.080	AMD	120 E1	1
32.08.150	AMD	15	1	36.22.050	AMD	31	1
32.08.210	AMD	265 E1	1	36.22.090	AMD	43	31
32.12.110	AMD	278 E1	20	36.27.020	AMD	19 E1	1
33	ADD	83 E1	1-11	36.27.040	AMD	19 E1	2
33.16.110	AMD	165 E1	2	36.32.120	AMD	216 E1	1
33.20	ADD	165 E1	1	36.32.250	AMD	230 E1	1
33.24.280	AMD	165 E1	3	36.38.020	AMD	278 E1	21
33.44.020	AMD	111 E1	1	36.40	ADD	32 E1	1
34.04.120	AMD	12	1	36.57	ADD	270 E1	9,10
35	ADD	208 E1	3	36.57.080	AMD	270 E1	5
35.02	ADD	220 E1	2	36.67.060	AMD	188 E1	1
35.02.070	AMD	220 E1	3	36.75.010	AMD	62	1
35.03.030	AMD	220 E1	4	36.78.080	AMD	1 E1	1
35.04.060	AMD	220 E1	5	36.81.121	AMD	21 E1	3
35.13.015	AMD	220 E1	6	36.81.121	AMD	215 E1	2
35.13.030	AMD	220 E1	7	36.81.130	AMD	21 E1	4
35.13.130	AMD	220 E1	8	36.87	ADD	22	1
35.13.150	AMD	220 E1	9	36.93.150	AMD	220 E1	10
35.13.260	AMD	31 E1	1	36.94	ADD	188 E1	7-13
35.20	ADD	214 E1	1	36.94.140	AMD	188 E1	2
35.20.010	AMD	33	4	36.94.150	AMD	188 E1	3
35.20.900	AMD	33	5	36.94.210	AMD	188 E1	4
35.21	ADD	24 E1	1,2	36.94.220	AMD	188 E1	5
35.21	ADD	33	1	36.95.100	AMD	11	1
35.21	ADD	208 E1	1	37.08	ADD	142 E1	1
35.21	ADD	220 E1	17	38.20.010	AMD	121 E1	1
35.22	ADD	56 E1	1-4	38.52.010	AMD	113 E1	1
35.39.030	AMD	11 E1	1	38.52.020	AMD	113 E1	2
35.39.034	AMD	11 E1	2	38.52.030	AMD	113 E1	3
35.42.090	AMD	278 E1	22	39	ADD	20	1-3
35.58	ADD	270 E1	7,8	39	ADD	177 E1	1-5
35.58.200	AMD	36	1	39.04.020	AMD	230 E1	2
35.58.272	AMD	270 E1	1	39.08.010	AMD	278 E1	23
35.58.2731	REP	270 E1	28	39.34.020	AMD	115 E1	1
35.58.278	AMD	270 E1	2	39.44.020	AMD	188 E1	6
35.77.010	AMD	215 E1	1	39.56	ADD	131 E1	1
35.81.010	AMD	3	1	39.58	ADD	77 E1	4-6
35.86.010	AMD	221 E1	1	39.58.010	AMD	77 E1	1
35.86.040	AMD	221 E1	2	39.58.040	AMD	77 E1	2
35.86A.070	AMD	221 E1	3	39.58.050	AMD	77 E1	3
35.86A.120	AMD	221 E1	4	41	ADD	239 E1	1-4
35.92	ADD	208 E1	2	41	ADD	288 E1	1-20,
35.95.020	AMD	270 E1	3				23,25
35.95.040	AMD	270 E1	4	41	ADD	296 E1	1-7
35A.03	ADD	220 E1	11	41.04	ADD	73 E1	1
35A.03.070	AMD	220 E1	12	41.04	ADD	274 E1	1
35A.04.070	AMD	220 E1	13	41.04	ADD	290 E1	20
35A.13	ADD	155 E1	3	41.04.250	AMD	274 E1	2
35A.13.020	AMD	155 E1	1	41.05.030	AMD	38 E1	1
35A.13.030	AMD	155 E1	2	41.05.050	AMD	38 E1	2
35A.14.015	AMD	220 E1	14	41.14.070	AMD	186 E1	1
35A.14.050	AMD	220 E1	15	41.16	ADD	178 E1	5
35A.14.140	AMD	220 E1	16	41.16.145	AMD	178 E1	1
35A.14.700	AMD	31 E1	2	41.18.100	AMD	178 E1	4
35A.21	ADD	220 E1	18	41.18.104	AMD	178 E1	2
36	ADD	16	1	41.26.250	AMD	178 E1	3
36	ADD	21 E1	2	41.32.010	AMD	275 E1	149

"E1" Denotes 1st ex. sess.

TABLE OF RCW SECTIONS AFFECTED BY 1975 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
41.32.040	AMD	17 E1	43.17.090	REP	40
41.32.420	AMD	43	43.17.100	AMD	40
41.32.420	AMD	275 E1	43.19	ADD	40
41.32.4941	REP	148 E1	43.19	ADD	167 E1
41.32.4942	REP	148 E1	43.19	ADD	167 E1
41.32.4943	AMD	148 E1			6-14,
41.32.680	AMD	17	43.19.010	AMD	167 E1
41.40.120	AMD	33	43.19.030	AMD	40
41.56.030	AMD	296 E1	43.19.1925	AMD	40
41.56.050	AMD	296 E1	43.19.1935	AMD	40
41.56.060	AMD	296 E1	43.21C.150	AMD	206 E1
41.56.070	AMD	296 E1	43.22	ADD	123 E1
41.56.080	AMD	296 E1	43.22.260	AMD	296 E1
41.56.090	AMD	296 E1	43.22.270	AMD	296 E1
41.56.100	AMD	296 E1	43.24.085	AMD	30 E1
41.56.122	AMD	296 E1	43.31.090	AMD	292 E1
41.56.125	AMD	296 E1	43.31.525	AMD	149 E1
41.56.160	AMD	296 E1	43.31.790	AMD	292 E1
41.56.170	AMD	296 E1	43.31.810	AMD	292 E1
41.56.180	AMD	296 E1	43.31.820	AMD	292 E1
41.56.190	AMD	296 E1	43.31.830	AMD	291 E1
41.56.440	AMD	296 E1	43.31.832	AMD	292 E1
41.56.450	AMD	296 E1	43.31.840	AMD	292 E1
41.56.480	AMD	296 E1	43.31.850	AMD	292 E1
42.17	ADD	294 E1	43.38.040	AMD	278 E1
42.17	ADD	294 E1	43.41	ADD	167 E1
42.17.010	AMD	294 E1	43.51	ADD	107 E1
42.17.020	AMD	294 E1	43.51	ADD	209 E1
42.17.040	AMD	294 E1	43.51	ADD	209 E1
42.17.060	AMD	294 E1	43.51.530	AMD	7
42.17.080	AMD	294 E1	43.51.540	AMD	7
42.17.090	AMD	294 E1	43.51.570	AMD	7
42.17.120	AMD	294 E1	43.52.300	AMD	37 E1
42.17.160	AMD	294 E1	43.62.040	AMD	278 E1
42.17.170	AMD	294 E1	43.62.050	AMD	293 E1
42.17.180	AMD	294 E1	43.63A.040	AMD	40
42.17.190	AMD	294 E1	43.79	ADD	91 E1
42.17.240	AMD	294 E1	43.83.030	AMD	278 E1
42.17.260	AMD	294 E1	43.83.064	AMD	278 E1
42.17.270	AMD	294 E1	43.83.074	AMD	278 E1
42.17.290	AMD	294 E1	43.83.094	AMD	278 E1
42.17.310	AMD	294 E1	43.83B	ADD	295 E1
42.17.320	AMD	294 E1	43.83B.050	AMD	18
42.17.330	AMD	294 E1	43.84.080	AMD	4 E1
42.17.340	AMD	294 E1	43.84.150	AMD	81 E1
42.17.350	AMD	294 E1	43.84.150	AMD	252 E1
42.17.370	AMD	294 E1	43.85.010	AMD	77 E1
42.17.380	AMD	294 E1	43.88.090	AMD	293 E1
42.17.400	AMD	294 E1	43.88.110	AMD	293 E1
42.24.035	AMD	72 E1	43.88.115	AMD	293 E1
42.28	ADD	85 E1	43.88.160	AMD	40
42.28.030	AMD	85 E1	43.88.160	AMD	293 E1
42.28.060	AMD	85 E1	43.88.195	AMD	293 E1
42.28.070	AMD	85 E1	43.88.205	AMD	293 E1
42.28.090	AMD	85 E1	43.88.230	AMD	293 E1
43.01	ADD	33 E1	43.91.010	REP	167 E1
43.03.010	AMD	263 E1	43.91.020	REP	167 E1
43.08	ADD	48	43.91.030	REP	167 E1
43.09.310	AMD	193 E1	43.91.040	REP	167 E1
43.09.310	AMD	293 E1	43.91.050	REP	167 E1
43.10.030	AMD	40	43.91.060	REP	167 E1
43.17.080	REP	40	43.91.070	REP	167 E1

"E1" Denotes 1st ex. sess.

TABLE OF RCW SECTIONS AFFECTED BY 1975 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
43.91.080	REP	167 E1	18	46.10	ADD 181 E1 4
43.96A.010	REP	45	1	46.10	ADD 181 E1 7
43.96A.020	REP	45	1	46.10.030	AMD 181 E1 1
43.96A.030	REP	45	1	46.10.080	AMD 181 E1 2
43.96A.040	REP	45	1	46.10.090	AMD 181 E1 5
43.96A.050	REP	45	1	46.10.150	AMD 181 E1 3
43.96A.060	REP	45	1	46.10.190	AMD 181 E1 6
43.96A.070	REP	45	1	46.12.010	AMD 25 6
43.96A.080	REP	45	1	46.12.020	AMD 25 7
43.96A.090	REP	45	1	46.12.030	AMD 25 8
43.96A.100	REP	45	1	46.12.040	AMD 138 E1 1
43.96A.900	REP	45	1	46.12.050	AMD 25 9
43.97	ADD	48 E1	4-8	46.12.060	AMD 25 10
43.97.020	AMD	48 E1	1	46.12.120	AMD 25 11
43.97.030	AMD	48 E1	2	46.12.160	AMD 25 12
43.97.040	AMD	48 E1	3	46.12.170	AMD 25 13
43.97.050	REP	48 E1	9	46.12.230	AMD 25 14
43.101.080	AMD	82 E1	1	46.16	ADD 118 E1 1,2
43.101.080	AMD	103 E1	1	46.16.020	AMD 169 E1 5
43.101.150	AMD	82 E1	2	46.16.040	AMD 25 15
43.110.010	AMD	218 E1	1	46.16.060	AMD 118 E1 3
43.126.020	AMD	26 E1	1	46.16.065	AMD 118 E1 4
44.04	ADD	185 E1	1	46.16.079	AMD 25 16
44.28.060	AMD	293 E1	13	46.16.080	AMD 25 17
44.28.080	AMD	293 E1	14	46.16.100	AMD 25 18
44.28.085	AMD	293 E1	15	46.16.130	AMD 118 E1 5
44.28.090	REP	293 E1	21	46.16.135	AMD 118 E1 6
44.28.100	AMD	293 E1	16	46.16.137	AMD 118 E1 7
44.28.140	AMD	293 E1	17	46.16.210	AMD 118 E1 8
44.28.150	AMD	293 E1	18	46.16.210	AMD 169 E1 6
44.28.160	REP	293 E1	21	46.16.220	AMD 118 E1 9
44.40	ADD	268 E1	2	46.16.230	AMD 25 19
44.40	ADD	268 E1	5,6	46.16.270	AMD 169 E1 7
44.40.020	AMD	268 E1	1	46.16.320	AMD 118 E1 10
44.40.025	AMD	293 E1	19	46.16.380	AMD 297 E1 1
44.40.026	REP	268 E1	9	46.16.505	AMD 41 1
44.40.040	AMD	268 E1	3	46.16.505	AMD 118 E1 11
44.40.060	REP	268 E1	9	46.16.560	AMD 59 1
44.40.100	AMD	268 E1	7	46.16.565	AMD 59 2
44.40.110	AMD	2	1	46.16.570	AMD 59 3
44.40.110	AMD	268 E1	8	46.16.585	AMD 59 4
46	ADD	54 E1	1-121	46.16.590	AMD 59 5
46.01.140	AMD	146 E1	1	46.16.595	AMD 59 6
46.01.230	AMD	52	1	46.20	ADD 54 1
46.04	ADD	25	4,5	46.20.115	AMD 191 E1 1
46.04	ADD	62	9-13	46.20.120	AMD 191 E1 2
46.04.080	AMD	62	2	46.20.161	AMD 191 E1 3
46.04.100	AMD	62	3	46.20.181	AMD 191 E1 4
46.04.220	AMD	62	4	46.20.200	AMD 191 E1 5
46.04.230	REP	62	51	46.20.308	AMD 287 E1 4
46.04.250	REP	62	51	46.37.210	AMD 242 E1 1
46.04.270	AMD	25	1	46.37.580	REP 24 2
46.04.350	AMD	62	5	46.37.590	AMD 24 1
46.04.370	AMD	62	6	46.44	ADD 63 E1 1
46.04.380	AMD	25	2	46.44	ADD 196 E1 1
46.04.460	AMD	25	3	46.44.091	AMD 168 E1 1
46.04.560	AMD	62	7	46.44.0941	AMD 168 E1 2
46.04.650	AMD	62	8	46.44.130	AMD 168 E1 3
46.08	ADD	169 E1	2-4	46.52	ADD 62 16
46.08.065	AMD	169 E1	1	46.52	ADD 281 E1 1,3-6
46.09.160	REP	34 E1	3	46.52.020	AMD 62 14
46.09.170	AMD	34 E1	1	46.52.020	AMD 210 E1 1

"E1" Denotes 1st ex. sess.

TABLE OF RCW SECTIONS AFFECTED BY 1975 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
46.52.080	AMD	62	15	47.17.265	REP	63	15
46.52.119	AMD	281 E1	2	47.17.300	AMD	63	4
46.61	ADD	62	40-49	47.17.315	AMD	63	5
46.61	ADD	209 E1	5,6	47.17.570	REP	63	15
46.61	ADD	287 E1	5	47.17.650	AMD	63	6
46.61.015	AMD	62	17	47.17.775	REP	63	15
46.61.050	AMD	62	18	47.17.840	AMD	63	7
46.61.055	AMD	62	19	47.26	ADD	253 E1	3,4
46.61.060	AMD	62	20	47.26.040	AMD	253 E1	1
46.61.065	AMD	62	21	47.26.130	AMD	1 E1	2
46.61.105	AMD	62	22	47.26.180	AMD	253 E1	2
46.61.115	AMD	62	23	47.36.250	AMD	255 E1	1
46.61.135	AMD	62	24	47.39.020	AMD	63	8
46.61.160	AMD	62	25	47.42.040	AMD	271 E1	1
46.61.180	AMD	62	26	47.42.062	AMD	271 E1	3
46.61.190	AMD	62	27	47.42.063	AMD	271 E1	4
46.61.290	AMD	62	28	47.42.065	AMD	271 E1	5
46.61.295	AMD	62	29	47.42.102	AMD	271 E1	2
46.61.305	AMD	62	30	47.42.140	AMD	63	9
46.61.350	AMD	62	31	47.44.010	AMD	46 E1	1
46.61.355	AMD	62	32	47.44.020	AMD	46 E1	2
46.61.360	REP	62	51	47.56	ADD	21 E1	1
46.61.420	REP	62	51	47.64.010	AMD	296 E1	33
46.61.435	AMD	62	33	47.64.020	REP	296 E1	39
46.61.440	AMD	62	34	47.64.030	AMD	296 E1	34
46.61.506	AMD	287 E1	1	47.64.040	AMD	296 E1	35
46.61.510	REP	287 E1	6	48	ADD	290 E1	2-19, 21-25
46.61.515	AMD	287 E1	2				
46.61.520	AMD	287 E1	3	48.01.010	AMD	266 E1	2
46.61.570	AMD	62	35	48.05.185	AMD	266 E1	3
46.61.575	AMD	62	36	48.07.090	AMD	266 E1	4
46.61.580	AMD	297 E1	2	48.10.070	AMD	266 E1	5
46.61.610	AMD	62	37	48.13.110	AMD	154 E1	1
46.61.635	AMD	62	38	48.15.090	AMD	266 E1	6
46.61.780	AMD	62	39	48.17.060	AMD	266 E1	7
46.64	ADD	56	3	48.17.560	AMD	266 E1	8
46.64.015	AMD	56	1	48.20	ADD	266 E1	9
46.64.030	AMD	56	2	48.20	ADD	266 E1	16-19
46.68.041	AMD	293 E1	20	48.20.052	AMD	266 E1	12
46.68.110	AMD	100 E1	1	48.21	ADD	117 E1	1
46.68.120	AMD	100 E1	2	48.21	ADD	266 E1	20
46.86.040	AMD	42 E1	1	48.21.190	AMD	266 E1	10
46.86.120	AMD	42 E1	2	48.24	ADD	117 E1	2
47.04.010	AMD	62	50	48.24.030	AMD	266 E1	11
47.05	ADD	143 E1	2	48.32A.060	AMD	133 E1	2
47.05	ADD	143 E1	4	48.32A.090	AMD	133 E1	1
47.05	ADD	143 E1	6	48.34.090	AMD	266 E1	13
47.05.030	AMD	143 E1	1	48.44	ADD	117 E1	3
47.05.040	AMD	143 E1	3	48.44.240	AMD	266 E1	14
47.05.050	REP	143 E1	5	49.08.010	AMD	296 E1	36
47.12.060	AMD	96 E1	1	49.08.020	AMD	296 E1	37
47.12.070	AMD	96 E1	2	49.46	ADD	289 E1	3
47.12.080	AMD	96 E1	3	49.46.010	AMD	289 E1	1
47.12.130	AMD	96 E1	4	49.46.020	AMD	289 E1	2
47.12.150	AMD	96 E1	5	49.52.010	AMD	34	1
47.12.290	AMD	96 E1	6	49.52.020	AMD	34	2
47.17	ADD	63	10-13	49.60.222	AMD	145 E1	1
47.17.045	AMD	63	14	50.04.355	AMD	228 E1	1
47.17.085	AMD	63	1	50.06	ADD	228 E1	7-13
47.17.115	AMD	63	2	50.12.070	AMD	228 E1	2
47.17.155	AMD	63	3	50.16.020	AMD	40	12
47.17.205	REP	63	15	50.20.030	REP	228 E1	18

"E1" Denotes 1st ex. sess.

TABLE OF RCW SECTIONS AFFECTED BY 1975 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
50.20.190	AMD	228 E1	3	56.16.060	AMD	25 E1	1
50.24	ADD	228 E1	15	56.16.080	AMD	25 E1	2
50.29.020	AMD	228 E1	6	56.32	ADD	86 E1	9
50.32	ADD	228 E1	16	56.32.010	AMD	86 E1	1
50.32.025	AMD	228 E1	4	56.32.020	AMD	86 E1	2
50.32.070	AMD	228 E1	5	56.32.030	AMD	86 E1	3
50.44.040	AMD	4	1	56.32.040	AMD	86 E1	4
50.44.040	AMD	67 E1	1	56.32.050	AMD	86 E1	5
50.44.050	AMD	228 E1	17	56.32.080	AMD	86 E1	6
51.04.110	AMD	224 E1	1	56.32.100	AMD	86 E1	7
51.08.012	AMD	224 E1	2	56.32.110	AMD	86 E1	8
51.12.035	AMD	79 E1	1	57.06	ADD	188 E1	15-17
51.12.100	AMD	224 E1	3	57.08.050	AMD	64 E1	2
51.28.010	AMD	224 E1	4	57.12.010	AMD	116 E1	1
51.28.025	AMD	224 E1	5	57.12.020	AMD	188 E1	14
51.28.070	AMD	224 E1	6	57.20	ADD	25 E1	5
51.32	ADD	286 E1	2	57.20.020	AMD	25 E1	3
51.32	ADD	224 E1	11-13	59.18.270	AMD	233 E1	1
51.32.005	REP	224 E1	19	60.04.010	AMD	34	3
51.32.010	AMD	224 E1	7	60.04.040	AMD	34	4
51.32.040	AMD	224 E1	8	60.04.050	AMD	34	5
51.32.050	AMD	179 E1	1	60.04.060	AMD	34	6
51.32.060	AMD	224 E1	9	60.04.067	AMD	34	7
51.32.070	REP	224 E1	19	60.04.100	AMD	231 E1	1
51.32.073	AMD	224 E1	10	60.04.110	AMD	34	8
51.32.073	AMD	286 E1	1	60.04.130	AMD	34	9
51.32.090	AMD	235 E1	1	60.04.210	AMD	34	10
51.36.010	AMD	234 E1	1	60.28.010	AMD	104 E1	1
51.36.020	AMD	224 E1	14	60.28.020	AMD	104 E1	2
51.36.060	AMD	224 E1	15	60.44.010	AMD	250 E1	1
51.44.033	AMD	224 E1	16	60.44.020	AMD	250 E1	2
51.44.160	AMD	224 E1	17	61.24.010	AMD	129 E1	1
51.52.050	AMD	58 E1	1	61.24.020	AMD	129 E1	2
51.52.060	AMD	58 E1	2	61.24.030	AMD	129 E1	3
51.52.070	AMD	58 E1	3	61.24.040	AMD	129 E1	4
51.52.070	AMD	224 E1	18	61.24.090	AMD	129 E1	5
51.52.106	AMD	58 E1	4	61.24.130	AMD	129 E1	6
52.08.070	REP	130 E1	5	62A.6-104	AMD	278 E1	33
52.16.070	AMD	130 E1	1	62A.6-107	AMD	278 E1	34
52.20.010	AMD	130 E1	2	63.28.360	AMD	28 E1	4
52.20.020	AMD	130 E1	3	63.36.010	AMD	28 E1	1
52.20.025	AMD	130 E1	4	63.36.020	AMD	28 E1	2
52.20.050	REP	130 E1	5	63.36.030	AMD	28 E1	3
52.36	ADD	64	1	66.08.050	AMD	173 E1	1
52.36	ADD	147 E1	2	66.12	ADD	173 E1	3
53.08	ADD	6	5	66.12.110	AMD	173 E1	2
53.08	ADD	60	1	66.12.110	AMD	256 E1	1
53.08.120	AMD	47 E1	1	66.20.190	AMD	173 E1	4
53.12	ADD	12 E1	1	66.24	ADD	173 E1	11,12
53.12	ADD	187 E1	1,2	66.24	ADD	245 E1	2
53.12.250	REP	187 E1	3	66.24.390	REP	245 E1	3
53.18.030	AMD	296 E1	38	66.24.420	AMD	245 E1	1
54.16	ADD	57 E1	1-5	66.28	ADD	173 E1	9
54.16	ADD	60	1	66.28.010	AMD	173 E1	6
54.16	ADD	140 E1	1	66.28.025	AMD	173 E1	7
54.16.120	AMD	46	1	66.28.030	AMD	173 E1	8
54.28.030	AMD	278 E1	30	66.28.040	AMD	173 E1	10
54.28.040	AMD	278 E1	31	66.44	ADD	204 E1	1
54.28.050	AMD	278 E1	32	66.44.190	AMD	68 E1	1
54.36.010	AMD	10 E1	1	66.44.191	REP	68 E1	2
56.08.070	AMD	64 E1	1	67.08.015	AMD	1	1
56.16	ADD	25 E1	4	67.28	ADD	225 E1	2

"E1" Denotes 1st ex. sess.

TABLE OF RCW SECTIONS AFFECTED BY 1975 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
67.28.180	AMD	225 E1	1	70.35.080	REP	291 E1	24
68.08.530	AMD	54	2	70.35.090	REP	291 E1	24
68.46.010	AMD	55 E1	1	70.35.100	REP	291 E1	24
69	ADD	201 E1	2-39	70.35.110	REP	291 E1	24
69.04	ADD	7 E1	36	70.41	ADD	175 E1	1
69.04	ADD	39	1	70.44.050	AMD	42	1
69.04.110	AMD	7 E1	25	70.88.070	AMD	74 E1	1
69.04.392	AMD	7 E1	26	70.92	ADD	110 E1	1-7
69.04.394	AMD	7 E1	27	70.92.010	REP	110 E1	10
69.04.396	AMD	7 E1	28	70.92.020	REP	110 E1	10
69.24.130	REP	201 E1	40	70.92.030	REP	110 E1	10
69.24.140	REP	201 E1	40	70.92.040	REP	110 E1	10
69.24.150	REP	201 E1	40	70.92.050	REP	110 E1	10
69.24.160	REP	201 E1	40	70.92.060	REP	110 E1	10
69.24.170	REP	201 E1	40	70.92A.010	REP	110 E1	10
69.24.180	REP	201 E1	40	70.92A.020	REP	110 E1	10
69.24.190	REP	201 E1	40	70.92A.030	REP	110 E1	10
69.24.200	REP	201 E1	40	70.92A.040	REP	110 E1	10
69.24.210	REP	201 E1	40	70.92A.050	REP	110 E1	10
69.24.220	REP	201 E1	40	70.92A.060	REP	110 E1	10
69.24.230	REP	201 E1	40	70.94.092	AMD	106 E1	1
69.24.240	REP	201 E1	40	70.94.097	ADD	106 E1	2
69.24.250	REP	201 E1	40	70.95A	ADD	6	2
69.24.260	REP	201 E1	40	70.95A	ADD	6	4-7
69.24.270	REP	201 E1	40	70.95A.010	AMD	6	1
69.24.280	REP	201 E1	40	70.95A.040	AMD	6	3
69.24.290	REP	201 E1	40	71.05	ADD	199 E1	12
69.24.300	REP	201 E1	40	71.05.040	AMD	199 E1	1
69.24.310	REP	201 E1	40	71.05.050	AMD	199 E1	2
69.24.320	REP	201 E1	40	71.05.150	AMD	199 E1	3
69.24.330	REP	201 E1	40	71.05.210	AMD	199 E1	4
69.24.340	REP	201 E1	40	71.05.230	AMD	199 E1	5
69.24.350	REP	201 E1	40	71.05.290	AMD	199 E1	6
69.24.360	REP	201 E1	40	71.05.300	AMD	199 E1	7
69.24.370	REP	201 E1	40	71.05.310	AMD	199 E1	8
69.24.380	REP	201 E1	40	71.05.320	AMD	199 E1	9
69.24.390	REP	201 E1	40	71.05.390	AMD	199 E1	10
69.24.400	REP	201 E1	40	72.19.100	AMD	278 E1	35
69.24.410	REP	201 E1	40	72.23.070	AMD	199 E1	11
69.24.420	REP	201 E1	40	72.33	ADD	246 E1	2
69.24.430	REP	201 E1	40	72.33	ADD	246 E1	11
69.24.450	REP	201 E1	40	72.33.020	AMD	246 E1	1
69.24.900	REP	201 E1	40	72.33.120	REP	246 E1	12
69.24.910	REP	201 E1	40	72.33.130	AMD	246 E1	3
69.28	ADD	283 E1	1,3-7	72.33.140	AMD	246 E1	4
69.28.150	REP	283 E1	8	72.33.150	AMD	246 E1	5
70	ADD	108 E1	1-6	72.33.160	AMD	246 E1	6
70.12	ADD	291 E1	2	72.33.170	AMD	246 E1	7
70.12.010	AMD	291 E1	1	72.33.200	AMD	246 E1	8
70.12.010	REP	291 E1	24	72.33.220	AMD	246 E1	9
70.32.010	AMD	291 E1	3	72.33.240	AMD	276 E1	10
70.32.090	REP	291 E1	24	72.36.030	AMD	13	1
70.33.040	AMD- REEN	291 E1	4	72.36.080	AMD	13	2
70.35.010	REP	291 E1	24	72.40.060	AMD	275 E1	151
70.35.020	REP	291 E1	24	72.40.070	AMD	275 E1	152
70.35.030	REP	291 E1	24	72.40.080	AMD	275 E1	153
70.35.040	REP	291 E1	24	72.40.090	AMD	51	1
70.35.050	REP	291 E1	24	72.40.100	AMD	275 E1	154
70.35.060	REP	291 E1	24	72.99.040	AMD	278 E1	36
70.35.070	REP	291 E1	24	72.99.120	AMD	278 E1	37
70.35.075	REP	291 E1	24	72.99.200	AMD	278 E1	38
				73.16.010	AMD	198 E1	1

"E1" Denotes 1st ex. sess.

TABLE OF RCW SECTIONS AFFECTED BY 1975 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
73.34.020	AMD	273 E1	1	78.48.060	REP	139 E1	1
73.34.090	AMD	273 E1	2	78.48.080	REP	139 E1	1
73.34.120	AMD	273 E1	3	79	ADD	107 E1	2
74	ADD	251 E1	1-4	79.01.132	AMD	52 E1	1
74.09.120	AMD	213 E1	1	79.01.200	AMD	45 E1	1
74.13.106	AMD	53	1	80.36	ADD	21	1
74.13.142	REP	53	2	81.53	ADD	189 E1	3
74.16.310	REP	251 E1	5	81.53.271	AMD	189 E1	1
75	ADD	152 E1	1,3-9	81.53.281	AMD	189 E1	2
75.04.010	AMD	152 E1	2	82.03.190	AMD	158 E1	3
75.08.012	AMD	183 E1	1	82.04.020	AMD	278 E1	39
75.08.230	AMD	223 E1	1	82.04.050	AMD	90 E1	1
75.20.100	AMD	29 E1	1	82.04.050	AMD	291 E1	5
75.28	ADD	183 E1	2-10	82.04.090	AMD	278 E1	40
76.09.030	AMD	200 E1	1	82.04.120	AMD	291 E1	6
76.09.050	AMD	200 E1	2	82.04.190	AMD	90 E1	2
76.09.060	AMD	200 E1	3	82.04.260	AMD	291 E1	7
76.09.070	AMD	200 E1	4	82.04.280	AMD	90 E1	3
76.09.080	AMD	200 E1	5	82.04.300	AMD	278 E1	41
76.09.090	AMD	200 E1	6	82.04.443	AMD	291 E1	8
76.09.100	AMD	200 E1	7	82.04.450	AMD	278 E1	42
76.09.140	AMD	200 E1	8	82.04.460	AMD	291 E1	9
76.09.170	AMD	200 E1	9	82.04.470	AMD	278 E1	43
76.09.220	AMD	200 E1	10	82.04.480	AMD	278 E1	44
76.09.240	AMD	200 E1	11	82.04.490	AMD	278 E1	45
76.09.910	AMD	200 E1	12	82.08.030	AMD	291 E1	10
76.14	ADD	101 E1	2	82.08.040	AMD	278 E1	46
76.14.050	AMD	101 E1	1	82.08.060	AMD	278 E1	47
76.20	ADD	10	3	82.08.080	AMD	278 E1	48
76.20.010	AMD	10	1	82.08.090	AMD	278 E1	49
76.20.030	AMD	10	2	82.08.100	AMD	278 E1	50
77	ADD	57	1	82.08.120	AMD	278 E1	51
77.12	ADD	207 E1	2	82.12.010	AMD	278 E1	52
77.12.150	AMD	102 E1	1	82.12.030	AMD	291 E1	11
77.12.160	AMD	102 E1	2	82.12.050	AMD	278 E1	53
77.12.175	AMD	59	7	82.12.060	AMD	278 E1	54
77.12.320	AMD	207 E1	1	82.12.070	AMD	278 E1	55
77.20.015	AMD	15 E1	1	82.14.045	AMD	270 E1	6
77.28.020	AMD	15 E1	2	82.14.047	REP	270 E1	28
77.32	ADD	6 E1	1	82.16.070	AMD	278 E1	56
77.32	ADD	15 E1	14	82.20.020	AMD	278 E1	57
77.32	ADD	15 E1	20-32	82.20.030	AMD	278 E1	58
77.32.020	AMD	15 E1	3	82.20.040	AMD	278 E1	59
77.32.031	AMD	15 E1	4	82.20.060	AMD	278 E1	60
77.32.100	AMD	15 E1	5	82.24.030	AMD	278 E1	61
77.32.103	AMD	15 E1	6	82.24.090	AMD	278 E1	62
77.32.105	AMD	15 E1	7	82.24.110	AMD	278 E1	63
77.32.110	AMD	15 E1	8	82.24.120	AMD	278 E1	64
77.32.113	AMD	15 E1	9	82.24.140	AMD	278 E1	65
77.32.130	AMD	15 E1	10	82.24.180	AMD	278 E1	66
77.32.150	AMD	15 E1	11	82.24.190	AMD	278 E1	67
77.32.160	AMD	15 E1	12	82.24.210	AMD	278 E1	68
77.32.190	AMD	15 E1	13	82.24.220	AMD	278 E1	69
77.32.200	AMD	15 E1	15	82.24.260	AMD	22 E1	1
77.32.210	AMD	15 E1	16	82.26.010	AMD	278 E1	70
77.32.225	AMD	15 E1	17	82.26.020	AMD	278 E1	71
77.32.255	AMD	15 E1	18	82.26.050	AMD	278 E1	72
78.48.010	REP	139 E1	1	82.26.060	AMD	278 E1	73
78.48.020	REP	139 E1	1	82.26.080	AMD	278 E1	74
78.48.030	REP	139 E1	1	82.26.090	AMD	278 E1	75
78.48.040	REP	139 E1	1	82.26.110	AMD	278 E1	76
78.48.050	REP	139 E1	1	82.32.030	AMD	278 E1	77

"E1" Denotes 1st ex. sess.

TABLE OF RCW SECTIONS AFFECTED BY 1975 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
82.32.105	AMD	278 E1	78	83.56.110	AMD 278 E1 128
82.32.110	AMD	278 E1	79	83.56.130	AMD 278 E1 129
82.32.120	AMD	278 E1	80	83.56.140	AMD 278 E1 130
82.32.130	AMD	278 E1	81	83.56.150	AMD 278 E1 131
82.32.140	AMD	278 E1	82	83.56.170	AMD 278 E1 132
82.32.160	AMD	158 E1	4	83.56.180	AMD 278 E1 133
82.32.200	AMD	278 E1	83	83.56.200	AMD 278 E1 134
82.32.230	AMD	278 E1	84	83.56.210	AMD 278 E1 135
82.32.235	AMD	278 E1	85	83.56.220	AMD 278 E1 136
82.32.240	AMD	278 E1	86	83.56.240	AMD 278 E1 137
82.32.260	AMD	278 E1	87	83.56.250	AMD 278 E1 138
82.32.270	AMD	278 E1	88	83.56.270	AMD 278 E1 139
82.32.290	AMD	278 E1	89	83.56.280	AMD 278 E1 140
82.32.300	AMD	278 E1	90	83.56.310	AMD 278 E1 141
82.32.310	AMD	278 E1	91	83.56.320	AMD 278 E1 142
82.32.320	AMD	278 E1	92	83.60.010	AMD 278 E1 143
82.32.360	AMD	278 E1	93	83.60.040	AMD 278 E1 144
82.34.050	AMD	158 E1	1	83.60.050	AMD 278 E1 145
82.34.110	AMD	158 E1	2	83.60.060	AMD 278 E1 146
82.38.030	AMD	62 E1	1	84	ADD 291 E1 26-43
82.44.040	AMD	118 E1	12	84.08.010	AMD 278 E1 147
82.44.040	AMD	278 E1	94	84.08.020	AMD 278 E1 148
82.44.045	AMD	118 E1	13	84.08.040	AMD 278 E1 149
82.44.060	AMD	118 E1	14	84.08.060	AMD 278 E1 150
82.44.120	AMD	278 E1	95	84.08.070	AMD 278 E1 151
82.48.090	AMD	278 E1	96	84.08.080	AMD 278 E1 152
82.50.170	AMD	9 E1	1	84.08.090	AMD 278 E1 153
82.50.170	AMD	278 E1	97	84.08.110	AMD 278 E1 154
82.50.400	AMD	118 E1	15	84.08.120	AMD 278 E1 155
82.50.410	AMD	118 E1	16	84.08.130	AMD 278 E1 156
82.50.440	AMD	9 E1	2	84.08.140	AMD 278 E1 157
82.50.460	AMD	118 E1	17	84.08.190	AMD 278 E1 158
83.04.023	AMD	278 E1	98	84.10.010	REP 291 E1 24
83.05.010	AMD	278 E1	99	84.12.200	AMD 278 E1 159
83.05.040	AMD	278 E1	100	84.12.220	AMD 278 E1 160
83.05.050	AMD	278 E1	101	84.12.230	AMD 278 E1 161
83.05.060	AMD	278 E1	102	84.12.240	AMD 278 E1 162
83.12.020	AMD	278 E1	103	84.12.250	AMD 278 E1 163
83.14.010	AMD	278 E1	104	84.12.260	AMD 278 E1 164
83.14.030	AMD	278 E1	105	84.12.270	AMD 278 E1 165
83.14.040	AMD	278 E1	106	84.12.300	AMD 278 E1 166
83.14.050	AMD	278 E1	107	84.12.310	AMD 278 E1 167
83.16.020	AMD	278 E1	108	84.12.330	AMD 278 E1 168
83.16.070	AMD	278 E1	109	84.12.340	AMD 278 E1 169
83.24.010	AMD	278 E1	110	84.12.360	AMD 278 E1 170
83.28.010	AMD	278 E1	111	84.12.370	AMD 278 E1 171
83.28.020	AMD	278 E1	112	84.12.390	AMD 278 E1 172
83.32.010	AMD	278 E1	113	84.16.010	AMD 278 E1 173
83.36.010	AMD	278 E1	114	84.16.020	AMD 278 E1 174
83.36.020	AMD	278 E1	115	84.16.030	AMD 278 E1 175
83.36.030	AMD	278 E1	116	84.16.032	AMD 278 E1 176
83.36.040	AMD	278 E1	117	84.16.034	AMD 278 E1 177
83.36.050	AMD	278 E1	118	84.16.036	AMD 178 E1 178
83.36.060	AMD	278 E1	119	84.16.040	AMD 278 E1 179
83.44.030	AMD	278 E1	120	84.16.050	AMD 278 E1 180
83.44.040	AMD	278 E1	121	84.16.090	AMD 278 E1 181
83.44.050	AMD	278 E1	122	84.16.100	AMD 278 E1 182
83.44.070	AMD	278 E1	123	84.16.130	AMD 278 E1 183
83.48.010	AMD	278 E1	124	84.24.010	AMD 278 E1 184
83.56.080	AMD	278 E1	125	84.24.030	AMD 278 E1 185
83.56.090	AMD	278 E1	126	84.24.040	AMD 278 E1 186
83.56.100	AMD	278 E1	127	84.24.050	AMD 278 E1 187

TABLE OF RCW SECTIONS AFFECTED BY 1975 STATUTES

RCW		CH.	SEC.
84.28.006	AMD	278 E1	188
84.28.020	AMD	278 E1	189
84.28.050	AMD	278 E1	190
84.28.060	AMD	278 E1	191
84.28.063	AMD	278 E1	192
84.28.065	AMD	278 E1	193
84.28.160	AMD	178 E1	194
84.36	ADD	20 E1	1
84.36	ADD	291 E1	22,23
84.36.020	AMD	291 E1	12
84.36.350	AMD	3 E1	1
84.36.381	AMD	291 E1	14
84.36.383	AMD	291 E1	15
84.36.387	AMD	291 E1	16
84.36.470	AMD	291 E1	17
84.36.815	AMD	291 E1	18
84.36.825	AMD	291 E1	19
84.36.865	AMD	291 E1	20
84.40.320	AMD	278 E1	195
84.40.330	AMD	278 E1	196
84.41.060	AMD	278 E1	197
84.41.070	AMD	278 E1	198
84.41.080	AMD	278 E1	199
84.41.090	AMD	278 E1	200
84.41.110	AMD	278 E1	201
84.41.120	AMD	278 E1	202
84.41.130	AMD	278 E1	203
84.41.140	AMD	278 E1	204
84.44.090	AMD	278 E1	205
84.48.120	AMD	278 E1	206
84.48.130	AMD	278 E1	207
84.52.020	AMD	43	33
84.56.400	AMD	160 E1	1
84.68.120	AMD	278 E1	208
84.68.130	AMD	278 E1	209
84.68.140	AMD	278 E1	210
84.69.020	AMD	291 E1	21
84.70.010	AMD	120 E1	2
84.70.020	AMD	120 E1	3
84.70.030	AMD	120 E1	4
84.72.010	AMD	178 E1	211
84.72.020	AMD	278 E1	212
84.72.030	AMD	278 E1	213
87.03.135	AMD	163 E1	1
87.03.160	AMD	14	1
87.03.460	AMD	163 E1	2
88.16	ADD	125 E1	1-3
90.48	ADD	200 E1	14
90.48.420	AMD	200 E1	13
90.50.040	AMD	278 E1	214
90.58.030	AMD	182 E1	1
90.58.120	AMD	182 E1	2
90.58.140	AMD	182 E1	3
90.58.180	AMD	182 E1	4

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

<u>LAWS 1854</u>			<u>LAWS 1975</u>		<u>LAWS 1854 (cont.)</u>			<u>LAWS 1975</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
Pg. 77	10	REP	260 E1		Pg. 87	64	REP	260 E1	
			9A.92.010(234)					9A.92.010(67)	
Pg. 78	11	REP	260 E1		Pg. 87	65	REP	260 E1	
			9A.92.010(2)					9A.92.010(68)	
Pg. 78	12	REP	260 E1		Pg. 87	65	REP	260 E1	
			9A.92.010(125)					9A.92.010(69)	
Pg. 78	13	REP	260 E1		Pg. 87	65,66	REP	260 E1	
			9A.92.010(126)					9A.92.010(70)	
Pg. 78	14	REP	260 E1		Pg. 88	69	REP	260 E1	
			9A.92.010(127)					9A.92.010(183)	
Pg. 78	16	REP	260 E1		Pg. 89	71	REP	260 E1	
			9A.92.010(128)					9A.92.010(37)	
Pg. 78	17	REP	260 E1		Pg. 89	71	REP	260 E1	
			9A.92.010(215)					9A.92.010(192)	
Pg. 78	18	REP	260 E1		Pg. 89	74	REP	260 E1	
			9A.92.010(133)					9A.92.010(35)	
Pg. 78	19	REP	260 E1		Pg. 89	74,75	REP	260 E1	
			9A.92.010(134)					9A.92.010(34)	
Pg. 79	22	REP	260 E1		Pg. 89	75	REP	260 E1	
			9A.92.010(74)					9A.92.010(42)	
Pg. 79	23	REP	260 E1		Pg. 89	76	REP	260 E1	
			9A.92.010(75)					9A.92.010(81)	
Pg. 79	24	REP	260 E1		Pg. 90	77	REP	260 E1	
			9A.92.010(27)					9A.92.010(82)	
Pg. 79	24	REP	260 E1		Pg. 90	77	REP	260 E1	
			9A.92.010(28)					9A.92.010(83)	
Pg. 79	24	REP	260 E1		Pg. 90	78	REP	260 E1	
			9A.92.010(29)					9A.92.010(175)	
Pg. 79	26	REP	260 E1		Pg. 90	79	REP	260 E1	
			9A.92.010(171)					9A.92.010(41)	
Pg. 80	28	REP	260 E1		Pg. 90	79	REP	260 E1	
			9A.92.010(27)					9A.92.010(176)	
Pg. 80	28	REP	260 E1		Pg. 90	79	REP	260 E1	
			9A.92.010(28)					9A.92.010(177)	
Pg. 80	28	REP	260 E1		Pg. 91	87	REP	260 E1	
			9A.92.010(29)					9A.92.010(90)	
Pg. 80	33	REP	14 E1	10(1)	Pg. 91	87	REP	260 E1	
Pg. 80	33	REP	14 E1	10(2)				9A.92.010(91)	
Pg. 81	3,4	REP	260 E1		Pg. 95	108	REP	260 E1	
			9A.92.010(193)					9A.92.010(94)	
Pg. 81	37,38	REP	260 E1		Pg. 95	117	REP	260 E1	
			9A.92.010(129)					9A.92.010(211)	
Pg. 81	37,38	REP	260 E1		Pg. 97	124	REP	260 E1	
			9A.92.010(130)					9A.92.010(135)	
Pg. 82	40	REP	260 E1		Pg. 98	125	REP	260 E1	
			9A.92.010(21)					9A.92.010(3)	
Pg. 82	40	REP	260 E1		Pg. 98	127	REP	260 E1	
			9A.92.010(22)					9A.92.010(6)	
Pg. 83	44	REP	260 E1		Pg. 236	73	AMD	119 E1	1
			9A.92.010(44)						
Pg. 83	44	REP	260 E1						
			9A.92.010(45)						
Pg. 83	45	REP	260 E1						
			9A.92.010(144)						
Pg. 84	36	REP	260 E1						
			9A.92.010(143)						
Pg. 85	57	REP	260 E1						
			9A.92.010(113)						
Pg. 85	57	REP	260 E1						
			9A.92.010(115)						
Pg. 85	57	REP	260 E1						
			9A.92.010(117)						

<u>LAWS 1854-55</u>			<u>LAWS 1975</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
Pg. 89	73	REP	260 E1	
			9A.92.010(36)	

<u>LAWS 1859</u>			<u>LAWS 1975</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
Pg. 106	11	REP	260 E1	
			9A.92.010(2)	
Pg. 118	69	REP	260 E1	
			9A.92.010(183)	

"E1" Denotes 1st ex. sess.

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

<u>LAWS 1859 (cont.)</u>			<u>LAWS 1975</u>		<u>LAWS 1869 (cont.)</u>			<u>LAWS 1975</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
Pg. 118	71	REP	260 E1		Pg. 202	24-30	REP	260 E1	
			9A.92.010(37)					9A.92.010(28)	
Pg. 118	71	REP	260 E1		Pg. 202	24-30	REP	260 E1	
			9A.92.010(37)					9A.92.010(29)	
Pg. 119	74	REP	260 E1		Pg. 202	26	REP	260 E1	
			9A.92.010(35)					9A.92.010(171)	
Pg. 119	75	REP	260 E1		Pg. 204	35	REP	14 E1	10(1)
			9A.92.010(34)		Pg. 204	35	REP	14 E1	10(2)
Pg. 129	124	REP	260 E1		Pg. 204	36	REP	260 E1	
			9A.92.010(3)					9A.92.010(193)	
<u>LAWS 1859-60</u>			<u>LAWS 1975</u>		Pg. 205	38	REP	260 E1	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	Pg. 212	64	REP	9A.92.010(143)	
Pg. 118	73	REP	260 E1					260 E1	
			9A.92.010(36)		Pg. 216	77	REP	9A.92.010(224)	
<u>LAWS 1862</u>			<u>LAWS 1975</u>		Pg. 216	77	REP	260 E1	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>				260 E1	
Pg. 15	1	REP	296 E1		Pg. 216	77	REP	9A.92.010(192)	
			9A.92.010(53)					260 E1	
Pg. 15	7	REP	260 E1		Pg. 216	78	REP	9A.92.010(36)	
			9A.92.010(55)					260 E1	
Pg. 30	1	AMD	28	1	Pg. 216	79	REP	9A.92.010(35)	
Pg. 30	1	REP	260 E1					260 E1	
			9A.92.010(162)		Pg. 216	80	REP	9A.92.010(34)	
<u>LAWS 1863</u>			<u>LAWS 1975</u>		Pg. 225	120	REP	260 E1	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>				9A.92.010(210)	
Pg. 209	37,38	REP	260 E1		Pg. 225	120	REP	260 E1	
			9A.92.010(129)					9A.92.010(211)	
Pg. 209	37,38	REP	260 E1		Pg. 225	121	REP	260 E1	
			9A.92.010(130)					9A.92.010(208)	
<u>LAWS 1869</u>			<u>LAWS 1975</u>		Pg. 226	122	REP	260 E1	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>				9A.92.010(32)	
Pg. 52	214	AMD	203 E1	2	Pg. 227	130	REP	260 E1	
Pg. 52	215	AMD	203 E1	3				9A.92.010(135)	
Pg. 200	11	REP	260 E1		Pg. 229	134	REP	260 E1	
			9A.92.010(2)					9A.92.010(3)	
Pg. 200	12	REP	260 E1		Pg. 229	136	REP	260 E1	
			9A.92.010(125)					9A.92.010(6)	
Pg. 200	13,14	REP	260 E1		<u>LAWS 1873</u>			<u>LAWS 1975</u>	
			9A.92.010(126)		<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
Pg. 201	14	REP	260 E1		Pg. 182	12	REP	260 E1	
			9A.92.010(127)					9A.92.010(125)	
Pg. 201	16	REP	260 E1		Pg. 182	13	REP	260 E1	
			9A.92.010(128)					9A.92.010(126)	
Pg. 201	17	REP	260 E1		Pg. 183	16	REP	260 E1	
			9A.92.010(215)					9A.92.010(127)	
Pg. 201	18	REP	260 E1		Pg. 183	18	REP	260 E1	
			9A.92.010(133)					9A.92.010(128)	
Pg. 201	19	REP	260 E1		Pg. 184	19	REP	260 E1	
			9A.92.010(134)					9A.92.010(215)	
Pg. 202	22	REP	260 E1		Pg. 184	20	REP	260 E1	
			9A.92.010(74)					9A.92.010(133)	
Pg. 202	23	REP	260 E1		Pg. 184	21	REP	260 E1	
			9A.92.010(75)					9A.92.010(134)	
Pg. 202	24-30	REP	260 E1		Pg. 185	25	REP	260 E1	
			9A.92.010(27)					9A.92.010(75)	
					Pg. 185	28	REP	260 E1	
								9A.92.010(171)	
					Pg. 185	29-34	REP	260 E1	
								9A.92.010(27)	

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

<u>LAWS 1873 (cont.)</u>			<u>LAWS 1975</u>		<u>LAWS 1873 (cont.)</u>			<u>LAWS 1975</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
Pg. 185	29-34	REP	260 E1		Pg. 200	83	REP	260 E1	
			9A.92.010(28)					9A.92.010(35)	
Pg. 185	29-34	REP	260 E1		Pg. 200	84	REP	260 E1	
			9A.92.010(29)					9A.92.010(34)	
Pg. 185	30	REP	260 E1		Pg. 200	84	REP	260 E1	
			9A.92.010(7)					9A.92.010(39)	
Pg. 185	38	REP	260 E1		Pg. 200	85	REP	260 E1	
			9A.92.010(193)					9A.92.010(81)	
Pg. 187	37	REP	14 E1	10(1)	Pg. 201	86	REP	260 E1	
Pg. 187	37	REP	14 E1	10(2)				9A.92.010(82)	
Pg. 187	37	REP	14 E1	10(3)	Pg. 201	86,87	REP	260 E1	
Pg. 187	40	REP	260 E1					9A.92.010(83)	
			9A.92.010(143)		Pg. 201	87	REP	260 E1	
Pg. 188	41,42	REP	260 E1					9A.92.010(175)	
			9A.92.010(129)		Pg. 201	88	REP	260 E1	
Pg. 188	41,42	REP	260 E1					9A.92.010(176)	
			9A.92.010(130)		Pg. 201	88	REP	260 E1	
Pg. 189	44	REP	260 E1					9A.92.010(177)	
			9A.92.010(21)		Pg. 203	96	REP	260 E1	
Pg. 189	44	REP	260 E1					9A.92.010(90)	
			9A.92.010(22)		Pg. 203	96	REP	260 E1	
Pg. 190	48	REP	260 E1					9A.92.010(91)	
			9A.92.010(44)		Pg. 208	119	REP	260 E1	
Pg. 190	48	REP	260 E1					9A.92.010(94)	
			9A.92.010(45)		Pg. 209	126	REP	260 E1	
Pg. 190	49	REP	260 E1					9A.92.010(210)	
			9A.92.010(46)		Pg. 209	126	REP	260 E1	
Pg. 190	50	REP	260 E1					9A.92.010(211)	
			9A.92.010(144)		Pg. 209	127	REP	260 E1	
Pg. 194	63	REP	260 E1					9A.92.010(208)	
			9A.92.010(113)		Pg. 210	128	REP	260 E1	
Pg. 194	63	REP	260 E1					9A.92.010(32)	
			9A.92.010(115)		Pg. 211	136	REP	260 E1	
Pg. 194	63	REP	260 E1					9A.92.010(135)	
			9A.92.010(117)		Pg. 213	140	REP	260 E1	
Pg. 195	67	REP	260 E1					9A.92.010(3)	
			9A.92.010(224)		Pg. 213	142	REP	260 E1	
Pg. 196	70	REP	260 E1					9A.92.010(6)	
			9A.92.010(53)		<u>LAWS 1875</u>			<u>LAWS 1975</u>	
Pg. 196	70	REP	260 E1		<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
			9A.92.010(55)		Pg. 85	1	REP	260 E1	
Pg. 197	73,74	REP	260 E1					9A.92.010(226)	
			9A.92.010(67)		Pg. 90	3	REP	260 E1	
Pg. 197	73,74	REP	260 E1					9A.92.010(228)	
			9A.92.010(68)		<u>LAWS 1877</u>			<u>LAWS 1975</u>	
Pg. 197	73,74	REP	260 E1		<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
			9A.92.010(69)		Pg. 300	1	REP	260 E1	
Pg. 197	73,74	REP	260 E1					9A.92.010(110)	
			9A.92.010(70)		Pg. 300	1	REP	260 E1	
Pg. 199	79	REP	260 E1					9A.92.010(162)	
			9A.92.010(183)		Pg. 300	2	REP	260 E1	
Pg. 199	81	REP	260 E1					9A.92.010(109)	
			9A.92.010(37)		Pg. 300	4	REP	260 E1	
Pg. 199	81	REP	260 E1					9A.92.010(111)	
			9A.92.010(191)		<u>Code 1881</u>			<u>LAWS 1975</u>	
Pg. 199	81	REP	260 E1		<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
			9A.92.010(192)			1	REP	260 E1	
Pg. 199	82	REP	2 E1					9A.92.010(16)	
			9A.92.010(36)						
Pg. 200	11	REP	260 E1						
			9A.92.010(2)						

"E1" Denotes 1st ex. sess.

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

Code 1881 (cont.)			LAWS 1975		Code 1881 (cont.)			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
	103	REP	260 E1			829	REP	260 E1	
			9A.92.010(171)					9A.92.010(193)	
	210	AMD	203 E1	2	830	REP		260 E1	
	211	AMD	203 E1	3				9A.92.010(144)	
	779	REP	260 E1		842	REP		260 E1	
			9A.92.010(234)					9A.92.010(162)	
	781	REP	260 E1		843	REP		260 E1	
			9A.92.010(2)					9A.92.010(162)	
	784	REP	260 E1		847	REP		260 E1	
			9A.92.010(9)					9A.92.010(162)	
	786	REP	260 E1		847	REP		260 E1	
			9A.92.010(125)					9A.92.010(108)	
	790	REP	260 E1		848	REP		260 E1	
			9A.92.010(126)					9A.92.010(162)	
	791	REP	260 E1		854	REP		260 E1	
			9A.92.010(127)					9A.92.010(113)	
	793	REP	260 E1		854	REP		260 E1	
			9A.92.010(128)					9A.92.010(115)	
	794	REP	260 E1		854	REP		260 E1	
			9A.92.010(215)					9A.92.010(117)	
	795	REP	260 E1		856-57	REP		260 E1	
			9A.92.010(133)					9A.92.010(53)	
	796	REP	260 E1		857	REP		260 E1	
			9A.92.010(134)					9A.92.010(55)	
	799	REP	260 E1		859-61	REP		260 E1	
			9A.92.010(74)					9A.92.010(67)	
	800	REP	260 E1		859-61	REP		260 E1	
			9A.92.010(75)					9A.92.010(68)	
801-809	REP		260 E1		859-61	REP		260 E1	
			9A.92.010(27)					9A.92.010(69)	
801-809	REP		260 E1		859-61	REP		260 E1	
			9A.92.010(28)					9A.92.010(70)	
801-809	REP		260 E1					260 E1	
			9A.92.010(29)		863	REP		260 E1	
	812	REP	14 E1	10				9A.92.010(71)	
	813	REP	260 E1		865	REP		260 E1	
			9A.92.010(203)					9A.92.010(199)	
	814	REP	14 E1	10	867	REP		260 E1	
	815	REP	260 E1					9A.92.010(183)	
			9A.92.010(204)		868	REP		260 E1	
	816	REP	260 E1					9A.92.010(186)	
			9A.92.010(206)		870	REP		260 E1	
	819	REP	260 E1					9A.92.010(184)	
			9A.92.010(143)		872	REP		260 E1	
	820	REP	260 E1					9A.92.010(187)	
			9A.92.010(129)		872	REP		260 E1	
	821	REP	260 E1					9A.92.010(188)	
			9A.92.010(130)		873	REP		260 E1	
	822	REP	260 E1					9A.92.010(189)	
			9A.92.010(89)		876	REP		260 E1	
	822	REP	260 E1					9A.92.010(191)	
			9A.92.010(92)		877	REP		260 E1	
	823	REP	260 E1					9A.92.010(37)	
			9A.92.010(21)		877	REP		260 E1	
	823	REP	260 E1					9A.92.010(192)	
			9A.92.010(22)		878	REP		260 E1	
	827	REP	260 E1					9A.92.010(36)	
			9A.92.010(44)		879	REP		260 E1	
	827	REP	260 E1					9A.92.010(35)	
			9A.92.010(45)		880	REP		260 E1	
	828	REP	260 E1					9A.92.010(34)	
			9A.92.010(46)		880	REP		260 E1	
								9A.92.010(39)	

"E1" Denotes 1st ex. sess.

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

<u>Code 1881 (cont.)</u>			<u>LAWS 1975</u>		<u>LAWS 1886 (cont.)</u>			<u>LAWS 1975</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
	880	REP	260 E1		Pg. 77	40	REP	260 E1	
			9A.92.010(42)					9A.92.010(22)	
	881	REP	260 E1		<u>LAWS 1886</u>			<u>LAWS 1975</u>	
			9A.92.010(81)		<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
	882	REP	260 E1		Pg. 84	1	REP	14 E1	10(1)
			9A.92.010(82)		Pg. 84	1	REP	14 E1	10(2)
	882	REP	260 E1		<u>LAWS 1888</u>			<u>LAWS 1975</u>	
			9A.92.010(83)		<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
	883	REP	260 E1		Pg. 14	1	REP	260 E1	
			9A.92.010(175)		Pg. 14	1	REP	9A.92.010(44)	
	885	REP	260 E1		Pg. 119	4	AMD	119 E1	1
			9A.92.010(41)		<u>LAWS 1889-90</u>			<u>LAWS 1975</u>	
	885	REP	260 E1		<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
			9A.92.010(177)		Pg. 692	39	AMD	163 E1	2
	886	REP	260 E1		<u>LAWS 1890</u>			<u>LAWS 1975</u>	
			9A.92.010(176)		<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
	894	REP	260 E1		Pg. 99	1	REP	260 E1	
			9A.92.010(90)		Pg. 122	11	REP	9A.92.010(122)	
	894	REP	260 E1		Pg. 124	1	REP	260 E1	
			9A.92.010(91)		Pg. 124	1	REP	9A.92.010(162)	
	923	REP	260 E1		Pg. 126	5	REP	260 E1	
			9A.92.010(94)		Pg. 126	5	REP	9A.92.010(223)	
	932	REP	260 E1		Pg. 126	6	REP	260 E1	
			9A.92.010(229)		Pg. 126	6	REP	9A.92.010(162)	
943,944	REP		260 E1		Pg. 127	9	REP	260 E1	
			9A.92.010(210)		Pg. 127	9	REP	9A.92.010(195)	
	945	REP	260 E1		Pg. 127	10	REP	260 E1	
			9A.92.010(32)		Pg. 473	3	AMD	9A.92.010(108)	
	948	REP	260 E1		Pg. 474	5	AMD	260 E1	
			9A.92.010(211)		Pg. 474	5	AMD	9A.92.010(108)	
	956	REP	260 E1		Pg. 474	6	AMD	260 E1	
			9A.92.010(6)		<u>LAWS 1891</u>			<u>LAWS 1975</u>	
	957	REP	260 E1		<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
			9A.92.010(3)		28	2	REP	260 E1	
	995	REP	260 E1		28	3	REP	9A.92.010(234)	
			9A.92.010(135)		28	3	REP	9A.92.010(233)	
			260 E1		69	1	REP	260 E1	
1161	REP		260 E1		69	1	REP	260 E1	
			9A.92.010(7)		69	2	REP	9A.92.010(125)	
	1224	REP	260 E1		69	2	REP	260 E1	
			9A.92.010(110)		69	4,8,11, 12,13, 14,16,17	REP	9A.92.010(128)	
	1224	REP	260 E1		69	4,8,11, 12,13, 14,16,17	REP	260 E1	
			9A.92.010(162)		69	13	REP	9A.92.010(162)	
	1225	REP	260 E1		69	13	REP	260 E1	
			9A.92.010(109)		69	14	REP	9A.92.010(109)	
	1227	REP	260 E1		69	14	REP	260 E1	
			9A.92.010(111)		69	15	REP	9A.92.010(110)	
	1271	REP	260 E1		69	15	REP	260 E1	
			9A.92.010(226)		69	15	REP	9A.92.010(111)	
	1273	REP	260 E1					260 E1	
			9A.92.010(228)					9A.92.010(111)	
<u>LAWS 1883</u>			<u>LAWS 1975</u>						
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>					
Pg. 71	2	REP	260 E1						
			9A.92.010(166)						
<u>LAWS 1886</u>			<u>LAWS 1975</u>						
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>					
Pg. 77	40	REP	260 E1						
			9A.92.010(21)						

"E1" Denotes 1st ex. sess.

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

LAWS 1891 (cont.)			LAWS 1975		LAWS 1901			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
69	16	REP	260 E1		17	1	REP	260 E1	
60	17	REP	9A.92.010(161)		172	8	AMD	9A.92.010(181)	
			260 E1					30 E1	10
			9A.92.010(166)						
LAWS 1893			LAWS 1975		LAWS 1903			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
24	1	AMD	34	3	58	1	AMD	296 E1	36
24	3	AMD	34	4	58	2	AMD	296 E1	37
24	4	AMD	34	5	104	27	AMD	275 E1	39
24	5	AMD	34	6	104	28	AMD	275 E1	40
24	9	AMD	231 E1	1	112	1	REP	260 E1	
24	10	AMD	34	8				9A.92.010(159)	
24	12	AMD	34	9					
64	1	REP	260 E1						
90	1	REP	9A.92.010(160)						
			260 E1						
139	2	REP	9A.92.010(48)						
			260 E1						
			9A.92.010(209)						
LAWS 1895			LAWS 1975		LAWS 1905			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
75	1	AMD	68 E1	1	23	1	REP	7 E1	40
75	2	REP	68 E1	2	23	2	REP	7 E1	40
84	1	AMD	198 E1	1	23	4	REP	7 E1	40
87	1	REP	260 E1		23	5	REP	7 E1	40
87	1	REP	9A.92.010(21)		23	6	REP	7 E1	40
87	1	REP	260 E1		23	7	REP	7 E1	40
87	6	REP	9A.92.010(22)		23	8	REP	7 E1	40
149	1,2	REP	260 E1		23	9	REP	7 E1	40
149	3,4	REP	9A.92.010(26)		23	10	REP	7 E1	40
149	6,7	REP	9A.92.010(26)		23	11	REP	7 E1	40
			260 E1		23	12	REP	7 E1	40
			9A.92.010(208)		23	13	REP	7 E1	40
			260 E1		23	14	REP	7 E1	40
			9A.92.010(210)		23	15	REP	7 E1	40
			260 E1		33	1	REP	260 E1	
			9A.92.010(32)		46	1,2	REP	9A.92.010(206)	
								260 E1	
								9A.92.010(81)	
LAWS 1897			LAWS 1975		LAWS 1907			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
19	1	REP	14 E1	10(1)	56	1	AMD	76 E1	1
19	1	REP	14 E1	10(2)	56	1	AMD	85 E1	4
41	1	REP	260 E1						
83	1	REP	9A.92.010(160)						
			260 E1						
			9A.92.010(162)						
LAWS 1899			LAWS 1975		LAWS 1909			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
30		ADD	159 E1	1,2	97, pg. 320	3	AMD	275 E1	41
111	1	REP	260 E1		97, pg. 320	4	AMD	275 E1	42
114	1	REP	9A.92.010(159)		97, pg. 320	5	AMD	275 E1	43
114	2	REP	260 E1		97, pg. 320	6	AMD	275 E1	44
114	3	REP	9A.92.010(167)		123	1	REP	7 E1	40
			260 E1		123	2	REP	7 E1	40
			9A.92.010(168)		192	6	AMD	171 E1	9
			260 E1		192	8	AMD	171 E1	9
			9A.92.010(169)		192	14	AMD	171 E1	3
					192	19	AMD	171 E1	5
					192	21	REP	171 E1	20
					207	1	AMD	278 E1	23
					249	1	REP	260 E1	
					249	2	REP	9A.92.010(2)	
					249	2	REP	260 E1	
					249	2	REP	9A.92.010(4)	
					249	2	REP	260 E1	
								9A.92.010(5)	

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

<u>LAWS 1909 (cont.)</u>			<u>LAWS 1975</u>		<u>LAWS 1909 (cont.)</u>			<u>LAWS 1975</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
249	3	REP	260 E1		249	94	REP	260 E1	
			9A.92.010(13)					9A.92.010(84)	
249	4	REP	260 E1		249	99	REP	260 E1	
			9A.92.010(12)					9A.92.010(183)	
249	5	REP	260 E1		249	100	REP	260 E1	
			9A.92.010(11)					9A.92.010(184)	
249	6	REP	260 E1		249	101	REP	260 E1	
			9A.92.010(14)					9A.92.010(185)	
249	8	REP	260 E1		249	102	REP	260 E1	
			9A.92.010(3)					9A.92.010(186)	
249	10	REP	260 E1		249	103	REP	260 E1	
			9A.92.010(6)					9A.92.010(187)	
249	12	REP	260 E1		249	104	REP	260 E1	
			9A.92.010(7)					9A.92.010(188)	
249	17	REP	260 E1		249	105	REP	260 E1	
			9A.92.010(9)					9A.92.010(189)	
249	18	REP	260 E1		249	106	REP	260 E1	
			9A.92.010(10)					9A.92.010(190)	
249	46	REP	260 E1		249	108	REP	260 E1	
			9A.92.010(17)					9A.92.010(191)	
249	47	REP	260 E1		249	109	REP	260 E1	
			9A.92.010(16)					9A.92.010(192)	
249	48	REP	260 E1		249	110	REP	260 E1	
			9A.92.010(18)					9A.92.010(180)	
249	49	REP	260 E1		249	111	REP	260 E1	
			9A.92.010(19)					9A.92.010(181)	
249	51	REP	260 E1		249	112	REP	260 E1	
			9A.92.010(1)					9A.92.010(175)	
249	68	REP	260 E1		249	113	REP	260 E1	
			9A.92.010(34)					9A.92.010(176)	
249	69	REP	260 E1		249	114	REP	260 E1	
			9A.92.010(35)					9A.92.010(177)	
249	70	REP	260 E1		249	115	REP	260 E1	
			9A.92.010(36)					9A.92.010(182)	
249	71	REP	260 E1		249	116	REP	260 E1	
			9A.92.010(37)					9A.92.010(178)	
249	72	REP	260 E1		249	122	REP	260 E1	
			9A.92.010(38)					9A.92.010(119)	
249	73	REP	260 E1		249	125	REP	260 E1	
			9A.92.010(39)					9A.92.010(87)	
249	74	REP	260 E1		249	130	REP	E1	
			9A.92.010(40)					9A.92.010(49)	
249	79	REP	260 E1		249	131	REP	260 E1	
			9A.92.010(41)					9A.92.010(50)	
249	80	REP	260 E1		249	132	REP	260 E1	
			9A.92.010(42)					9A.92.010(51)	
249	81	REP	260 E1		249	133	REP	260 E1	
			9A.92.010(43)					9A.92.010(213)	
249	85	REP	260 E1		249	134	REP	199 E1	13
			9A.92.010(158)		249	134	REP	260 E1	
249	87	REP	260 E1					9A.92.010(214)	
			9A.92.010(85)		249	135	REP	260 E1	
249	88	REP	260 E1					9A.92.010(215)	
			9A.92.010(86)		249	136	REP	260 E1	
249	90	REP	260 E1					9A.92.010(216)	
			9A.92.010(80)		249	137	REP	260 E1	
249	91	REP	260 E1					9A.92.010(217)	
			9A.92.010(81)		249	138	REP	260 E1	
249	92	REP	260 E1					9A.92.010(123)	
			9A.92.010(82)		249	139	REP	260 E1	
249	93	REP	260 E1					9A.92.010(124)	
			9A.92.010(83)						

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

LAWS 1909 (cont.)			LAWS 1975		LAWS 1909 (cont.)			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
249	140	REP	260 E1		249	171	REP	260 E1	
			9A.92.010(125)					9A.92.010(78)	
249	141	REP	260 E1		249	183	REP	14 E1	10
			9A.92.010(126)		249	184	REP	14 E1	10
249	142	REP	260 E1		249	185	REP	14 E1	10
			9A.92.010(127)		249	186	REP	260 E1	
249	143	REP	260 E1					9A.92.010(203)	
			9A.92.010(128)		249	187	REP	260 E1	
249	144	REP	260 E1					9A.92.010(204)	
			9A.92.010(129)		249	188	REP	260 E1	
249	145	REP	260 E1					9A.92.010(205)	
			9A.92.010(130)		249	189	REP	260 E1	
249	146	REP	260 E1					9A.92.010(206)	
			9A.92.010(131)		249	190	REP	260 E1	
249	147	REP	260 E1					9A.92.010(207)	
			9A.92.010(132)		249	201	REP	260 E1	
249	148	REP	260 E1					9A.92.010(32)	
			9A.92.010(133)		249	202	REP	260 E1	
249	149	REP	260 E1					9A.92.010(33)	
			9A.92.010(134)		249	203	REP	260 E1	
249	150	REP	260 E1					9A.92.010(208)	
			9A.92.010(135)		249	204	REP	260 E1	
249	152	REP	260 E1					9A.92.010(209)	
			9A.92.010(136)		249	205	REP	260 E1	
249	152	REP	260 E1					9A.92.010(210)	
			9A.92.010(137)		249	206	REP	260 E1	
249	153	REP	260 E1					9A.92.010(211)	
			9A.92.010(137)		249	219	REP	260 E1	
249	153	REP	260 E1					9A.92.010(120)	
			9A.92.010(138)		249	244	REP	260 E1	
249	154	REP	260 E1					9A.92.010(196)	
			9A.92.010(139)		249	245	REP	260 E1	
249	155	REP	260 E1					9A.92.010(197)	
			9A.92.010(171)		249	246	REP	260 E1	
249	156	REP	260 E1					9A.92.010(198)	
			9A.92.010(172)		249	247	REP	260 E1	
249	157	REP	260 E1					9A.92.010(199)	
			9A.92.010(173)		249	267	REP	260 E1	
249	159	REP	260 E1					9A.92.010(105)	
			9A.92.010(142)		249	268	REP	260 E1	
249	160	REP	260 E1					9A.92.010(106)	
			9A.92.010(143)		249	269	REP	260 E1	
249	161	REP	260 E1					9A.92.010(107)	
			9A.92.010(27)		249	282	REP	260 E1	
249	162	REP	260 E1					9A.92.010(65)	
			9A.92.010(28)		249	295	REP	260 E1	
249	163	REP	260 E1					9A.92.010(64)	
			9A.92.010(29)		249	296	REP	260 E1	
249	164	REP	260 E1					9A.92.010(67)	
			9A.92.010(30)		249	297	REP	260 E1	
249	165	REP	260 E1					9A.92.010(68)	
			9A.92.010(31)		249	299	REP	260 E1	
249	166	REP	260 E1					9A.92.010(69)	
			9A.92.010(193)		249	299	REP	260 E1	
249	167	REP	260 E1					9A.92.010(70)	
			9A.92.010(74)		249	300	REP	260 E1	
249	168	REP	260 E1					9A.92.010(71)	
			9A.92.010(75)		249	301	REP	260 E1	
249	169	REP	260 E1					9A.92.010(72)	
			9A.92.010(76)		249	302	REP	260 E1	
249	170	REP	260 E1					9A.92.010(73)	
			9A.92.010(77)						

"E1" Denotes 1st ex. sess.

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

LAWS 1909 (cont.)			LAWS 1975		LAWS 1909 (cont.)			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
249	303	REP	260 E1		249	358	REP	260 E1	
			9A.92.010(174)					9A.92.010(89)	
249	309	REP	260 E1		249	359	REP	260 E1	
			9A.92.010(66)					9A.92.010(90)	
249	320	REP	260 E1		249	360	REP	260 E1	
			9A.92.010(21)					9A.92.010(91)	
249	321	REP	260 E1		249	361	REP	260 E1	
			9A.92.010(22)					9A.92.010(92)	
249	322	REP	260 E1		249	362	REP	260 E1	
			9A.92.010(23)					9A.92.010(93)	
249	323	REP	260 E1		249	363	REP	260 E1	
			9A.92.010(24)					9A.92.010(95)	
249	324	REP	260 E1		249	364	REP	260 E1	
			9A.92.010(25)					9A.92.010(96)	
249	325	REP	260 E1		249	365	REP	260 E1	
			9A.92.010(26)					9A.92.010(97)	
249	326	REP	260 E1		249	367	REP	260 E1	
			9A.92.010(44)					9A.92.010(98)	
249	327	REP	260 E1		249	370	REP	260 E1	
			9A.92.010(45)					9A.92.010(103)	
249	328	REP	260 E1		249	375	REP	260 E1	
			9A.92.010(46)					9A.92.010(121)	
249	329	REP	260 E1		249	376	REP	260 E1	
			9A.92.010(47)					9A.92.010(20)	
249	330	REP	260 E1		249	382	REP	260 E1	
			9A.92.010(48)					9A.92.010(230)	
249	331	REP	260 E1		249	383	REP	260 E1	
			9A.92.010(113)					9A.92.010(231)	
249	332	REP	260 E1		249	399	REP	260 E1	
			9A.92.010(114)					9A.92.010(194)	
249	333	REP	260 E1		249	404	REP	260 E1	
			9A.92.010(115)					9A.92.010(159)	
249	334	REP	260 E1		249	405	REP	260 E1	
			9A.92.010(116)					9A.92.010(160)	
249	335	REP	260 E1		249	406	REP	260 E1	
			9A.92.010(117)					9A.92.010(161)	
249	336	REP	260 E1		249	407	REP	260 E1	
			9A.92.010(118)					9A.92.010(162)	
249	338	REP	260 E1		249	408	REP	260 E1	
			9A.92.010(112)					9A.92.010(163)	
249	339	REP	260 E1		249	409	REP	260 E1	
			9A.92.010(53)					9A.92.010(104)	
249	340	REP	260 E1		249	412	REP	260 E1	
			9A.92.010(54)					9A.92.010(218)	
249	349	REP	260 E1		249	413	REP	260 E1	
			9A.92.010(144)					9A.92.010(223)	
249	350	REP	260 E1		249	414	REP	260 E1	
			9A.92.010(149)					9A.92.010(164)	
249	351	REP	260 E1		249	415	REP	260 E1	
			9A.92.010(150)					9A.92.010(165)	
249	352	REP	260 E1		249	420	REP	260 E1	
			9A.92.010(151)					9A.92.010(179)	
249	353	AMD	61 E1	1	249	421	REP	260 E1	
249	353	REP	260 E1					9A.92.010(99)	
			9A.92.010(152)		249	422	REP	260 E1	
249	354	REP	260 E1					9A.92.010(100)	
			9A.92.010(153)		249	436	REP	260 E1	
249	355	REP	260 E1					9A.92.010(226)	
			9A.92.010(154)						
249	356	REP	260 E1						
			9A.92.010(156)						

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

LAWS 1911			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.
25	4	AMD	38	1
46	1	REP	260 E1	
			9A.92.010(101)	
57	1	AMD	203 E1	1

LAWS 1913			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.
126	5	AMD	261 E1	1
128	1	REP	260 E1	
			9A.92.010(219)	
128	2	REP	260 E1	
			9A.92.010(220)	
128	3	REP	260 E1	
			9A.92.010(221)	
128	4	REP	260 E1	
			9A.92.010(222)	
139	1	REP	260 E1	
			9A.92.010(223)	

LAWS 1915			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.
62	1	REP	260 E1	
			9A.92.010(227)	
155	1	REP	260 E1	
			9A.92.010(145)	
156	1	REP	260 E1	
			9A.92.010(148)	
165	3	REP	260 E1	
			9A.92.010(144)	

LAWS 1917			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.
60	1	REP	260 E1	
			9A.92.010(146)	
60	2	REP	260 E1	
			9A.92.010(147)	
98	1	REP	260 E1	
			9A.92.010(210)	
154	1	AMD	111 E1	1
160	3	AMD	30 E1	51

LAWS 1919			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.
4	6	AMD	30 E1	58
4	17	AMD	30 E1	59
5	5	AMD	30 E1	19
5	8	AMD	30 E1	21
5	10	AMD	30 E1	22
5	14	AMD	30 E1	20
36	3	AMD	30 E1	39
36	11	AMD	30 E1	40
64	1	REP	260 E1	
			9A.92.010(145)	
132	1	REP	14 E1	10
134	11	AMD	30 E1	63
134	11	AMD	171 E1	12
144	1	AMD	69 E1	2
144	2	AMD	69 E1	3
144	5	AMD	69 E1	4
144	6	REP	69 E1	16

LAWS 1919 (cont.)			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.
144	7	AMD	69 E1	7
144	9	AMD	30 E1	57
144	9	AMD	69 E1	5
144	11	AMD	69 E1	6
144	13	AMD	30 E1	56
144	15	AMD	69 E1	15
148	2	REP	7 E1	40
187	11	AMD	40 E1	1

LAWS 1921			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.
79	1	AMD	40	1
79	2	AMD	40	2
79	1	AMD	126 E1	1
79	2	AMD	126 E1	2
82	1	AMD	30 E1	59
126	5	AMD	19 E1	3
166	1	AMD	104 E1	1
166	2	AMD	104 E1	2

LAWS 1923			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.
16	28	AMD	30 E1	24
16	32	AMD	30 E1	26
16	33	AMD	30 E1	25
75	3	AMD	30 E1	4
75	6	AMD	30 E1	5
75	7	AMD	30 E1	6
151	2	AMD	188 E1	6
183	2	AMD	230 E1	2

LAWS 1925 EX.			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.
94	3	AMD	37	2
122	1	REP	7 E1	40

LAWS 1927			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.
51	1	AMD	194 E1	1
177	1	AMD	111 E1	1
186	1	REP	260 E1	
			9A.92.010(205)	
233	1	REP	260 E1	
			9A.92.010(8)	
255	33	AMD	52 E1	1
255	50	AMD	45 E1	1
265	1	REP	260 E1	
			9A.92.010(22)	
294	1	AMD	44	1
307	1	AMD	34	1
307	2	AMD	34	2

LAWS 1929			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.
114	7	AMD	116 E1	1
114	21	AMD	64 E1	2

LAWS 1931			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.
82	1	AMD	163 E1	1

"E1" Denotes 1st ex. sess.

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

LAWS 1933			LAWS 1975		LAWS 1939 (cont.)			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
173		ADD	80 E1	2-21	34	40	AMD	130 E1	2
173	15	AMD	222 E1	1	34	41	AMD	130 E1	3
173	16	AMD	222 E1	2	34	44	REP	130 E1	5
173	17	AMD	222 E1	3	128	3	AMD	25 E1	3
173	20	AMD	222 E1	5	172	8	AMD	173 E1	8
173	21	AMD	222 E1	4	175	1	REP	139 E1	1
173	25	AMD	222 E1	8	175	2	REP	139 E1	1
					175	3	REP	139 E1	1
					175	4	REP	139 E1	1
					175	5	REP	139 E1	1
					175	6	REP	139 E1	1
					175	7	REP	139 E1	1
					191		ADD	291 E1	2
					191	1	AMD	291 E1	1
					191	1	REP	291 E1	24
					199	31	REP	283 E1	8
LAWS 1933 EX.			LAWS 1975		LAWS 1941			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
6	1	REP	260 E1		70	60	REP	130 E1	5
			9A.92.010(140)		71	10	AMD	30 E1	82
6	3	REP	260 E1		71	17	AMD	30 E1	83
			9A.92.010(141)		71	19	AMD	30 E1	84
49	1	AMD	68 E1	1	210	19	AMD	25 E1	1
62		ADD	173 E1	9	210	21	AMD	25 E1	2
62		ADD	173 E1	11,12	210	44	AMD	64 E1	1
62		ADD	204 E1	1					
62	23L	REP	245 E1	3					
62	27-D	AMD	173 E1	8					
62	30	AMD	173 E1	10					
62	69	AMD	173 E1	1					
62	90	AMD	173 E1	6					
LAWS 1935			LAWS 1975		LAWS 1943			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
112	2	AMD	49	1	31	1	REP	7 E1	40
112	10	AMD	30 E1	31	111	1	REP	260 E1	
112	13	AMD	30 E1	32				9A.92.010(208)	
112	15	AMD	30 E1	33	112	1	REP	14 E1	10
112	24	AMD	30 E1	30	130	93	AMD	121 E1	1
					131	19	AMD	222 E1	8
					146	1	REP	139 E1	1
					146	2	REP	139 E1	1
					146	3	REP	139 E1	1
					146	4	REP	139 E1	1
					162	1	AMD	291 E1	3
					163	1	REP	291 E1	24
					209	1	AMD	231 E1	1
LAWS 1937			LAWS 1975		LAWS 1945			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
12	1	REP	260 E1		35		ADD	228 E1	15
			9A.92.010(234)		35		ADD	228 E1	16
69	1	AMD	250 E1	1	35	46	AMD	228 E1	2
69	2	AMD	250 E1	2	35	61	AMD	40	12
74		REP	14 E1	10	35	87	AMD	228 E1	3
74	2	REP	260 E1		35	123	AMD	228 E1	5
			9A.92.010(207)		78	1	AMD	69 E1	7
74	3	REP	260 E1		97		ADD	10	3
			9A.92.010(209)		97	1	AMD	10	1
78	1	REP	260 E1		97	3	AMD	10	2
			9A.92.010(102)		222	1	REP	139 E1	1
108	6	AMD	30 E1	42	222	2	REP	139 E1	1
108	8	AMD	30 E1	45	222	3	REP	139 E1	1
108	10	AMD	30 E1	43	222	4	REP	139 E1	1
108	15	AMD	30 E1	44	222	5	REP	139 E1	1
155	1	AMD	69 E1	4	222	6	REP	139 E1	1
155	3	AMD	69 E1	15					
176	1-6	REP	55	1					
215	14	AMD	30 E1	14					
217	1	REP	245 E1	3					
217	6	AMD	173 E1	6					
LAWS 1939			LAWS 1975						
Ch.	Sec.	Action	Ch.	Sec.					
34	17	REP	130 E1	5					
34	39	AMD	130 E1	1					

"E1" Denotes 1st ex. sess.

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

LAWS 1945 (cont.)			LAWS 1975		LAWS 1951 (cont.)			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
235	25	AMD	165 E1	2	48	2	AMD	1	1
257	29	AMD	7 E1	25	49	1	REP	139 E1	1
264	15	AMD	42	1	51	7	AMD	85 E1	4
LAWS 1947			LAWS 1975		117	6	AMD	99 E1	1
Ch.	Sec.	Action	Ch.	Sec.	117	7	AMD	99 E1	2
79	.01.01	AMD	266 E1	2	117	10	REP	99 E1	17
79	.07.09	AMD	266 E1	4	117	10	AMD	213 E1	2
79	.10.07	AMD	266 E1	5	117	13	REP	99 E1	17
79	.13.11	AMD	154 E1	1	117	14	REP	99 E1	17
79	.15.09	AMD	266 E1	6	120	1	AMD	68 E1	1
79	.17.06	AMD	266 E1	7	125	5	AMD	49 E1	1
79	.17.56	AMD	266 E1	8	159	1	AMD	14	1
79	.24.03	AMD	266 E1	11	178	2	AMD	113 E1	2
80	1	AMD	275 E1	149	178	3	AMD	113 E1	1
80	4	AMD	17 E1	1	178	4	AMD	113 E1	3
80	42	AMD	43	32	180	5	AMD	30 E1	13
80	42	AMD	275 E1	150	180	7	AMD	30 E1	15
165	9	AMD	161 E1	1	182	1	REP	260 E1	
215	31	AMD	228 E1	5	210	1	AMD	9A.92.010(88)	
274	13	AMD	33	6	229	6	AMD	128 E1	1
283	8	AMD	30 E1	46				266 E1	12
283	11	AMD	23	1	LAWS 1953			LAWS 1975	
283	11	AMD	30 E1	47	Ch.	Sec.	Action	Ch.	Sec.
283	13	AMD	30 E1	48	74	5	AMD	101 E1	1
283	14	AMD	30 E1	49	83	1	AMD	30 E1	41
283	16	AMD	30 E1	50	93	2	AMD	49	1
LAWS 1949			LAWS 1975		93	5	AMD	30 E1	28
Ch.	Sec.	Action	Ch.	Sec.	144	1	AMD	263 E1	2
67	4	AMD	173 E1	4	144	2	AMD	263 E1	4
112	3	AMD	183 E1	1	160	5	AMD	99 E1	2
202	16	AMD	30 E1	77	160	6	REP	99 E1	17
202	19	AMD	30 E1	78	160	6	AMD	213 E1	2
202	20	AMD	30 E1	79	160	7	REP	99 E1	17
217	1	AMD	34	7	160	8	REP	99 E1	17
222	9	AMD	30 E1	68	197	3	AMD	266 E1	4
222	10	AMD	30 E1	69	202	35	AMD	171 E1	6
226	15	AMD	229 E1	1	249	3	AMD	37	2
226	19	AMD	229 E1	2	LAWS 1953 EX.			LAWS 1975	
226	21	AMD	229 E1	3	Ch.	Sec.	Action	Ch.	Sec.
226	27	AMD	229 E1	4	8	6	AMD	40	12
226	28	AMD	229 E1	5	LAWS 1955			LAWS 1975	
230	4	AMD	278 E1	36	Ch.	Sec.	Action	Ch.	Sec.
239	5	AMD	30 E1	65	12	75.04.010	AMD	152 E1	2
239	6	AMD	30 E1	66	12	75.08.230	AMD	223 E1	1
239	7	AMD	30 E1	67	12	75.20.100	AMD	29 E1	1
LAWS 1951			LAWS 1975		13	32.08.150	AMD	15	1
Ch.	Sec.	Action	Ch.	Sec.	33	30.12.010	AMD	35	1
31	1	AMD	7 E1	13	36		ADD	6 E1	1
31	2	AMD	7 E1	14	36	77.12.150	AMD	102 E1	1
31	3	AMD	7 E1	15	36	77.12.160	AMD	102 E1	2
31	4	AMD	7 E1	16	36	77.12.320	AMD	207 E1	1
31	6	AMD	7 E1	17	36	77.28.020	AMD	15 E1	2
43	2	AMD	293 E1	13	36	77.32.020	AMD	15 E1	3
43	4	AMD	293 E1	14	36	77.32.100	AMD	15 E1	5
43	5	REP	293 E1	21	36	77.32.103	AMD	15 E1	6
43	6	AMD	293 E1	16	36	77.32.105	AMD	15 E1	7
43	7	AMD	293 E1	18	36	77.32.110	AMD	15 E1	8
43	11	AMD	293 E1	17	36	77.32.113	AMD	15 E1	9

"E1" Denotes 1st ex. sess.

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

LAWS 1955 (cont.)			LAWS 1975		LAWS 1957 (cont.)			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
36	77.32.130	AMD	15 E1	10	60	2	AMD	171 E1	1
36	77.32.150	AMD	15 E1	11	60	3	AMD	171 E1	7
36	77.32.190	AMD	15 E1	13	60	4	AMD	171 E1	8
36	77.32.200	AMD	15 E1	15	72	1	REP	187 E1	3
36	77.32.210	AMD	15 E1	16	101	13	AMD	30 E1	11
97	1	AMD	61 E1	1	137	1	AMD	10 E1	1
97	1	REP	260 E1		176	13	AMD	15 E1	17
			9A.92.010(152)		253	16	AMD	43 E1	1
127	1	REP	260 E1		278	3	AMD	278 E1	30
			9A.92.010(207)		278	4	AMD	278 E1	31
149	6	AMD	30 E1	18	278	5	AMD	278 E1	32
171	2	AMD	101 E1	1	286	8	AMD	278 E1	13
193	1-4	REP	201 E1	40	286	13	AMD	278 E1	14
193	5	REP	201 E1	40	286	14	AMD	278 E1	15
193	6-9	REP	201 E1	40	286	15	AMD	278 E1	16
193	10	REP	201 E1	40	286	18	AMD	278 E1	17
193	11-13	REP	201 E1	40	298	6	AMD	278 E1	37
193	14	REP	201 E1	40	299	4	AMD	278 E1	38
193	15-31	REP	201 E1	40					
193	33	REP	201 E1	40					
193	34	REP	201 E1	40					
193	35	REP	201 E1	40					
202		ADD	61	2,3					
202	3	AMD	61	1					
202	15	AMD	61	4					
202	35	AMD	30 E1	61					
202	36	AMD	30 E1	62					
202	36	AMD	171 E1	11					
202	44	AMD	171 E1	14					
206	9	AMD	293 E1	17					
206	10	AMD	293 E1	14					
241	4	REP	260 E1						
			9A.92.010(232)						
286	3	REP	228 E1	18					
303	9	AMD	266 E1	7					
305	6	AMD	30 E1	72					
305	9	AMD	30 E1	74					
305	17	AMD	30 E1	76					
320	1	REP	260 E1						
			9A.92.010(79)						
320	2	REP	260 E1						
			9A.92.010(80)						
348	2	AMD	47 E1	1					
348	4	REP	187 E1	3					
382	8	AMD	178 E1	4					
390	13	AMD	46	1					
LAWS 1957			LAWS 1975		LAWS 1959			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
22	2	REP	7 E1	40	1	7	AMD	186 E1	1
22	3	REP	7 E1	40	18	3	AMD	188 E1	14
23	11	AMD	222 E1	6	26	74.09.120	AMD	213 E1	1
23	12	AMD	222 E1	7	28	72.23.070	AMD	199 E1	11
43	7	AMD	30 E1	34	28	72.33.020	AMD	246 E1	1
43	12	AMD	30 E1	35	28	72.33.120	REP	246 E1	12
46	1	REP	260 E1		28	72.33.130	AMD	246 E1	3
			260 E1		28	72.33.140	AMD	246 E1	4
			9A.92.010(183)		28	72.33.150	AMD	246 E1	5
46	2	REP	260 E1		28	72.33.160	AMD	246 E1	6
			9A.92.010(188)		28	72.33.170	AMD	246 E1	7
52	14	AMD	30 E1	16	28	72.33.200	AMD	246 E1	8
52	25	AMD	30 E1	29	28	72.33.220	AMD	246 E1	9
52	29	AMD	30 E1	27	28	72.33.240	AMD	246 E1	10
					28	72.36.030	AMD	13	1
					28	72.36.080	AMD	13	2
					28	72.40.060	AMD	275 E1	151
					28	72.40.070	AMD	275 E1	152
					28	72.40.080	AMD	275 E1	153
					28	72.40.090	AMD	51	1
					28	72.40.100	AMD	275 E1	154
					73	1	AMD	76 E1	1
					84	2	AMD	30 E1	8
					84	3	AMD	30 E1	7
					117	3	REP	291 E1	24
					139	3	AMD	7 E1	18
					148	2	REP	293 E1	21
					154	1	REP	246 E1	12
					189	1	AMD	171 E1	13
					189	2	REP	171 E1	20
					200	4	9 AMD	30 E1	80
					200	5	AMD	30 E1	81
					212	11	AMD	266 E1	1
					229	1	REP	260 E1	
								9A.92.010(200)	
					229	2	REP	260 E1	
								9A.92.010(201)	
					229	4	REP	260 E1	
								9A.92.010(202)	
					234	12	AMD	12	1
					274	3	AMD	278 E1	30

"E1" Denotes 1st ex. sess.

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

LAWS 1961 (cont.)			LAWS 1975		LAWS 1961 (cont.)			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
13	47.64.010	AMD	296 E1	33	15	82.32.300	AMD	278 E1	90
13	47.64.020	REP	296 E1	39	15	82.32.310	AMD	278 E1	91
13	47.64.030	AMD	296 E1	34	15	82.32.320	AMD	278 E1	92
13	47.64.040	AMD	296 E1	35	15	82.32.360	AMD	278 E1	93
15		ADD	20 E1	1	15	82.44.040	AMD	118 E1	12
15		ADD	291 E1	22,23	15	82.44.040	AMD	278 E1	94
15	82.04.020	AMD	278 E1	39	15	82.44.060	AMD	118 E1	14
15	82.04.090	AMD	278 E1	40	15	82.44.120	AMD	278 E1	95
15	82.04.120	AMD	291 E1	6	15	82.48.090	AMD	278 E1	96
15	82.04.190	AMD	90 E1	2	15	82.50.170	AMD	9 E1	1
15	82.04.260	AMD	291 E1	7	15	82.50.170	AMD	278 E1	97
15	82.04.300	AMD	278 E1	41	15	83.05.010	AMD	278 E1	99
15	82.04.450	AMD	278 E1	42	15	83.05.040	AMD	278 E1	100
15	82.04.460	AMD	291 E1	9	15	83.05.050	AMD	278 E1	101
15	82.04.470	AMD	278 E1	43	15	83.05.060	AMD	278 E1	102
15	82.04.480	AMD	278 E1	44	15	83.12.020	AMD	278 E1	103
15	82.04.490	AMD	278 E1	45	15	83.14.010	AMD	278 E1	104
15	82.08.030	AMD	291 E1	10	15	83.14.030	AMD	278 E1	105
15	82.08.040	AMD	278 E1	46	15	83.14.040	AMD	278 E1	106
15	82.08.060	AMD	278 E1	47	15	83.14.050	AMD	278 E1	107
15	82.08.080	AMD	278 E1	48	15	83.16.020	AMD	278 E1	108
15	82.08.090	AMD	278 E1	49	15	83.16.070	AMD	278 E1	109
15	82.08.100	AMD	278 E1	50	15	83.24.010	AMD	278 E1	110
15	82.08.120	AMD	278 E1	51	15	83.28.010	AMD	278 E1	111
15	82.12.010	AMD	278 E1	52	15	83.28.020	AMD	278 E1	112
15	82.12.030	AMD	291 E1	11	15	83.32.010	AMD	278 E1	113
15	82.12.050	AMD	278 E1	53	15	83.36.010	AMD	278 E1	114
15	82.12.060	AMD	278 E1	54	15	83.36.020	AMD	278 E1	115
15	82.12.070	AMD	278 E1	55	15	83.36.030	AMD	278 E1	116
15	82.16.070	AMD	278 E1	56	15	83.36.040	AMD	278 E1	117
15	82.20.020	AMD	278 E1	57	15	83.36.050	AMD	278 E1	118
15	82.20.030	AMD	278 E1	58	15	83.36.060	AMD	278 E1	119
15	82.20.040	AMD	278 E1	59	15	83.44.030	AMD	278 E1	120
15	82.20.060	AMD	278 E1	60	15	83.44.040	AMD	278 E1	121
15	82.24.030	AMD	278 E1	61	15	83.44.050	AMD	278 E1	122
15	82.24.090	AMD	278 E1	62	15	83.44.070	AMD	278 E1	123
15	82.24.110	AMD	278 E1	63	15	83.48.010	AMD	278 E1	124
15	82.24.120	AMD	278 E1	64	15	83.56.080	AMD	278 E1	125
15	82.24.140	AMD	278 E1	65	15	83.56.090	AMD	278 E1	126
15	82.24.180	AMD	278 E1	66	15	83.56.100	AMD	278 E1	127
15	82.24.190	AMD	278 E1	67	15	83.56.110	AMD	278 E1	128
15	82.24.210	AMD	278 E1	68	15	83.56.130	AMD	278 E1	129
15	82.24.220	AMD	278 E1	69	15	83.56.140	AMD	278 E1	130
15	82.26.010	AMD	278 E1	70	15	83.56.150	AMD	278 E1	131
15	82.26.020	AMD	278 E1	71	15	83.56.170	AMD	278 E1	132
15	82.26.050	AMD	278 E1	72	15	83.56.180	AMD	278 E1	133
15	82.26.060	AMD	278 E1	73	15	83.56.200	AMD	278 E1	134
15	82.26.080	AMD	278 E1	74	15	83.56.210	AMD	278 E1	135
15	82.26.090	AMD	278 E1	75	15	83.56.220	AMD	278 E1	136
15	82.26.110	AMD	278 E1	76	15	83.56.240	AMD	278 E1	137
15	82.32.030	AMD	278 E1	77	15	83.56.250	AMD	278 E1	138
15	82.32.110	AMD	278 E1	79	15	83.56.270	AMD	278 E1	139
15	82.32.120	AMD	278 E1	80	15	83.56.280	AMD	278 E1	140
15	82.32.130	AMD	278 E1	81	15	83.56.310	AMD	278 E1	141
15	82.32.140	AMD	278 E1	82	15	83.56.320	AMD	278 E1	142
15	82.32.160	AMD	158 E1	4	15	83.60.010	AMD	278 E1	143
15	82.32.200	AMD	278 E1	83	15	83.60.040	AMD	278 E1	144
15	82.32.230	AMD	278 E1	84	15	83.60.050	AMD	278 E1	145
15	82.32.240	AMD	278 E1	86	15	83.60.060	AMD	278 E1	146
15	82.32.260	AMD	278 E1	87	15	84.08.010	AMD	278 E1	147
15	82.32.270	AMD	278 E1	88	15	84.08.020	AMD	278 E1	148
15	82.32.290	AMD	278 E1	89	15	84.08.040	AMD	278 E1	149

"E1" Denotes 1st ex. sess.

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

LAWS 1961 (cont.)			LAWS 1975		LAWS 1961 (cont.)			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
15	84.08.060	AMD	278 E1	150	15	84.72.010	AMD	278 E1	211
15	84.08.070	AMD	278 E1	151	15	84.72.020	AMD	278 E1	212
15	84.08.080	AMD	278 E1	152	15	84.72.030	AMD	278 E1	213
15	84.08.090	AMD	278 E1	153	23		ADD	224 E1	11-13
15	84.08.110	AMD	278 E1	154	23		ADD	286 E1	2
15	84.08.120	AMD	278 E1	155	23	51.12.100	AMD	224 E1	3
15	84.08.130	AMD	278 E1	156	23	51.28.010	AMD	224 E1	4
15	84.08.140	AMD	278 E1	157	23	51.28.070	AMD	224 E1	6
15	84.08.190	AMD	278 E1	158	23	51.32.005	REP	224 E1	19
15	84.12.200	AMD	278 E1	159	23	51.32.010	AMD	224 E1	7
15	84.12.220	AMD	278 E1	160	23	51.32.050	AMD	179 E1	1
15	84.12.230	AMD	278 E1	161	23	51.32.060	AMD	224 E1	9
15	84.12.240	AMD	278 E1	162	23	51.32.070	REP	224 E1	19
15	84.12.250	AMD	278 E1	163	23	51.32.090	AMD	235 E1	1
15	84.12.260	AMD	278 E1	164	23	51.36.010	AMD	234 E1	1
15	84.12.270	AMD	278 E1	165	23	51.36.020	AMD	224 E1	14
15	84.12.300	AMD	278 E1	166	23	51.52.050	AMD	58 E1	1
15	84.12.310	AMD	278 E1	167	23	51.52.060	AMD	58 E1	2
15	84.12.330	AMD	278 E1	168	23	51.52.070	AMD	58 E1	3
15	84.12.340	AMD	278 E1	169	23	51.52.070	AMD	224 E1	18
15	84.12.360	AMD	278 E1	170	23	51.52.106	AMD	58 E1	4
15	84.12.370	AMD	278 E1	171	37	2	AMD	84 E1	3
15	84.12.390	AMD	278 E1	172	37	3	AMD	84 E1	6
15	84.16.010	AMD	278 E1	173	54	1	REP	201 E1	40
15	84.16.020	AMD	278 E1	174	61	8	AMD	7 E1	11
15	84.16.030	AMD	278 E1	175	63	1	AMD	61 E1	2
15	84.16.032	AMD	278 E1	176	63	1	REP	260 E1	
15	84.16.034	AMD	278 E1	177				9A.92.010(155)	
15	84.16.036	AMD	278 E1	178	64	4	AMD	30 E1	65
15	84.16.040	AMD	278 E1	179	64	5	AMD	30 E1	66
15	84.16.050	AMD	278 E1	180	65	2	REP	260 E1	
15	84.16.090	AMD	278 E1	181				9A.92.010(212)	
15	84.16.100	AMD	278 E1	182	96	4	AMD	271 E1	1
15	84.16.130	AMD	278 E1	183	101	1	REP	291 E1	24
15	84.24.010	AMD	278 E1	184	108	1	REP	224 E1	19
15	84.24.030	AMD	278 E1	185	128	1	AMD	297 E1	1
15	84.24.040	AMD	278 E1	186	128	2	AMD	297 E1	2
15	84.24.050	AMD	278 E1	187	161	1	AMD	130 E1	2
15	84.28.020	AMD	278 E1	189	161	2	AMD	130 E1	3
15	84.28.050	AMD	278 E1	190	161	3	AMD	130 E1	4
15	84.28.060	AMD	278 E1	191	211	1	REP	206 E1	
15	84.28.160	AMD	278 E1	194				9A.92.010(52)	
15	84.36.020	AMD	291 E1	12	219	9	AMD	266 E1	13
15	84.40.320	AMD	278 E1	195	253	2	AMD	74 E1	1
15	84.40.330	AMD	278 E1	196	256	2	AMD	7 E1	2
15	84.41.060	AMD	278 E1	197	256	14	AMD	7 E1	3
15	84.41.070	AMD	278 E1	198	256	16	AMD	7 E1	4
15	84.41.080	AMD	278 E1	199	256	25	AMD	7 E1	5
15	84.41.090	AMD	278 E1	200	280	5	AMD	278 E1	19
15	84.41.110	AMD	278 E1	201	284	1	AMD	171 E1	1
15	84.41.120	AMD	278 E1	202	284	2	AMD	171 E1	2
15	84.41.130	AMD	278 E1	203	284	5	AMD	171 E1	7
15	84.41.140	AMD	278 E1	204	284	6	AMD	171 E1	8
15	84.44.090	AMD	278 E1	205	284	7	AMD	171 E1	9
15	84.48.120	AMD	278 E1	206	284	8	AMD	171 E1	10
15	84.48.130	AMD	278 E1	207	284	9	AMD	30 E1	63
15	84.52.020	AMD	43	33	284	9	AMD	171 E1	12
15	84.56.400	AMD	160 E1	1	284	10	AMD	171 E1	4
15	84.68.120	AMD	278 E1	208	292	6	AMD	278 E1	98
15	84.68.130	AMD	278 E1	209	292	12	AMD	278 E1	110
15	84.68.140	AMD	278 E1	210	293	3	AMD	278 E1	41
15	84.69.020	AMD	291 E1	21	293	14	AMD	278 E1	56

"E1" Denotes 1st ex. sess.

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

LAWS 1965 (cont.)			LAWS 1975		LAWS 1965 (cont.)			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
8					70	23	AMD	30 E1	73
	43.19.1925	AMD	40	8	72	1	AMD	64 E1	2
8					74	1	AMD	129 E1	1
	43.19.1935	AMD	40	9	74	2	AMD	129 E1	2
8	43.22.260	AMD	296 E1	31	74	3	AMD	129 E1	3
8	43.22.270	AMD	296 E1	32	74	4	AMD	129 E1	4
8	43.31.090	AMD	292 E1	1	74	9	AMD	129 E1	5
8	43.31.525	REP	149 E1	1	74	13	AMD	129 E1	6
8	43.38.040	AMD	278 E1	24	85	1	AMD	264 E1	1
8	43.51.530	AMD	7	1	85	1	AMD	278 E1	18
8	43.51.540	AMD	7	2	97	3	AMD	30 E1	17
8	43.51.570	AMD	7	3	121	17	AMD	191 E1	4
8	43.52.300	AMD	37 E1	1	133	2	AMD	261 E1	2
8	43.62.040	AMD	278 E1	25	137	2	AMD	168 E1	2
8	43.62.050	AMD	293 E1	2	145	11.08.160	AMD	278 E1	1
8	43.83.030	AMD	278 E1	26	145	11.08.170	AMD	278 E1	2
8	43.83.064	AMD	278 E1	27	145	11.08.180	AMD	278 E1	3
8	43.84.080	AMD	4 E1	1	145	11.08.200	AMD	278 E1	4
8	43.85.010	AMD	77 E1	7	145	11.08.220	AMD	278 E1	6
8	43.88.090	AMD	293 E1	5	145	11.08.230	AMD	278 E1	7
8	43.88.110	AMD	293 E1	6	145	11.08.240	AMD	278 E1	8
8	43.88.160	AMD	40	11	145	11.76.220	AMD	278 E1	10
8	43.88.160	AMD	293 E1	8	145	11.76.240	AMD	278 E1	11
8	43.88.230	AMD	293 E1	11	145	11.76.245	AMD	278 E1	12
8	43.91.010	REP	167 E1	18	145	11.88.010	AMD	95 E1	2
8	43.91.020	REP	167 E1	18	145	11.88.020	AMD	95 E1	3
8	43.91.030	REP	167 E1	18	145	11.88.030	AMD	95 E1	4
8	43.91.040	REP	167 E1	18	145	11.88.040	AMD	95 E1	5
8	43.91.050	REP	167 E1	18	145	11.88.090	AMD	95 E1	9
8	43.91.060	REP	167 E1	18	145	11.88.100	AMD	95 E1	10
8	43.91.070	REP	167 E1	18	145	11.88.105	AMD	95 E1	11
8	43.91.080	REP	167 E1	18	145	11.88.107	AMD	95 E1	12
8	43.97.020	AMD	48 E1	1	145	11.88.110	AMD	95 E1	13
8	43.97.030	AMD	48 E1	2	145	11.88.120	AMD	95 E1	14
8	43.97.040	AMD	48 E1	3	145	11.88.130	AMD	95 E1	15
8	43.97.050	REP	48 E1	9	145	11.88.140	AMD	95 E1	16
9	29.10.020	AMD	184 E1	2	145	11.88.150	AMD	95 E1	17
9	29.68.070	AMD	89 E1	1	145	11.92.010	AMD	95 E1	18
9	29.85.270	AMD	162 E1	1	145	11.92.035	AMD	95 E1	19
9	29.85.280	AMD	162 E1	2	145	11.92.040	AMD	95 E1	20
11	1	REP	260 E1		145	11.92.050	AMD	95 E1	21
			9A.92.010(226)		145	11.92.056	AMD	95 E1	22
13	1	AMD	217 E1	1	145	11.92.060	AMD	95 E1	23
13	2	AMD	217 E1	2	145	11.92.090	AMD	95 E1	24
13	3	AMD	217 E1	3	145	11.92.100	AMD	95 E1	25
13	4	AMD	217 E1	4	145	11.92.110	AMD	95 E1	26
13	5	AMD	217 E1	5	145	11.92.115	AMD	95 E1	27
13	6	AMD	217 E1	6	145	11.92.120	AMD	95 E1	28
16	1	AMD	163 E1	2	145	11.92.130	AMD	95 E1	29
17	2	AMD	84 E1	7	145	11.92.150	AMD	95 E1	30
17	3	AMD	84 E1	14	145	11.92.160	AMD	95 E1	31
25	4	AMD	293 E1	20	145	11.92.170	AMD	95 E1	32
29	2	REP	171 E1	20	145	11.92.180	AMD	95 E1	33
32	1	REP	260 E1		145	11.92.185	AMD	95 E1	34
			9A.92.010(157)		148	1	AMD	292 E1	2
53	16	AMD	264 E1	5	148	3	AMD	292 E1	3
53	38	AMD	264 E1	2	148	4	AMD	292 E1	4
53	44	AMD	264 E1	3	148	5	AMD	292 E1	5
53	50	AMD	264 E1	4	148	6	AMD	292 E1	6
70	6	AMD	30 E1	72	148	8	AMD	292 E1	7
70	17	AMD	30 E1	76	155	61	REP	287 E1	6
70	22	AMD	30 E1	75	157	1	AMD	42	1

"E1" Denotes 1st ex. sess.

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

LAWS 1969 EX. (cont.)			LAWS 1975		LAWS 1969 EX. (cont.)			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
21	7	AMD	173 E1	10	176	5	AMD	275 E1	12
21	14	AMD	173 E1	7	176	6	AMD	275 E1	13
33	1	AMD	11 E1	1	176	7	AMD	275 E1	14
33	3	AMD	11 E1	2	176	8	AMD	275 E1	15
34	19	AMD	275 E1	22	176	9	AMD	275 E1	18
34	20	AMD	275 E1	23	176	10	AMD	275 E1	21
34	22	AMD	288 E1	22	176	11	AMD	275 E1	24
35	1	AMD	217 E1	1	176	12	AMD	275 E1	28
35	2	AMD	217 E1	2	176	13	AMD	275 E1	29
35	6	AMD	217 E1	7	176	14	AMD	275 E1	31
36	10	AMD	122 E1	1	176	16	AMD	275 E1	32
36	11	AMD	122 E1	2	176	17	AMD	275 E1	33
39	5	REP	143 E1	5	176	18	AMD	275 E1	34
50	1	AMD	31 E1	1	176	21	AMD	275 E1	36
52	3	AMD	296 E1	9	176	23	AMD	275 E1	37
52	4	REP	288 E1	28	176	25	AMD	275 E1	39
56	1	REP	260 E1		176	27	AMD	275 E1	41
			9A.92.010(181)		176	28	AMD	275 E1	42
75	1	AMD	118 E1	8	176	29	AMD	275 E1	43
75	1	AMD	169 E1	6	176	30	AMD	275 E1	44
76	2	AMD	7 E1	1	176	96	AMD	43	32
77	2	REP	224 E1	19	176	96	AMD	275 E1	150
77	3	AMD	224 E1	2	176	97	AMD	275 E1	151
87	1	AMD	31	1	176	98	AMD	275 E1	152
92	4	AMD	36 E1	1	176	99	AMD	275 E1	153
96	3	AMD	7	1	176	100	AMD	275 E1	154
111	8	AMD	220 E1	10	176	103	REP	60 E1	i
113	1	AMD	13 E1	1	176	103	AMD	275 E1	48
113	4	AMD	13 E1	2	176	106	AMD	275 E1	57
113	5	AMD	13 E1	3	176	109	AMD	275 E1	68
113	7	AMD	13 E1	4	176	110	REP	66 E1	3
113	8	AMD	13 E1	5	176	110	AMD	275 E1	69
113	11	AMD	13 E1	6	176	111	AMD	275 E1	70
113	15	AMD	13 E1	7	176	113	REP	43	36
113	17	AMD	13 E1	8	176	113	AMD	275 E1	72
113	19	AMD	13 E1	9	176	114	AMD	275 E1	73
113	24	AMD	13 E1	10	176	115	AMD	275 E1	79
113	25	AMD	13 E1	11	176	116	AMD	43	3
113	26	AMD	13 E1	12	176	116	AMD	275 E1	80
119	26	AMD	43	23	176	117	AMD	275 E1	81
119	30	AMD	275 E1	128	176	119	AMD	275 E1	82
119	34	AMD	275 E1	127	176	120	AMD	43	4
132	2	AMD	7 E1	2	176	120	AMD	275 E1	83
142	1	AMD	180 E1	1	176	121	AMD	275 E1	84
148	8	AMD	116 E1	1	176	122	AMD	275 E1	85
155	2	AMD	191 E1	2	176	123	AMD	275 E1	87
157	1	AMD	114 E1	1	176	124	AMD	275 E1	88
158	8	AMD	30 E1	85	176	125	AMD	43	1
158	10	AMD	30 E1	86	176	125	AMD	275 E1	89
158	11	AMD	30 E1	87	176	126	AMD	275 E1	90
158	14	AMD	30 E1	88	176	127	AMD	275 E1	91
166	4	AMD	246 E1	6	176	128	AMD	275 E1	92
167	4	AMD	145 E1	1	176	129	AMD	275 E1	93
168	8	AMD	106 E1	1	176	132	AMD	275 E1	96
170	2	AMD	25	15	176	135	AMD	275 E1	98
170	3	AMD	118 E1	3	176	136	AMD	275 E1	99
170	7	AMD	118 E1	6	176	140	AMD	275 E1	106
170	9	AMD	118 E1	9	176	141	AMD	275 E1	111
171	2	AMD	1 E1	2	176	144	AMD	192 E1	1
176	1	AMD	275 E1	1	176	144	AMD	275 E1	134
176	3	AMD	275 E1	3	176	148	AMD	275 E1	141
176	4	AMD	275 E1	11	176	150	AMD	275 E1	143

"E1" Denotes 1st ex. sess.

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

LAWS 1969 EX. (cont.)			LAWS 1975		LAWS 1969 EX. (cont.)			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
176	151	AMD	275 E1	144	223	28A.44.080	AMD	275 E1	63
176	152	AMD	275 E1	145	223	28A.44.090	AMD	275 E1	65
176	153	AMD	275 E1	146	223	28A.44.100	AMD	275 E1	66
176	155	AMD	275 E1	147	223	28A.45.050	AMD	135 E1	1
178	1	AMD	173 E1	1	223	28A.48.030	AMD	275 E1	68
182	1	AMD	62	1	223	28A.48.040	REP	66 E1	3
182	5	AMD	1 E1	1	223	28A.48.050	REP	66 E1	3
193	1	AMD	77 E1	1	223	28A.48.050	AMD	275 E1	69
193	4	AMD	77 E1	2	223	28A.48.055	AMD	275 E1	70
193	5	AMD	77 E1	3	223	28A.48.090	REP	43	36
199	13	AMD	257 E1	2	223	28A.48.090	AMD	275 E1	72
199	31	AMD	223 E1	1	223	28A.52.050	AMD	43	2
200	1	AMD	228 E1	4	223	28A.56.030	AMD	275 E1	74
204	7	AMD	221 E1	3	223	28A.56.040	AMD	275 E1	75
204	12	AMD	220 E1	4	223	28A.56.050	AMD	275 E1	76
204	13	AMD	221 E1	2	223	28A.56.060	AMD	275 E1	77
206	1	AMD	118 E1	10	223	28A.57.020	AMD	275 E1	78
208	1	AMD	281 E1	2	223	28A.57.031	AMD	275 E1	79
209	33	AMD	178 E1	2	223	28A.57.032	AMD	43	3
209	34	AMD	178 E1	3	223	28A.57.032	AMD	275 E1	80
209	38	AMD	178 E1	1	223	28A.57.033	AMD	275 E1	81
215	3	AMD	296 E1	24	223	28A.57.040	AMD	275 E1	82
215	4	AMD	296 E1	25	223	28A.57.050	AMD	43	4
215	5	AMD	296 E1	26	223	28A.57.050	AMD	275 E1	83
215	6	AMD	296 E1	27	223	28A.57.070	AMD	275 E1	84
221	6	AMD	263 E1	3	223	28A.57.075	AMD	275 E1	85
222	8	AMD	132 E1	16	223	28A.57.080	AMD	275 E1	86
223		ADD	5 E1	1	223	28A.57.090	AMD	275 E1	87
223		ADD	19	1	223	28A.57.130	AMD	275 E1	88
223		ADD	41 E1	1,2	223	28A.57.140	AMD	43	1
223		ADD	43	34	223	28A.57.140	AMD	275 E1	89
223		ADD	47	1	223	28A.57.150	AMD	275 E1	90
223		ADD	66 E1	1,2	223	28A.57.170	AMD	275 E1	91
223		ADD	78 E1	1-3	223	28A.57.180	AMD	275 E1	92
223		ADD	105 E1	1	223	28A.57.190	AMD	275 E1	93
223		ADD	127 E1	1,2	223	28A.57.200	AMD	23 E1	1
223		ADD	132 E1	12-15	223	28A.57.200	AMD	275 E1	94
223		ADD	151 E1	2	223	28A.57.240	AMD	275 E1	95
223		ADD	157 E1	2	223	28A.57.245	AMD	275 E1	96
223		ADD	164 E1	2	223	28A.57.255	AMD	275 E1	97
223		ADD	226 E1	1-6	223	28A.57.290	AMD	275 E1	98
223		ADD	232 E1	1	223	28A.57.300	AMD	275 E1	99
223		ADD	243 E1	2	223	28A.57.312	AMD	43	5
223		ADD	248 E1	1	223	28A.57.324	AMD	43	6
223		ADD	254 E1	3,4	223	28A.57.326	AMD	275 E1	100
223		ADD	262 E1	1	223	28A.57.328	AMD	43	7
223		ADD	284 E1	1,2	223	28A.57.328	AMD	275 E1	101
223	28A.03.030	AMD	275 E1	47	223	28A.57.332	REP	43	36
223	28A.03.050	REP	60 E1	1	223	28A.57.342	AMD	43	8
223	28A.03.050	AMD	275 E1	48	223	28A.57.344	AMD	43	9
223	28A.04.040	AMD	275 E1	49	223	28A.57.390	AMD	275 E1	106
223	28A.04.060	AMD	19	2	223	28A.57.415	AMD	43	13
223	28A.04.120	AMD	275 E1	50	223	28A.57.415	AMD	275 E1	107
223	28A.14.050	AMD	275 E1	53	223	28A.58.045	AMD	243 E1	1
223	28A.24.080	AMD	275 E1	54	223	28A.58.101	AMD	254 E1	1
223	28A.24.150	AMD	275 E1	55	223	28A.58.103	AMD	275 E1	109
223	28A.27.040	AMD	275 E1	56	223	28A.58.137	AMD	137 E1	1
223	28A.27.080	AMD	275 E1	57	223	28A.58.137	AMD	254 E1	2
223	28A.35.030	AMD	275 E1	59	223	28A.58.150	AMD	275 E1	110
223	28A.41.160	AMD	275 E1	60	223	28A.58.225	AMD	275 E1	111
223	28A.44.060	AMD	275 E1	16	223	28A.58.530	AMD	275 E1	112
223	28A.44.070	AMD	275 E1	62	223	28A.58.560	AMD	275 E1	113

"E1" Denotes 1st ex. sess.

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

LAWS 1969 EX. (cont.)			LAWS 1975		LAWS 1969 EX. (cont.)			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
223	28A.58.603	AMD	275 E1	114	223	28B.50.170	REP	174 E1	18
223	28A.59.080	AMD	275 E1	117	223	28B.50.180	REP	174 E1	18
223	28A.59.150	AMD	275 E1	118	223	28B.50.200	REP	174 E1	18
223	28A.60.010	AMD	43	14	223	28B.50.220	REP	174 E1	18
223	28A.60.070	AMD	43	15	223	28B.50.230	AMD	174 E1	14
223	28A.60.070	AMD	275 E1	119	223	28B.50.770	REP	174 E1	18
223	28A.60.185	REP	43	36	228	14	AMD	30 E1	92
223	28A.60.186	REP	43	36	238	25	AMD	19	2
223	28A.60.186	AMD	275 E1	120	239		ADD	167 E1	5
223	28A.60.190	AMD	43	16	241	4	AMD	154 E1	1
223	28A.60.200	AMD	43	17	241	10	AMD	266 E1	6
223	28A.60.210	AMD	43	18	244	4	AMD	98 E1	1
223	28A.60.210	AMD	275 E1	121	248	1	AMD	293 E1	9
223	28A.60.320	AMD	43	20	255	7	AMD	270 E1	1
223	28A.65.070	AMD	53 E1	1	255	13	AMD	270 E1	2
223	28A.65.080	AMD	43	22	263	1,3-9,12	REP	132 E1	11
223	28A.65.080	AMD	275 E1	122	263	2	REP	132 E1	11
223	28A.65.090	AMD	43	23	270	3	AMD	220 E1	4
223	28A.65.100	AMD	43	24	275	3	AMD	173 E1	7
223	28A.65.100	AMD	275 E1	123	277	1	AMD	132 E1	1
223	28A.65.110	AMD	275 E1	124	277	2	AMD	132 E1	2
223	28A.65.120	AMD	43	25	277	3	AMD	132 E1	3
223	28A.65.120	AMD	275 E1	125	277	4	AMD	132 E1	4
223	28A.65.150	AMD	43	26	277	6	AMD	132 E1	5
223	28A.65.150	AMD	275 E1	126	277	9	AMD	132 E1	6
223	28A.65.170	AMD	151 E1	1	277	11	AMD	132 E1	8
223	28A.66.010	AMD	43	27	277	14	AMD	132 E1	10
223	28A.66.020	AMD	43	28	281	30	AMD	168 E1	1
223	28A.66.040	AMD	43	29	281	61	AMD	62	28
223	28A.66.060	AMD	275 E1	129	283	7	AMD	275 E1	148
223	28A.66.080	AMD	43	30	283	28	REP	174 E1	18
223	28A.66.100	AMD	275 E1	130	283	33	AMD	112 E1	1
223	28A.67.040	AMD	275 E1	131	283	53	AMD	174 E1	16
223	28A.67.060	AMD	275 E1	132					
223	28A.70.110	AMD	192 E1	1					
223	28A.70.110	AMD	275 E1	134					
223	28A.70.130	AMD	275 E1	135					
223	28A.70.140	AMD	275 E1	136					
223	28A.70.160	AMD	275 E1	137					
223	28A.70.170	AMD	275 E1	138					
223	28A.71.100	AMD	192 E1	2					
223	28A.71.100	AMD	275 E1	139					
223	28A.72.010	REP	288 E1	28					
223	28A.72.020	REP	288 E1	28					
223	28A.72.020	AMD	296 E1	8					
223	28A.72.030	REP	288 E1	28					
223	28A.72.050	REP	288 E1	28					
223	28A.72.060	REP	288 E1	28					
223	28A.72.060	AMD	296 E1	9					
223	28A.72.070	REP	288 E1	28					
223	28A.72.080	REP	288 E1	28					
223	28A.72.080	AMD	296 E1	10					
223	28A.72.090	REP	288 E1	28					
223	28A.87.050	AMD	275 E1	141					
223	28A.87.090	AMD	275 E1	143					
223	28A.87.100	AMD	275 E1	144					
223	28A.87.110	AMD	275 E1	145					
223	28A.87.170	AMD	275 E1	146					
223	28B.10.400	AMD	212 E1	1					
223	28B.40.210	REP	232 E1	2					
223	28B.40.380	AMD	275 E1	147					
223	28B.50.160	REP	174 E1	18					

LAWS 1970 EX.			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.
2	6	AMD	228 E1	1
2	11	AMD	228 E1	6
2	20	REP	228 E1	18
8	1	AMD	90 E1	1
8	1	AMD	291 E1	5
8	2	AMD	90 E1	3
13	2	AMD	245 E1	1
15	12	AMD	275 E1	45
15	14	AMD	275 E1	58
15	15	AMD	275 E1	67
15	16	AMD	275 E1	133
15	21	AMD	270 E1	140
15	22	AMD	275 E1	142
18	54	REP	174 E1	18
18	55	REP	174 E1	18
29	1	AMD	15 E1	3
29	3	AMD	15 E1	5
29	4	AMD	15 E1	6
29	5	AMD	15 E1	7
29	6	AMD	15 E1	8
29	7	AMD	15 E1	9
29	8	AMD	15 E1	10
29	9	AMD	15 E1	11
29	10	AMD	15 E1	12
29	11	AMD	15 E1	13
29	12	AMD	15 E1	15

"E1" Denotes 1st ex. sess.

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

LAWS 1970 EX. (cont.)			LAWS 1975		LAWS 1971			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
29	13	AMD	15 E1	17	3	21	AMD	4	1
29	14	AMD	15 E1	2	3	21	AMD	67 E1	1
29	15	AMD	15 E1	18	3	22	AMD	228 E1	17
35	7	AMD	148 E1	1	8	5	AMD	43	19
36	1	REP	260 E1		16	1	AMD	4 E1	1
			9A.92.010(56)		20	1	AMD	79 E1	1
36	2	REP	260 E1		28	4	AMD	95 E1	3
			9A.92.010(57)		28	5	AMD	95 E1	18
36	3	REP	260 E1		48	1	AMD	275 E1	49
			9A.92.010(58)		48	5	AMD	275 E1	53
36	4	REP	260 E1		48	8	AMD	275 E1	55
			9A.92.010(59)		48	9	AMD	275 E1	56
36	5	REP	260 E1		48	13	AMD	275 E1	59
			9A.92.010(60)		48	21	AMD	275 E1	74
36	6	REP	260 E1		48	22	AMD	275 E1	75
			9A.92.010(61)		48	23	AMD	275 E1	76
36	7	REP	260 E1		48	24	AMD	275 E1	77
			9A.92.010(62)		48	25	AMD	275 E1	78
36	8	REP	260 E1		48	26	AMD	275 E1	86
			9A.92.010(63)		48	27	AMD	43	13
36	77.32.160	AMD	15 E1	12	48	27	AMD	275 E1	107
38	1	AMD	104 E1	1	48	29	AMD	275 E1	109
38	2	AMD	104 E1	2	48	30	AMD	275 E1	110
39	3	AMD	38 E1	1	48	31	AMD	275 E1	113
39	5	AMD	38 E1	2	48	32	AMD	275 E1	114
47	6	REP	291 E1	24	48	33	AMD	275 E1	117
49	1	REP	260 E1		48	34	AMD	275 E1	118
			9A.92.010(123)		48	35	AMD	43	15
49	2	REP	260 E1		48	35	AMD	275 E1	119
			9A.92.010(128)		48	36	REP	43	36
51		ADD	63	10-13	48	39	AMD	43	24
51	10	AMD	63	14	48	39	AMD	275 E1	123
51	18	AMD	63	1	48	40	AMD	275 E1	124
51	24	AMD	63	2	48	41	AMD	43	25
51	32	AMD	63	3	48	41	AMD	275 E1	125
51	42	REP	63	15	48	42	AMD	43	26
51	54	REP	63	15	48	42	AMD	275 E1	126
51	61	AMD	63	4	48	43	AMD	275 E1	127
51	64	AMD	63	5	48	44	AMD	275 E1	128
51	115	REP	63	15	48	46	AMD	275 E1	129
51	131	AMD	63	6	48	47	AMD	275 E1	130
51	156	REP	63	15	48	48	AMD	275 E1	131
51	169	AMD	63	7	48	49	AMD	275 E1	132
55	13	AMD	160 E1	1	48	50	AMD	275 E1	135
56	82	AMD	25 E1	2	48	52	AMD	275 E1	138
56	84	AMD	25 E1	3	53	2	AMD	275 E1	100
57	4	AMD	97 E1	1	65	1	AMD	7 E1	19
57	7	AMD	30 E1	52	67	1	AMD	43	7
57	8	AMD	30 E1	53	67	1	AMD	275 E1	101
57	11	AMD	30 E1	54	67	3	AMD	275 E1	102
57	12	AMD	97 E1	2	67	4	AMD	43	10
57	13	AMD	30 E1	55	67	4	AMD	275 E1	103
73	1	AMD	44	1	67	5	AMD	43	11
81	1	AMD	3 E1	1	67	5	AMD	275 E1	104
85	8	REP	268 E1	9(1)	67	6	AMD	43	12
86	4	AMD	23 E1	1	67	6	AMD	275 E1	105
86	4	AMD	275 E1	94	67	7	REP	43	36
90	1	REP	61 E1	3	73	7	AMD	241 E1	1
97	2	AMD	180 E1	1	81	13	AMD	19 E1	3
100	7	AMD	62	31	81	109	AMD	40	5
102	10	REP	132 E1	11	81	129	AMD	34	9
					81	135	AMD	246 E1	10

"E1" Denotes 1st ex. sess.

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

LAWS 1971 (cont.)			LAWS 1975		LAWS 1971 EX. (cont.)			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
277	18	AMD- REEN	291 E1	4	170	3	AMD	293 E1	15
282	32	AMD	275 E1	54	175	4	AMD	62 E1	1
					177	6	AMD	3	1
					182	2	AMD	7 E1	18
					195	2	AMD	293 E1	19
					195	4	AMD	268 E1	3
					195	18	REP	268 E1	9(1)
					195	19	REP	268 E1	9(2)
					196	2	AMD	296 E1	12
					196	5	AMD	296 E1	13
					196	7	AMD	296 E1	14
					202	24	AMD	184 E1	2
					202	36	AMD	184 E1	3
					208	2	AMD	245 E1	1
					219	1	REP	110 E1	10
					219	2	REP	110 E1	10
					219	3	REP	110 E1	10
					219	4	REP	110 E1	10
					219	5	REP	110 E1	10
					227	6	AMD	30 E1	20
					231	7	AMD	41	1
					231	7	AMD	118 E1	11
					231	10	AMD	25	18
					247	2	AMD	99 E1	1
					251	7	AMD	220 E1	15
					251	10	AMD	220 E1	14
					253	5	AMD	30 E1	90
					253	6	AMD	30 E1	91
					259	6	AMD	133 E1	2
					259	9	AMD	133 E1	1
					263	1	AMD	293 E1	7
					264	1	AMD	274 E1	2
					266	1	AMD	30 E1	2
					266	6	AMD	30 E1	23
					266	7	AMD	30 E1	41
					266	8	AMD	30 E1	42
					266	9	AMD	30 E1	54
					266	10	AMD	30 E1	56
					266	11	AMD	30 E1	58
					266	12	AMD	30 E1	62
					266	12	AMD	171 E1	11
					266	13	AMD	30 E1	67
					266	14	AMD	30 E1	69
					266	16	AMD	30 E1	74
					266	19	AMD	30 E1	80
					266	20	AMD	30 E1	84
					266	21	AMD	30 E1	93
					268	1	AMD	254 E1	1
					272	3	AMD	64 E1	1
					272	4	AMD	25 E1	1
					277	5	REP	291 E1	24
					277	6	REP	291 E1	24
					277	7	REP	291 E1	24
					277	8	REP	291 E1	24
					277	9	REP	291 E1	24
					277	10	REP	291 E1	24
					277	11	REP	291 E1	24
					277	12	REP	291 E1	24
					277	13	REP	291 E1	24
					277	14	REP	291 E1	24
					277	24	REP	291 E1	24
					281	5	AMD	291 E1	7

"E1" Denotes 1st ex. sess.

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

LAWS 1973 (cont.)			LAWS 1975		LAWS 1973 1ST EX.			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
1	31	AMD	294 E1	17	1	1	AMD	168 E1	3
1	32	AMD	294 E1	18	1	3	AMD	168 E1	2
1	33	AMD	294 E1	19	4	1	AMD	171 E1	13
1	34	AMD	294 E1	20	4	2	REP	171 E1	20
1	35	AMD	294 E1	23	8	5	AMD	222 E1	1
1	37	AMD	294 E1	25	8	6	AMD	222 E1	3
1	38	AMD	294 E1	26	8	8	AMD	222 E1	4
1	40	AMD	294 E1	27	8	10	AMD	222 E1	5
16	1	AMD	30	1	8	11	AMD	222 E1	6
34	1	AMD	115 E1	1	8	12	AMD	222 E1	7
38	1	AMD	30	1	13	21	AMD	219 E1	1
46	2	AMD	211 E1	1	13	35	AMD	30 E1	89
47	2	AMD	275 E1	95	14	1	AMD	153 E1	1
47	4	AMD	275 E1	97	14	3	REP	197 E1	1
48	6	AMD	69 E1	8	23	1	AMD	229 E1	5
49	2	AMD	275 E1	133	27	2	AMD	49 E1	1
52	1	AMD	284 E1	3	44	2	AMD	28 E1	1
53	1	AMD	1	1	44	3	AMD	28 E1	2
59	2	AMD	296 E1	22	47	2	AMD	34	10
59	3	AMD	296 E1	23	53	11	AMD	285 E1	1
61	1	AMD	53	1	53	12	AMD	285 E1	2
61	2	REP	53	2	53	16	AMD	285 E1	3
62	20	REP	174 E1	18	68	1	AMD	55 E1	1
62	21	REP	174 E1	18	75	2	AMD	122 E1	1
62	22	AMD	275 E1	148	77	1	AMD	189 E1	1
73	3	AMD	228 E1	1	99	1	AMD	274 E1	2
73	9	AMD	4	1	100	6	AMD	293 E1	5
73	10	AMD	228 E1	17	103	12	AMD	81 E1	1
77	6	AMD	30 E1	16	103	12	AMD	252 E1	1
77	8	AMD	30 E1	17	105	1	AMD	288 E1	21
77	10	AMD	30 E1	18	106	4	AMD	30 E1	36
95	9	AMD	278 E1	162	106	6	AMD	30 E1	37
95	10	AMD	278 E1	176	106	8	AMD	30 E1	38
103	1	AMD	146 E1	1	110	10	AMD	171 E1	5
104	1	AMD	40	11	115	1	REP	288 E1	28
104	2	AMD	40	8	115	1	AMD	296 E1	11
106	36	REP	139 E1	1	122		ADD	176 E1	7-10
110	3	AMD	224 E1	10	122	2	AMD	176 E1	1
110	3	AMD	286 E1	1	122	6	AMD	176 E1	2
111	1	AMD	43	21	122	7	AMD	176 E1	3
111	2	AMD	43	27	122	8	AMD	176 E1	4
111	3	AMD	43	29	122	11	AMD	176 E1	5
111	4	AMD	43	31	122	14	AMD	176 E1	6
115	4	AMD	189 E1	2	128	3	AMD	181 E1	2
126	9	AMD	77 E1	1	128	4	AMD	181 E1	3
126	11	AMD	77 E1	3	132	22	AMD	169 E1	5
126	15	AMD	77 E1	7	136	1-9	REP	270 E1	28(2)
128	2	AMD	40 E1	1	142		ADD	199 E1	12
130	25	AMD	165 E1	2	142	9	AMD	199 E1	1
130	31	AMD	165 E1	3	142	10	AMD	199 E1	2
131	2	AMD	296 E1	15	142	20	AMD	199 E1	3
131	3	AMD	296 E1	28	142	26	AMD	199 E1	4
131	4	AMD	296 E1	29	142	28	AMD	199 E1	5
131	7	AMD	296 E1	30	142	34	AMD	199 E1	6
133	15	AMD	30 E1	77	142	35	AMD	199 E1	7
133	18	AMD	30 E1	78	142	36	AMD	199 E1	8
133	19	AMD	30 E1	79	142	37	AMD	199 E1	9
141	13	AMD	145 E1	1	142	44	AMD	199 E1	10
147	1	AMD	224 E1	9	145	1	AMD	90 E1	1
147	2	REP	224 E1	19	147	2	AMD	38 E1	1
153	2	AMD	184 E1	1	147	3	AMD	38 E1	2
					148	2	AMD	30 E1	5

"E1" Denotes 1st ex. sess.

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

<u>LAWS 1973 1ST EX. (cont.)</u>			<u>LAWS 1975</u>		<u>LAWS 1973 1ST EX. (cont.)</u>			<u>LAWS 1975</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
148	4	AMD	30 E1	6	200	4	AMD	59	3
148	5	AMD	30 E1	7	200	7	AMD	59	4
148	7	AMD	30 E1	9	200	8	AMD	59	5
148	8	AMD	30 E1	10	200	9	AMD	59	6
148	12	AMD	30 E1	12	203	1	AMD	182 E1	1
148	23	AMD	30 E1	13	203	2	AMD	182 E1	4
148	27	AMD	30 E1	15	205	1	AMD	296 E1	12
149	1	AMD	212 E1	1	205	3	AMD	296 E1	13
151	2	AMD	63	3	205	5	AMD	296 E1	14
151	10	AMD	63	8	206	1	AMD	70 E1	1
152	4	AMD	266 E1	12	206	2	AMD	70 E1	2
154	46	AMD	43	18	206	4	AMD	70 E1	3
154	46	AMD	275 E1	121	206	11	REP	70 E1	4
154	56	AMD	121 E1	1	207	27	AMD	233 E1	1
154	58	AMD	113 E1	3	209	7	AMD	173 E1	4
154	73	AMD	178 E1	4	210	3	AMD	268 E1	7
154	85	AMD	7	3	210	4	AMD	2	1
154	96	AMD	179 E1	1	210	4	AMD	268 E1	8
154	97	REP	224 E1	19	210	5	REP	268 E1	9(3)
154	99	AMD	10 E1	1	210	6	REP	268 E1	9(4)
154	101	AMD	246 E1	1	210	7	REP	268 E1	9(5)
154	104	AMD	13	2	213	4	AMD-		
154	107	AMD	198 E1	1			REEN	291 E1	4
154	122	REP	14 E1	10	213	5	REP	291 E1	24
154	123	REP	14 E1	10	218		ADD	11 E1	13
154	125	REP	260 E1		218	1	AMD	259 E1	1
			9A.92.010(203)		218	2	AMD	259 E1	2
154	126	REP	260 E1		218	3	AMD	259 E1	3
			9A.92.010(204)		218	7	AMD	259 E1	4
154	127	REP	260 E1		218	9	AMD	166 E1	4
			9A.92.010(205)		218	13	AMD	166 E1	7
154	128	REP	260 E1		218	14	AMD	166 E1	8
			9A.92.010(206)		218	16	AMD	166 E1	9
154	129	REP	260 E1		218	21	AMD	166 E1	10
			9A.92.010(207)						
156	1	AMD	62 E1	1					
157	1	AMD	32	1					
157	4	AMD	32	2					
157	6	AMD	32	3					
157	28	AMD	32	4					
158	7	AMD	228 E1	3					
164	2	AMD	220 E1	6					
164	12	AMD	220 E1	8					
167	2	REP	228 E1	18					
175	1	AMD	71 E1	1					
175	2	AMD	71 E1	2					
175	4	AMD	71 E1	3					
175	12	REP	71 E1	4					
177	2	AMD	96 E1	6					
178	2	AMD	26 E1	1					
195	8	AMD	275 E1	40					
195	47	AMD	100 E1	2					
195	78	REP	291 E1	24					
195	79	AMD	291 E1	3					
195	80	REP	291 E1	24					
195	81	AMD-							
		REEN	291 E1	4					
195	82	REP	291 E1	24					
195	98	AMD	278 E1	195					
200	1	AMD	59	7					
200	2	AMD	59	1					
200	3	AMD	59	2					

<u>LAWS 1973 2ND EX.</u>			<u>LAWS 1975</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
1	1	AMD	194 E1	1
4	1	AMD	211 E1	1
4	4	AMD	291 E1	1
4	4	REP	291 E1	24
9	1	AMD	289 E1	2
12	4	AMD	143 E1	1
12	5	AMD	143 E1	3
12	6	REP	143 E1	5
16	11	AMD	296 E1	31
16	12	AMD	296 E1	32
17	3	AMD	293 E1	10
19	1	AMD	182 E1	3
21	1	AMD	43	5
21	2	AMD	43	8
21	3	AMD	43	9
21	4	AMD	43	12
21	4	AMD	275 E1	105
21	10	AMD	43	11
21	10	AMD	275 E1	104
34	5	AMD	225 E1	1
38	2	AMD	287 E1	3
40	1	AMD	291 E1	12
40	9	AMD	291 E1	18
40	11	AMD	291 E1	19
40	19	AMD	291 E1	20

"E1" Denotes 1st ex. sess.

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

LAWS 1974 EX.			LAWS 1975		LAWS 1974 EX. (cont.)			LAWS 1975	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
11	1	AMD	205 E1	1	109	4	AMD	109 E1	3
14	1	REP	232 E1	2	109	6	AMD	109 E1	4
30	1	AMD	224 E1	8	109	8	AMD	109 E1	5
33	1	AMD	112 E1	1	109	11	AMD	109 E1	6
36	1	AMD	25	10	119	4	AMD	266 E1	14
54	1	AMD	270 E1	2	119	5	AMD	266 E1	10
54	4	AMD	278 E1	95	122	2	AMD	291 E1	21
54	6	REP	270 E1	28(30)	124	1	REP	260 E1	
54	9	AMD	9 E1	1				9A.92.010(146)	
54	9	AMD	278 E1	97	125	1	AMD	50 E1	1
55	1	AMD	275 E1	136	125	3	AMD	50 E1	2
55	2	AMD	275 E1	137	125	4	AMD	50 E1	3
56	3	AMD	98 E1	1	128	1	AMD	25	8
67	1	AMD	207 E1	1	128	2	AMD	138 E1	1
70	6	AMD	36	1	130	1	AMD	287 E1	2
75	1	AMD	275 E1	3	137	3	AMD	200 E1	1
75	3	AMD	275 E1	4	137	5	AMD	200 E1	2
75	4	AMD	275 E1	5	137	6	AMD	200 E1	3
75	5	AMD	275 E1	6	137	7	AMD	200 E1	4
75	6	AMD	275 E1	7	137	8	AMD	200 E1	5
75	7	AMD	275 E1	8	137	9	AMD	200 E1	6
75	8	AMD	275 E1	9	137	10	AMD	200 E1	7
75	9	AMD	275 E1	20	137	14	AMD	200 E1	8
75	10	AMD	275 E1	21	137	17	AMD	200 E1	9
75	11	AMD	275 E1	22	137	22	AMD	200 E1	10
75	12	AMD	275 E1	23	137	24	AMD	200 E1	11
75	13	AMD	275 E1	24	137	30	AMD	200 E1	13
75	14	AMD	275 E1	25	137	32	AMD	200 E1	12
75	15	AMD	275 E1	26	138	4	AMD	63	9
75	16	AMD	275 E1	27	143	1	AMD	13 E1	3
75	17	AMD	275 E1	28	143	2	AMD	13 E1	7
75	20	AMD	275 E1	34	143	3	AMD	13 E1	8
75	23	AMD	275 E1	35	144	2	REP	34 E1	3
77	1	AMD	84 E1	2	144	3	AMD	34 E1	1
77	2	AMD	84 E1	4	145	3	AMD	199 E1	11
77	4	AMD	84 E1	11	145	5	AMD	199 E1	1
77	5	AMD	84 E1	13	145	6	AMD	199 E1	2
77	6	AMD	84 E1	17	145	8	AMD	199 E1	3
77	7	AMD	84 E1	18	145	14	AMD	199 E1	4
77	8	AMD	84 E1	20	145	15	AMD	199 E1	5
77	9	AMD	84 E1	22	145	20	AMD	199 E1	6
77	10	AMD	84 E1	23	145	21	AMD	199 E1	7
77	11	AMD	84 E1	24	145	22	AMD	199 E1	8
89	1	AMD	275 E1	67	145	23	AMD	199 E1	9
91	5	AMD	275 E1	38	145	27	AMD	199 E1	10
92	1	AMD	275 E1	50	149	2	AMD	263 E1	1
92	2	AMD	275 E1	71	149	3	AMD	263 E1	2
94	8	AMD	82 E1	1	149	4	AMD	263 E1	3
94	8	AMD	103 E1	1	149	5	AMD	263 E1	4
94	15	AMD	82 E1	2	149	6	AMD	33	3
96		ADD	8 E1	1	149	6	AMD	263 E1	5
96	3	AMD	110 E1	8	154	2	AMD	271 E1	3
96	4	AMD	110 E1	9	155	1	AMD	259 E1	1
96	6	AMD	282 E1	2	155	2	AMD	259 E1	2
96	8	AMD	282 E1	1	155	3	AMD	259 E1	3
96	11	REP	110 E1	10	155	4	AMD	259 E1	4
97	9	AMD	30 E1	19	155	9	AMD	166 E1	10
97	11	AMD	30 E1	22	167	8	AMD	270 E1	5
97	12	AMD	39 E1	1	167	10	REP	270 E1	28(1)
107	1	AMD	289 E1	1	169	4	AMD	291 E1	8
109	1	AMD	109 E1	1	169	8	AMD	291 E1	17
109	3	AMD	109 E1	2	171	4	AMD	113 E1	1

"E1" Denotes 1st ex. sess.

TABLE OF SESSION LAWS SECTIONS AFFECTED BY 1975 STATUTES

LAWS 1974 EX. (cont.) LAWS 1975

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
171	5	AMD	113 E1	2
171	44	AMD	79 E1	1
172	1	AMD	118 E1	7
173	2	AMD	273 E1	3
179	12	AMD	206 E1	1
182	1	AMD	291 E1	14
182	2	AMD	291 E1	15
182	4	AMD	291 E1	16
185	1	AMD	291 E1	10
185	2	AMD	291 E1	11
188	1	AMD	195 E1	1
188	2	AMD	92 E1	2
188	2	AMD	195 E1	2
188	4	AMD	92 E1	3
188	4	AMD	195 E1	3
190	1	AMD	178 E1	1
190	2	AMD	178 E1	2
190	3	AMD	178 E1	3
195	2	AMD	33	6
196	3	AMD	120 E1	2
196	4	AMD	120 E1	3
196	5	AMD	120 E1	4
196	7	AMD	120 E1	1
197	11	AMD	9	21
199	1	AMD	275 E1	149

LAWS 1975 LAWS 1975

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
2	1	AMD	268 E1	8
4	1	AMD	67 E1	1
28	1	REP	260 E1	
			9A.92.010(162)	
40	1	AMD	126 E1	1
40	2	AMD	126 E1	2
40	11	AMD	293 E1	8
41	1	AMD	118 E1	11

LAWS 1975 1ST EX. LAWS 1975

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
14	4	AMD	247 E1	1
90	1	AMD	291 E1	5
291	1	REP	291 E1	24

SUBJECT INDEX OF 1975 STATUTES

		Chapter
ABANDONED VEHICLES		
Ordinance, uniform traffic, counties, cities, towns, enacted	54	E1
ABSENTEE BALLOTS (See BALLOTS, also VOTERS AND VOTING)		
ACCIDENTS		
Motor vehicle, failure to render aid, give information, license revocation	210	E1
Motor vehicle operators, citation issuance, probable cause basis permitted, detention provision	56	
ACCOUNTING		
Public, examination, registration, partnership, permits, fees, renewal dates, provisions	229	E1
ACCOUNTING AND AUDITING		
Charitable institutions, financial statement, verification by accountant, requirement repealed	219	E1
Legislature, accounting system, establishment provision	16	E1
Nursing homes, accounting reimbursement systems, establishment, records examination provisions	213	E1
Post audits, state departments, five year intervals, permitted	193	E1
Public accountants, examination, registration, partnership, permits, fees, renewal dates, provisions	229	E1
ACTS		
Educational employment relations	288	E1
Fair trade, repealed	55	
Foreign money-judgments recognition	240	E1
Health maintenance organization	290	E1
Screening for learning/language disabilities	78	E1
Washington wholesome eggs and egg products act	201	E1
ADMINISTRATIVE PROCEDURE ACT		
Decisions, contested case, copy, each party, attorney, delivery provision	12	
ADOPTIONS		
Adopted child, defined, inheritance, gift tax purposes	291	E1
Hard to place children, support payments, prospective parents, provisions	53	
ADVERTISING		
Public contracts, notice publication, in newspaper located in appropriate county area, required	230	E1
ADVISORY COMMITTEES (See COMMITTEES)		
AERONAUTICS COMMISSION		
Indians, airports, construction, operation, financial assistance, authorized	161	E1
AGED PERSONS (See also SENIOR CITIZENS)		
Boarding home residents, ambulatory, supervised medication service, permitted	43	E1
Buildings, facilities, accessibility, usability, standards established	110	E1
AGENCIES		
Power commission, plants, facilities, powers, out-of-state operation, provision	37	E1
Tort judgments, against governmental agencies, interest rate establishment provision	26	
AGRICULTURE AND LIVESTOCK		
Agricultural, laws, general revisions	7	E1
Agricultural water supply facilities, loan repayments, interest use provision	295	E1
Agricultural water supply facilities, loans, grants, ecology department authority	295	E1
Agriculture department, grain inspection expenses, appropriation	75	E1
Berries, picking by minors under 12, not for interstate commerce, permitted	238	E1
Cattle, sales, assessment increased	93	E1
Cattle, sheep, taking, releasing, without authority, penalties	28	
Feed, commercial, brand registration, inspection, fee provisions, revised	257	E1
Herbicides, use, special programs, implementation, fees, provisions	27	
Livestock, theft, killing, felony, damages	61	E1
Minimum wage, farm workers, federal, state, local employees, law coverage, inclusion	289	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
AGRICULTURE AND LIVESTOCK—cont.		
Tax, property, agricultural, horticultural produce, crops, phase out exemption purposes, definition expanded	291	E1
Stock restricted areas, violations, penalty provision revised	38	
AGRICULTURE DEPARTMENT		
Cattle sales assessments, increase, director authority	93	E1
Laws, agriculture, general revisions	7	E1
Milk containers, unit sizes, determination provision	51	E1
AIR		
Pollution authorities, cities, towns, counties, special studies, investigations, consultation, contracting power	106	E1
Pollution authorities, fiscal year, dates revised	106	E1
AIRCRAFT		
Fuel, excise, municipal, Indian airports, collection, collection requirement, funds, aid reversion provision	161	E1
AIRPORTS		
Indians, construction, operation, financial assistance, aeronautics commission, authorized	161	E1
ALCOHOL AND ALCOHOLISM		
Educational materials, alcohol abuse, distribution by certain university, college campuses, alcohol centers, provisions	164	E1
Homicide, negligent, motor vehicle operators, under influence intoxicants, drugs, provision	287	E1
Pre-trial deferred prosecution program, misdemeanants, alcohol, mental problems, court referral authorized	244	E1
ALCOHOLIC BEVERAGES		
Common carriers, certain, class H license, fee requirement revised	245	E1
Importation, duty free liquor, wine, beer, provisions	256	E1
Licensed liquor premises, employees 18-20 year olds, permitted	204	E1
Liquor licenses, nonprofit organizations, minority Canadian directors, 10 miles south of border, issuance permitted	256	E1
Literature, educational, alcohol abuse, certain university, college campuses, distribution provision	164	E1
Manufacture, sale, dispensing, possession, provisions, general revisions	173	E1
Motor vehicle operators, under influence intoxicants, drugs, accident, traffic citation issuance, probable cause basis permitted, detention provision	56	
Motor vehicle operators, under influence intoxicants, drugs, arrest, reasonable belief basis, negligent homicide, breath, blood tests without consent, provisions	287	E1
University of Washington, banquet permits, issuance authorized	68	E1
ALL-TERRAIN VEHICLES		
Fuel, tax, refund, 1% rate established, all-terrain vehicles, use allocation	34	E1
Fuel, tax revenues, collection, time period termination date removed	34	E1
AMATEUR ATHLETIC EVENTS		
Boxing, wrestling, participants, annual physical examination, weight class designation, provisions	1	
AMBULANCES		
Cities, towns, ambulance services, establishment provision, tax authorized	24	E1
Counties, service charge authorized, existing private service situation proviso ..	147	E1
Service, payment, lien claim against tort-feasor, insurer, permitted	250	E1
ANATOMICAL GIFTS		
Driver license statement, invalidated upon expiration, revocation, provision ..	54	
ANIMALS		
Livestock, theft, killing, felony, damages	61	E1
ANNEXATION		
Cities, towns, certificate filing, office of program planning and fiscal management, provision	31	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
APPEALS		
Indigents, court, costs, fees, state payment provision	261	E1
Labor and industries department, orders, appellant burden of proof, procedures revisions, provisions	58	E1
Pollution control facilities, tax credits, exemptions, certificate applications, denials, administrative, judicial review procedures	158	E1
APPRENTICES		
Electrician, certificate, eligibility requirement	70	E1
Plumbers, certificate, eligibility requirement	71	E1
APPROPRIATIONS		
Agriculture department, grain inspection expenses	75	E1
Budget, state government, appropriations, legislative review procedures	293	E1
Budget, state government, supplemental, 1973-75 biennium	9	
Capital budget, state, 1975-77 biennium	276	E1
Community colleges, capital construction projects, 1975-1977 biennium	276	E1
Community colleges, capital construction projects, 1975-1977 biennium	236	E1
Deferred compensation revolving fund	274	E1
Ecology department, referendum 27 funds, agricultural water supply projects pur- poses	295	E1
General administration department, motor pool operation	167	E1
Governor's office, salaries increase payments, elected state officials, judges ...	263	E1
Higher education, capital projects, general obligation bonds, bond anticipation notes, issuance authorized, appropriation	237	E1
Highway commission, county ferry systems, operation, maintenance costs, 50% of deficit, payment provisions	21	E1
Highway commission, Duwamish waterway high level crossing, design evaluations, feasibility	267	E1
Highway commission, evergreen state college parkway, construction completion ..	18	E1
Highway commission, operations, capital improvements, 1975-77 biennium ...	279	E1
Highway commission, reimbursable nonstate highways expenditures, 1975-77 bien- nium	227	E1
Highway commission, west Seattle access development commission, costs	267	E1
Legislative transportation committee, transportation related studies, authorized ..	268	E1
Legislature, operations budget adopted, biennial appropriations period provision ..	16	E1
Minority contractors, training program, highways commission, provision	18	E1
Parks and recreation commission, snowgroomer pilot project	181	E1
Personnel department, central personnel-payroll system, establishment	239	E1
Planning and community affairs, public transportation benefit areas purposes .	270	E1
Puget island ferry, operation, maintenance, 1975-77 biennium, provision	279	E1
State agencies, operations, budget	269	E1
Statute law committee, bill drafting, session laws printing	5	
Teachers' retirement system, benefits funding provisions, consolidated	148	E1
University of Washington, state-wide medical education system, program imple- mentation	108	E1
Viet Nam veterans, bonus payment fund	273	E1
Wahkiakum county, puget island ferry, operation, maintenance	18	E1
Walla Walla community college, acquisition, Expo 74 surplus facilities	141	E1
Washington state university, tree fruit research center, facility, bonds amount increased	109	E1
ARCHAEOLOGICAL RESOURCES		
Conservation, protection, recording, provisions	134	E1
ARMORIES		
Fund, abolished, moneys transferred, state general fund	121	E1
ARREST		
Motor vehicle operators, accidents, citation issuance, probable cause basis permit- ted, detention provision	56	
Motor vehicle operators, under influence intoxicants, drugs, arrest, reasonable belief basis, negligent homicide, breath, blood tests without consent, provisions	287	E1
ASIAN DEVELOPMENT BANK		
Public funds, investment permitted	252	E1

SUBJECT INDEX OF 1975 STATUTES

	Chapter	
ASSESSMENTS		
Cattle, sales, increased	93	E1
Game law violations, penalty fines, assessment imposed	57	
Insurance, life, certificates of contribution, premium tax liability offset provisions	133	E1
Irrigation districts, property purchased for nonpayment of assessments, leasing not permitted	163	E1
Milk class I, II, dealer, producer sales assessment levy, education use purposes	136	E1
Property, corrections, taxpayer notified by certified mail	160	E1
Public utility districts, distribution systems, maintenance, operation costs, special assessments levy, collection provisions	46	
ASSOCIATIONS		
Credit union share guaranty, created, powers	80	E1
Life and disability insurance guaranty, assessments, certificates of contribution, premium tax liability offset provisions	133	E1
Sheriffs and chiefs of police, recognition	172	E1
Tax, sales, use, nonpayment, certain officers, employees, liability provisions ...	291	E1
ATHLETIC EVENTS		
Boxing, wrestling, amateur, participants, annual physical examination, weight class designation, provisions	1	
ATTORNEY GENERAL		
State officials, employees, criminal charges, related to official acts, attorney general defense authorized	144	E1
ATTORNEYS		
Administrative rules, state agencies, adverse decisions, agency proceedings, copy, attorney of record, provision	12	
Justice of peace, attorney requirement removed	197	E1
Odometer, illegal replacement cases, purchaser's suit, attorney and court fees payment, provision	24	
Prosecuting, law reform activities, authorized	19	E1
Prosecuting, special deputies, terms, residence, provisions	19	E1
AUCTIONS		
State, public, valuable material from public lands, up to \$10,000 value, permitted	45	E1
AUDIOVISUAL MEDIA		
Libraries, media services, school districts, integration, minimum standards provisions	127	E1
AUTHORITIES		
Air pollution, cities, towns, counties, special studies, investigations, consultation, contracting power	106	E1
Air pollution, fiscal year, dates revised	106	E1
AUTOMOBILES (See also MOTOR VEHICLES)		
Licenses, prior unpaid fees, purchasers not liable, ownership transfers permitted	52	
Motor pool, state, operation transferred, general administration department ..	167	E1
Motor vehicles code, general revisions	25	
Odometer, new vehicles, dealer disconnection provision repealed	24	
Odometers, illegal replacement, purchaser's suit, attorney and court fees recovery	24	
Registration, license renewals, staggered periods, provisions	118	E1
State employees, assignment, official use limitation	33	E1
Taking, without authority, destruction of property code provisions, deleted ...	28	
Water district commissioners, personal vehicles use, mileage reimbursement, provision	116	E1
BAIL		
Personal recognizance, court release, failure to appear, crime, penalties	2	E1
BANKS AND BANKING		
Alien, regulations, miscellaneous revisions	285	E1
Asian development, public funds, investment permitted	252	E1
Conservator, appointment, regulation	87	E1
Deferred compensation funds, public employee, deposit, investment provisions expanded	274	E1

SUBJECT INDEX OF 1975 STATUTES

	Chapter	
BANKS AND BANKING—cont.		
Mutual savings bank, conversion to savings and loan associations, provisions	83	E1
Mutual savings banks, fixed rate deposit certificates, maturity period extended	15	
Mutual savings banks, trusts handling, business, powers, expansion provisions	265	E1
Public depositories, qualification, regulation, provisions expanded	77	E1
Public works contracts, retained percentage, various banking institutions, deposit, interest, provisions	104	E1
Savings and loan associations, conversion to mutual savings bank, filing, investigation, federally approved associations, procedures	111	E1
Stockholders, annual meeting, deadline date changed	35	
BEER AND BREWERIES		
Importation, duty free liquor, wine, beer, provisions	256	E1
BELLEVUE		
Highway, state route No. 90, to Connecticut street, Seattle, construction decision, expediting provisions	272	E1
BENEFITS—WORKMEN'S COMPENSATION		
Surviving spouse, remarried and widowed, benefits resumption provisions	179	E1
BERRIES		
Picking, by minors under 12, not for interstate commerce, permitted	238	E1
BICYCLES		
Streets, cities, towns, counties, six year program, expenditures, report provision	215	E1
BIDS AND BIDDING		
Cities, 1st class, contracts, public works exceeding \$10,000, required	56	E1
Port districts, work contracts, to \$30,000, no bids required	47	E1
Sewer districts, water districts, public works, contracts, under \$5,000, not required	64	E1
BLIND		
Jurors, qualifications, sight, mind, provisions defined	203	E1
Students, state school, weekend, vacation travel expenses, payment authorized	51	
Vendors, public buildings, licensing, operation priority, provisions	251	E1
BOARDING HOMES		
Residents, aged ambulatory residents, supervised medication services, permitted	43	E1
BOARDS		
Accountancy, public accountants license fees, determination	229	E1
Administrative, state, abolished, duties transferred	40	
Automotive policy, established, duties	167	E1
County road administration, members, mileage rate provision	1	E1
Dental examiners, membership increased, terms extended	49	
Education, state, election results, challenges, contesting, ties, provisions	19	
Electrical examiners, size increased	92	E1
Electrical examiners, size increased	195	E1
Family practice education advisory created	108	E1
Geographic names, membership, state historical society president's representative authorized	26	E1
Insurance, state employees, administrative expenses, charges, benefits, provisions expanded	38	E1
Insurance, state employees, benefits supervisor, personnel department, appointment authorization	38	E1
Juvenile court, advisory, counties, establishment authorized	124	E1
Medical disciplinary, complaints, charges, unprofessional conduct, investigation, corrective action, duties	61	
Noxious weeds control, counties, jurisdiction, powers, duties, provisions, general revisions	13	E1
Nursing home administrators, membership increased, qualification provisions	97	E1
Pharmacy, professional competency, disciplinary proceedings participation, civil immunity provisions	114	E1
Teachers retirement, membership increased	17	E1
Urban arterial, members, mileage rate provision	1	E1
BOATS AND SHIPS		
Cargo containers, ocean commerce use, property tax exempt	20	E1

SUBJECT INDEX OF 1975 STATUTES

	Chapter	
BOATS AND SHIPS—cont.		
Fishing vessels, commercial, gear, licenses, permits, state purchase authorized	183	E1
Oil tankers, Puget sound over 125,000 tons, prohibited, under, various pilot, tug, safety feature requirements	125	E1
Puget sound, carrying potential hazardous substances, pilot, tug assistance, feasibility study	125	E1
BONDS		
Capital campus buildings, facilities, construction, improvement, general obligation bonds, issuance, authorized	249	E1
Colleges, universities, capital projects, higher education, general obligation bonds, bond anticipation notes, issuance authorized, appropriation	237	E1
Community colleges, capital projects, general obligation bonds, bond anticipation notes, issuance authorized	236	E1
Community colleges, capital projects, previously approved by legislature, general obligation bonds authorized	65	E1
Fire districts, local improvement district creation, bonds, warrants issuance, authorized	130	E1
Fruit research center, Washington state university, facility general obligation bonds, amount increased, appropriation	109	E1
Pollution control facilities, industrial installation, financing provisions	6	
Sewer districts, revenue, anticipation, issuance authorized	25	E1
Social and health services facilities, acquisition, construction, remodeling general obligation bonds, issuance authorized	258	E1
Timber, valuable materials, public lands, sale, removal, payment bonds, security, deposit provisions	52	E1
University of Washington, hospital facilities, capital improvement project, general obligation bonds issuance authorized	88	E1
Water, sewer systems, local improvement districts, county establishment authorized, financing provisions	188	E1
Water districts, revenue, anticipation, issuance authorized	25	E1
Water supply facilities, issuance provision, public body definition, federal government agency included	18	
World fair, redemption fund, abolished	149	E1
BONUSES		
Veterans, Viet Nam, provisions revised	273	E1
BOOKS		
Prepayment, by public agencies, authorized	72	E1
BOUNDARIES		
Municipal, highways centerline, municipal boundaries, use precluded, right-of-way line use authorized	220	E1
BOXING		
Amateur, certain, participants, annual physical examination, weight class determination, provisions	1	
BRANDS		
Feed, commercial, registration, inspection, fee provisions revised	257	E1
BREATHALYZERS		
Motor vehicle operators, under influence intoxicants, drugs, arrest, reasonable belief basis, negligent homicide, breath, blood tests without consent, provisions	287	E1
BUDGETS		
Air pollution control authorities, fiscal year, dates revised	106	E1
Capital improvements, state, 1975-77 biennium, appropriations	276	E1
Community colleges, capital construction projects, 1975-1977 biennium, appropriations	276	E1
Community colleges, capital construction projects, 1975-1977 biennium, appropriations	236	E1
County, legislative authorities, salary adjustments, pre-election budget action, post-election continuation ratification	32	E1
Highway commission, appropriations, operations, capital improvements, 1975-77 biennium	279	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
BUDGETS—cont.		
Highway commission, reimbursable nonstate highways expenditures, 1975–77 biennium, appropriations	227	E1
Legislature, operations, adopted, biennial appropriations period provision	16	E1
Salaries, preliminary school budgets, total amounts by budget class, setting out permitted	202	E1
School districts, preliminary, delay until state common school budget in effect, permitted	53	E1
School districts, preliminary, final budget not adopted, certain interim expenditures permitted	151	E1
State agencies, operation, legislative review procedure	293	E1
State agencies, operations, appropriations	269	E1
State government, supplemental appropriation, 1973–75 biennium	9	
BUILDING AND LOAN ASSOCIATIONS		
Conversion to mutual savings bank, filing, investigation, federally approved associations, procedures	111	E1
BUILDINGS		
Blind vendors, public buildings, licensing, operation priority, provisions	251	E1
Capital campus, buildings, facilities, construction, improvement, general obligation bonds, issuance, authorized	249	E1
Colleges, universities, capital projects, higher education, general obligation bonds, bond anticipation notes, issuance authorized, appropriation	237	E1
Councils, building code advisory, membership increased, qualification provisions	110	E1
Materials, sales tax, federal, county, city construction projects, contractor liability provision	90	E1
Permits, fees, cities, towns, setting authorized	8	E1
Physically disabled, accessibility, usability, standards established	110	E1
School, construction, planning, state matching funds, increase authorized	98	E1
Social and health services facilities, acquisition, construction, remodeling general obligation bonds, issuance authorized	258	E1
State, construction, lease, energy system, life-cycle cost analysis requirements	177	E1
State code, application provision	282	E1
BUSES AND BUSING		
License plates, private vehicles, personalized, use authorized	59	
BUSINESS AND PROFESSIONS		
B & O tax, business within and without the state, apportionment of services and income, payment purposes	291	E1
Corporations, license reinstatement, three year period privilege	36	E1
Fair trade, act repealed	55	
Fees, licensing, registration, renewals, amount determination provisions	30	E1
Healing arts professionals, hospitals, failure to exercise standard of care, plaintiff proof required	35	E1
Massage, operation, licensing, regulation	280	E1
Optometrists, education, professional requirements, regulation, general revisions	69	E1
Usury, commercial, business transactions, over \$50,000, defense plea not permitted	180	E1
CAMPAIGNS - POLITICAL		
Candidates, picture, use, age, requirements, restrictions	162	E1
CAMPERS - VEHICLES		
License plates, personalized, use authorized	59	
Tax, excise, delinquent, interest charge payment provision	9	E1
Tax, excise, erroneous payment, refund provision	9	E1
Unlicensed, dealer, manufacturer inventories, 72 hour demonstration periods, use permitted	41	
Weight information, licensing purposes, not required	41	
CAMPING CLUBS		
Sales, promotion permits, memberships, misleading statements, certain practices prohibited	150	E1
CANADA AND CANADIANS		
Liquor licenses, nonprofit organizations, minority Canadian directors, 10 miles south of border, issuance permitted	256	E1

SUBJECT INDEX OF 1975 STATUTES

	Chapter	
CANALS		
Irrigation systems, canals, wasteways, drains, reservoirs, shorelines management jurisdiction, excluded	182	E1
CANDIDATES		
Pictures, campaign use, age, requirements, restrictions	162	E1
CAPITAL IMPROVEMENTS AND CONSTRUCTION		
Budget, state projects, 1975-77 biennium appropriations	276	E1
Capital campus buildings, facilities, construction, improvement, general obligation bonds, issuance, authorized	249	E1
Colleges, universities, capital projects, higher education, general obligation bonds, bond anticipation notes, issuance authorized, appropriation	237	E1
Community colleges, capital projects, general obligation bonds, bond anticipation notes, issuance authorized	236	E1
Community colleges, capital projects, previously approved by legislature, general obligation bonds authorized	65	E1
Community colleges, 1975-1977 biennium, appropriations	276	E1
Social and health services facilities, acquisition, construction, remodeling general obligation bonds, issuance authorized	258	E1
University of Washington, hospital facilities, capital improvement projects, general obligation bonds issuance authorized	88	E1
CAPITOL BUILDINGS AND GROUNDS		
Buildings, facilities, construction, improvement, general obligation bonds, issuance, authorized	249	E1
CARGO CONTAINERS		
Ocean commerce, property tax, exempt	20	E1
CATTLE (See also ANIMALS, also AGRICULTURE AND LIVESTOCK)		
Assessments, sales, increased	93	E1
Livestock, theft, killing, felony, damages	61	E1
Taking, releasing, without authority, penalties	28	
CEMETERY		
Prerangement funds, deposit, federal credit union, savings and loan associations, permitted	55	E1
CENTRAL WASHINGTON STATE COLLEGE		
Degrees, titles, appropriate, certain programs, establishment authorized	232	E1
CERTIFICATES		
Electricians, examination applicants, eligibility requirements, provisions revised	70	E1
Electricians, general, special categories, provision	195	E1
Engineers, surveyors, professional, renewals, fees increased	23	
Motor vehicle, holder nonpayment, surrender requirement	52	
Motor vehicle, prior unpaid fees, purchasers not liable, ownership transfer permitted	52	
Mutual savings banks, fixed rate deposit certificates, maturity period extended	15	
Plumbers, examination applicants, eligibility requirements, provisions revised	71	E1
Pollution control facilities, tax credits, exemptions, certificate applications, denial appeals, administrative, judicial review procedures	158	E1
CHARITABLE ORGANIZATIONS		
Contributions, financial statement, verification by public accountant, requirement repealed	219	E1
CHECKS AND MONEY ORDERS		
Motor vehicle, operator, license, certificates, permits, nonpayment, surrender requirement	52	
CHILD ABUSE		
Detention, children, without parental consent, safety purposes, provisions	217	E1
Reports, forwarding to prosecuting attorney for investigation, action, required	217	E1
CHILDREN		
Abuse, detention without parental consent, safety purposes, provisions	217	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
CHILDREN—cont.		
Abuse, reports, forwarding to prosecuting attorney for investigation, action, required	217	E1
Adopted, hard to place, support payments, prospective parents, provisions	53	
Berries, picking by minors under 12, not for interstate commerce, permitted ..	238	E1
Learning/language disabilities, identification, public school screening program, report, recommendation provisions	78	E1
School, removal from grounds, buildings, by authorized persons only, procedures compliance	248	E1
CHIROPRACTORS		
Competency, mental, physical examination, provision	39	E1
Malpractice suits, failure to exercise standard of care, plaintiff proof required .	35	E1
Public relations, ethical standards, hearing officer, committee, general provisions	39	E1
CHURCHES		
Buildings, improvements, required for maintenance, safeguarding purposes, property tax exempt	291	E1
CIGARETTES		
Unstamped, sale, possession, tax liability provision	22	E1
CITATIONS		
Traffic, accidents, offenders, probable cause basis, issuance permitted, detention provision	56	
CITIES AND TOWNS		
Air pollution authorities, special studies, investigations, consultation, contracting power	106	E1
Ambulance services, establishment provision, tax authorized	24	E1
Annexations, certificate filing, office of program planning and fiscal management, provision	31	E1
Boundaries, municipal, highways centerline, use precluded, right-of-way line use authorized	220	E1
Building permits, fees, setting authorized	8	E1
Cities, over 400,000 population, state laws, rules, regulations, applicability provisions	33	
Cities, 1st class, public works, contracts exceeding \$10,000, bids required	56	E1
City funds, excess, local improvement district interim financing warrants, investment permitted	11	E1
Construction, building materials sales tax, federal, county, city projects, contractor liability provision	90	E1
Fuel taxes, motor vehicle, distribution, cities, towns, counties, highway commission, allocation increased	100	E1
Gambling commission, local law enforcement assistance, revenue use, provisions	166	E1
Hearing examiner office, municipal court, creation authorized	214	E1
Insurance, liability, officers, employees, purchase authorized	16	
Interlocal cooperation act, certain additional public agencies, included under provisions of act	115	E1
Judicial officers, municipal courts, certain cities, authorized	214	E1
Mayors, council-manager code cities, council position one, election provision .	155	E1
Motels, hotels, special excise tax, city, county imposition, control, first levied provisions	225	E1
Motor vehicles, identification insignia, lettering, confidential plates, provisions	169	E1
Municipal courts, cities over 400,000, punishment assessments, duty transferred from jury to judge	29	
Off-street parking, parks, civic center facilities users, cities, towns operation authorized	221	E1
Public transportation benefit areas, creation, financing, taxing, provisions	270	E1
Railroad grade crossings, protective device installation, maintenance, cost payment provisions	189	E1
Sheltered workshops, products, services, purchases authorized	20	
Social improvement districts, bonds, warrants, issuance, governing law accord	130	E1
Solid waste, systems, plants, collection, processing, sale, authorized	208	E1
Streets, construction, nonstate highways, highway commission expenditures, 1975-77 biennium, appropriation	227	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
CITIES AND TOWNS—cont.		
Streets, six year program, bicycle, pedestrian, equestrian expenditures, report provision	215	E1
Tort judgments, against governmental agencies, interest payment provision ...	26	
Traffic, uniform ordinance, enacted	54	E1
Urban areas, arterial fund eligibility purposes, incorporated city, town population basis, definition revised	253	E1
Urban arterials, urban area definition revised, incorporated city, town population basis, fund eligibility purposes	253	E1
Volunteers, industrial insurance, coverage provisions	79	E1
CITIES – 1st CLASS		
Public works, contracts exceeding \$10,000, bids required	56	E1
CIVIC CENTERS		
Parking, off-street, facility users, cities, towns operation authorized	221	E1
CIVIL ACTIONS AND PROCEDURES		
Ambulance service, payment, claim against tort-feasor, insurer, permitted	250	E1
Dentists, professional competency proceedings, civil action immunity provisions	114	E1
Foreign money-judgments recognition, uniform act	240	E1
Indigents, court appeals, costs, fees, state payment provision	261	E1
Liens, action enforcement, summons filing, service, time periods specified	231	E1
Medical malpractice suits, failure to exercise standard of care, plaintiff's burden of proof	35	E1
Pharmacists, professional competency proceedings, civil action immunity provisions	114	E1
Port districts, public utility districts, actions against officers, employees, employment related duties, defense costs, provisions	60	
Shoplifting, adults, minors, liability, damages, provisions	59	E1
Usury, commercial, business transactions over \$50,000, defense plea not permitted	180	E1
CIVIL SERVICE		
Veterans' widows, widowers, totally disabled veterans, public employment preference provision	198	E1
CLAIMS		
Port districts, public utility districts, officers, employees, employment related duties, defense costs provision	60	
State officers, employees, tort claims against, payments, claims revolving fund use authorized	126	E1
CODES		
Criminal, new, comprehensive	260	E1
Criminal, new, crime against persons	260	E1
State building code, application provisions	282	E1
State, statutes, county file copies requirement, number reduced	216	E1
Vehicle, state traffic regulations, rules of the road, revisions	62	
COIN OPERATED MACHINES		
Blind vendors, public buildings, licensing, operation priority, provisions	251	E1
COLLECTIVE BARGAINING		
Public employment relations, commission created, duties	296	E1
Schools, employees, educational employment relations act, provisions	288	E1
COLLEGES AND UNIVERSITIES (See also name of COLLEGE, also COMMUNITY COLLEGES)		
Alcohol abuse materials, campus distribution permitted	164	E1
Boxing, wrestling, participants, annual physical examination, weight class description, provisions	1	
Capital projects, higher education, general obligation bonds, bond anticipation notes, issuance authorized, appropriation	237	E1
Colleges, state, appropriate degree titles, certain programs, establishment authorized	232	E1
Foreign medical school graduates, physicians' assistants, permitted	90	E1
Higher education council, renamed, post-secondary education, membership, duties, revised	132	E1
Housing, dormitories, segregation, sex, marital, family status basis, not discrimination	145	E1

SUBJECT INDEX OF 1975 STATUTES

	Chapter	
COLLEGES AND UNIVERSITIES (See also name of COLLEGE, also COMMUNITY COLLEGES)—cont.		
Liquor, university of Washington, banquet permits, issuance authorized	68	E1
Motor vehicles, employee, assignment, official use limitation	33	E1
Pensions, retirement, university faculty, employees, eligibility because of age, survivors supplement payment provision	212	E1
Personnel, salaries, compensation revisions, funds availability, program planning and fiscal management office approval	122	E1
Post-secondary education council, created, higher education council renamed, membership, duties, revised	132	E1
Salaries, faculty, employees, increase provisions	9	
Tuition, fees, enrollees over 60, waiver permitted	157	E1
University of Washington, hospital facilities, capital improvement project, general obligation bonds issuance authorized	88	E1
University of Washington, medical school, regional education program, Alaska, Montana, Idaho students, resident tuition provision	105	E1
COLUMBIA RIVER		
Gorge commission, membership increased, jurisdiction provisions	48	E1
COMMERCIAL TRANSACTIONS		
Usury, transactions over \$50,000, defense plea not permitted	180	E1
COMMISSIONERS		
Port commissioners' per diem, expenses reimbursement, district population size basis, provisions	187	E1
COMMISSIONS		
Columbia river gorge commission, membership increased, jurisdiction provisions	48	E1
Criminal justice training, facility, leasing authorized	103	E1
Dairy products, membership increased, requirements, term of office, district boundaries, provisions revised	136	E1
Gambling, reports submission, hearings, licensing, requirements, local law enforcement assistance, provisions	166	E1
Public employment relations, created, duties	296	E1
Vocational education, created, powers, duties, occupational education coordinating council abolished	174	E1
West Seattle access development, created, study, report, duties	267	E1
Winter recreation advisory, created, duties	209	E1
COMMITMENTS		
Juveniles, transfer from correctional to mental institutions, authorized	199	E1
Mental institutions, commitments, general provisions, revisions	199	E1
Outpatient, inpatient status, 72 hour evaluation, summons statement provision	199	E1
Voluntary, mentally disordered individuals, detention, professional staff recommendation basis, authorized	199	E1
COMMITTEES		
Deferred compensation, created	274	E1
Grass burning, research advisory committee, established, powers, duties	44	E1
Legislative transportation, transportation related studies, authorized, appropriation	268	E1
Property tax, abolished	291	E1
COMMON CARRIERS		
Liquor license, class H, fee requirement revised	245	E1
COMMUNITY COLLEGES		
Alcohol abuse materials, campus distribution permitted	164	E1
Capital projects, general obligation bonds, bond anticipation notes, issuance authorized	236	E1
Capital projects, previously approved by legislature, general obligation bonds authorized	65	E1
Capital projects, 1975-1977 biennium, appropriations	276	E1
Faculty, employment with "special funds", appointments not tenured	112	E1
Programs, operating plans, effectiveness, efficiency measures, standards, performance reports, requirements	9	
Walla Walla, acquisition, Expo 74 surplus facilities	141	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
COMPENSATION (See also SALARIES AND WAGES)		
Crime victims, provisions, general revisions	176	E1
COMPENSATION - DEFERRED		
Public employees, deposit, investment provisions, expanded	274	E1
School employees, deferred compensation, appropriate internal revenue exclusion allowance amount, deferral permitted	205	E1
CONGRESS		
Senator, vacancy, appointment, election, referendum provision	89	E1
CONSERVATION AND DEVELOPMENT		
Archaeological resources, conservation, recording, provisions	134	E1
CONSERVATORS		
Banks, appointment, regulation	87	E1
CONSTRUCTION		
Building materials, sales tax, federal, county, city projects, contractor liability provisions	90	E1
Building permits, fees, cities, counties, setting authorized	8	E1
Capital campus buildings, facilities, construction, improvement, general obligation bonds, issuance, authorized	249	E1
Community colleges, capital projects, general obligation bonds, bond anticipation notes, issuance authorized	236	E1
Community colleges, capital projects, previously approved by legislature, general obligation bonds authorized	65	E1
Funds, public school, general administration, transferred, general fund	91	E1
Public utility districts, definition expanded, to include all generating facilities ..	10	E1
Schools, state matching funds, increase authorized	98	E1
Social and health services facilities, acquisition, construction, remodeling general obligation bonds, issuance authorized	258	E1
State buildings, energy system, life-cycle cost analysis requirements	177	E1
University of Washington, hospital facilities, capital improvement project, general obligation bonds issuance authorized	88	E1
CONTAINERS		
Milk, unit sizes, agriculture department determination provision, authorized ..	51	E1
CONTINUING EDUCATION (See EDUCATION)		
CONTRACTORS		
Construction, building materials sales tax, federal, county, city projects, contractor liability provision	90	E1
Minority, training programs, appropriation	18	E1
Public projects, sewer, water district, under \$5,000, no bids required, small works roster selection provision	64	E1
Public works, retained percentage, various banking institutions, deposit, interest, provisions	104	E1
CONTRACTS		
Air pollution authorities, cities, towns, counties, special studies, investigations, consultation, contracting powers	106	E1
Cities, 1st class, contracts, public works exceeding \$10,000, required	56	E1
Farm implements, retailers, wholesalers, contract discontinuance, price, cost recovery provisions	277	E1
Port districts, work contracts, to \$30,000, no bids required	47	E1
Public, notice publication, in newspaper located in appropriate area, required ..	230	E1
Public works, retained percentage, various banking institutions, deposit, interest, provisions	104	E1
School districts, directors, officers, 2nd, 3rd class districts, beneficial interest, not permitted	41	E1
School superintendents, renewal, school board discretion	137	E1
Sewer districts, public works, under \$5,000, no bids required	64	E1
Water districts, public works, under \$5,000, no bids required	64	E1

SUBJECT INDEX OF 1975 STATUTES

	Chapter	
CONTROLLED SUBSTANCES		
Motor vehicle operators, under influence intoxicants, drugs, accident, traffic citation issuance, probable cause basis permitted, detention provision	56	
Motor vehicle operators, under influence intoxicants, drugs, arrest, reasonable belief basis, negligent homicide, breath, blood tests without consent, provisions	287	E1
CONVICTS		
Work, training release, employment, compensation, benefits, provisions	44	
CORPORATIONS		
License, reinstatement, three year period privilege	36	E1
Shares, community property, directors, meetings, officeholders, miscellaneous revisions	264	E1
State investments, transportation, manufacturing firms, equipment sale, lease obligation, trust certificates, permitted	81	E1
Tax, sales, use, nonpayment, certain officers, employees, liability provisions . . .	291	E1
CORRECTIONAL INSTITUTIONS		
Prisoners, work, training release programs, employment, compensation, benefits, provisions	44	
COST OF LIVING		
Firemen, policemen, pension benefits, increase, percentage calculation, provisions revised	178	E1
COUNCILS		
Building code advisory, membership increased, qualification provisions	110	E1
Council-manager code cities, mayors, council position one, election provision . .	155	E1
Higher education, renamed post-secondary education, membership, duties, revised	132	E1
Municipal research, membership increased, appointment provisions revised . . .	218	E1
Occupational education coordinating, abolished, duties transferred vocational education commission	174	E1
Post-secondary education, created, higher education council renamed, membership, duties, revised	132	E1
Thermal power plant site council, environmental impact, national policy act statement, state use permitted	206	E1
Trade fair, advisory, ex officio legislative members, appointment provision, duties	292	E1
COUNTIES		
Air pollution authorities, special studies, investigations, consultation, contracting power	106	E1
Ambulances, service charge authorized, existing private service situation proviso	146	E1
Building permits, fees, setting authorized	8	E1
Construction, building materials sales tax, federal, county, city projects, contractor liability provision	90	E1
Ferry systems, county, operation, maintenance costs, 50% of deficit, state payment provisions, appropriation	21	E1
Fuel taxes, motor vehicle, distribution, cities, towns, counties, highway commission, allocation increased	100	E1
Gambling commission, local law enforcement assistance, revenue use, provisions	166	E1
Indians, library service, provision, authorized	50	
Insurance, liability, officers, employees, purchase authorized	16	
Interlocal cooperation act, certain additional public agencies, included under provisions of act	115	E1
Juvenile court system, class AA counties, administration, transfer to county by superior court judges, authorized	124	E1
Law libraries, 7th and 8th class counties, establishment, prosecuting attorney maintenance, provisions	37	
Legislative authority salary adjustments, pre-election budget action, post-election continuation ratification	32	E1
Motels, hotels, special excise tax, city, county imposition, control, first levied provisions	225	E1
Motor vehicles, identification insignia, lettering, confidential plates, provisions	169	E1
Noxious weeds control, jurisdiction, powers, duties, provisions, general revisions	13	E1
Ordinances, codes, regulations, violation, misdemeanor	216	E1
Prosecuting attorneys, law reform activities, authorized	19	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
COUNTIES—cont.		
Prosecuting attorneys, special deputies, terms, residence, provisions	19	E1
Public contracts, notice publication, in newspaper located in appropriate area, required	230	E1
Public transportation benefit areas, creation, financing, taxing, provisions	270	E1
Railroad grade crossings, protective device installation, maintenance, cost payment provisions	189	E1
Road administration board, members, mileage rate provision	1	E1
Roads, construction, nonstate highways, highway commission reimbursable expend- itures, 1975-77 biennium, appropriations	227	E1
Roads, six year program, bicycle, pedestrian, equestrian expenditures, report provi- sion	215	E1
Roads, vacated, public utility easement right retained	22	
Sewer districts, mergers, across county lines, authorized	86	E1
Sheltered workshops, products, services, purchases authorized	20	
Sheriff's office, home rule charter counties, 12 unclassified position appointments, public safety director authorized	186	E1
Statutes, state, file copies required, number reduced	216	E1
Tort judgments, against governmental agencies, interest payment provisions ..	26	
Traffic, uniform ordinance, enacted	54	E1
Tuberculosis, tax levy, requirement removed	291	E1
Urban renewal, all counties, participation authorized	3	
Volunteers, industrial insurance, coverage provisions	79	E1
Voters, registration, move to new address, transfer provisions	184	E1
Warrants, claims payment, issuance delay requirement removed	31	
Water, sewer systems, local improvement districts, establishment authorized, financ- ing provisions	188	E1
COUNTY OFFICERS - AUDITORS		
Voters, registration, move to new address, same county transfer provisions ...	184	E1
COUNTY OFFICERS - COMMISSIONERS AND COUNCILMEN		
Salary adjustments, pre-election budget action, post-election continuation ratifica- tion	32	E1
COUNTY OFFICERS - PROSECUTING ATTORNEYS		
Child abuse, reports, forwarding to prosecutor for investigation, action, required	217	E1
Deputies, special, terms, residence, provisions	19	E1
Law libraries, 7th and 8th class counties, establishment, maintenance, provisions	37	
Law reform activities, authorized	19	E1
COUNTY OFFICERS - SHERIFFS AND PUBLIC SAFETY DIRECTORS		
Sheriffs and chiefs of police association, recognition,	172	E1
Summons, service fees, increased	94	E1
Unclassified positions, home rule charter counties, 12 appointments, public safety director authorized	186	E1
COURT REPORTERS		
Salaries, increased	128	E1
COURTS		
Fisherman, commercial, "case area" affected by federal court decision, loan provi- sions	152	E1
Juries, fees increased	76	E1
Juries, superior court, certain out of court settlements, fees return provision repealed	30	
Jurors, qualifications, sight, mind, provisions defined	203	E1
Juvenile delinquents, jurisdiction, juvenile court, social and health services depart- ment, to age 21, authorized	170	E1
Juvenile system, class AA counties, administration, transfer to county by superior court judges, authorized	124	E1
Municipal, cities over 400,000, punishment assessments, duty of judge	29	
Municipal, hearing examiner office, cities, creation authorized	214	E1
Municipal, judicial officers, certain cities, authorized	214	E1
Odometer, illegal replacement, purchaser's suit, attorney and court fees payment, provision	24	
Personal recognizance, release, failure to appear, crime, penalties	2	E1

SUBJECT INDEX OF 1975 STATUTES

	Chapter	
COURTS—cont.		
Port districts, public utility districts, officers, employees, employment related duties, actions against, defense costs provisions	60	
Pre-trial deferred prosecution program, misdemeanants, alcohol, mental problems, referral authorized	244	E1
Reporters, salaries increased	128	E1
CREDIT UNION		
Cemetery prearrangement funds deposit, federal credit unions, permitted	55	E1
Deferred compensation funds, public employee, deposit, investment provisions expanded	274	E1
Guaranty, association created, duties	80	E1
Provisions, miscellaneous revisions	222	E1
CREDITS - SCHOOL		
National guard, high school career training, school acceptance provision	262	E1
CREDITS (TAX)		
B & O tax, 1974 tax, 100% paid by May 10, 1974, credit adjustment provision	291	E1
Pollution control facilities, tax credits, exemptions, certificate applications, denial appeals, administrative, judicial review procedures	158	E1
CRIMES AND CRIMINAL PROCEDURES		
Automobiles, taking, releasing, without authority, destruction of property code provisions, deleted	28	
Bail, personal recognizance, superior court release, failure to appear, crime, penalties	2	E1
Camping clubs, sales, promotion permits, memberships, misleading statements, certain practices prohibited	150	E1
Cattle, sheep, taking, releasing, without authority, penalties	28	
County ordinances, codes, regulations, violation, misdemeanor	216	E1
Crime against persons, new criminal code	260	E1
Criminal code, new, comprehensive	260	E1
Homicide, negligent, motor vehicle operators, under influence intoxicants, drugs, provision	287	E1
Indigents, court appeals, costs, fees, state payment provision	261	E1
Licenses, motor vehicles, operation, cancelled, nonsurrender, misdemeanor	52	
Livestock, theft, killing, felony, damages	61	E1
Motor vehicle operators, accidents, citation issuance, probable cause basis permitted, detention provision	56	
Personal recognizance, court release, failure to appear, crime, penalties	2	E1
Port districts, public utility districts, actions against officers, employees, employment related duties, defense costs provision	61	
Pre-trial deferred prosecution program, misdemeanants, alcohol, mental problems, court referral authorized	244	E1
Rape, provisions revised, expanded	14	E1
Rapists, first degree, during three year mandatory minimum sentence, work release, furlough program, participation prohibited	247	E1
Sexually explicit materials, exhibit on viewing screen visible to general public, misdemeanor	156	E1
State officials, employees, criminal charges, related to official acts, attorney general defense authorized	144	E1
Victims, crime, compensation, provisions, general revisions	176	E1
CRIMINAL JUSTICE TRAINING COMMISSION		
Criminal justice personnel, recruitment, minimum standards, establishment authorized	82	E1
Training facility, leasing authorized	103	E1
CRUDE OIL		
Oil tankers, Puget sound over 125,000 tons, prohibited, under, various pilot, tug, safety feature requirements	125	E1
DAIRIES AND DAIRY PRODUCTS		
Dairy products commission, membership increased, requirements, term of office, district boundaries, provisions revised	136	E1
Milk, class I, II, dealer, producer sales assessment levy, education use purposes	136	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
DAIRIES AND DAIRY PRODUCTS—cont.		
Milk, containers, unit sizes, agriculture department determination provision, authorized	51	E1
DEAF		
Students, state school, weekend, vacation travel expenses, payment authorized	51	
DEATH AND DEAD BODIES		
Anatomical gifts, driver's license statement, invalidated upon expiration, revocation, provision	54	
DEDUCTIONS		
Health care insurance, retired public employees, payment, allowed	73	E1
DEEDS		
Property, highways, property deeds, conveyance executions, highway director, provisions	96	E1
Trust, foreclosure, requirements, general provisions	129	E1
DEEDS OF TRUST		
Commercial, business transactions, usury defense plea, not permitted	180	E1
Foreclosure, requirements, general provisions	129	E1
State officials, employees, criminal charges, related to official acts, attorney general defense authorized	144	E1
DEFENSE (Legal)		
Commercial, business transactions, usury defense plea, not permitted	180	E1
Port districts, public utility districts officers, employees, employment related duties, actions against, costs provisions	60	
State officials, employees, criminal charges related to official acts, attorney general defense authorized	144	E1
State personnel, tort claims against	126	E1
DEFERRED COMPENSATION (See COMPENSATION - DEFERRED)		
DEGREES - COLLEGES AND UNIVERSITIES		
Colleges, state, appropriate degree titles, certain programs, establishment authorized	232	E1
DEMONSTRATION PROGRAMS AND PROJECTS		
Migrant workers, Yakima county, labor housing demonstration project, completion authorized	50	E1
DENTISTS AND DENTISTRY		
Dental examiners board, membership increased, terms extended	49	
Dental examiners board, temporary staff, licensure examination purposes, authorized	49	
Immunity, professional competency, disciplinary proceedings participation, civil action immunity provisions	114	E1
Malpractice suits, failure to exercise standard of care, plaintiff proof required	35	E1
DEPOSITS - MONETARY		
Mutual savings banks, fixed rate deposit certificates, maturity period extended	15	
DEPOSITS - RENTAL		
Landlord changes, transfer provisions	233	E1
DESTRUCTION		
Property, tax adjustments, refunding, provisions	120	E1
DISABILITY - MEDICAL		
Workmens compensation, temporary, total permanent disability, death cases, 1971, 1975 payment adjustment formulas	286	E1
DISABLED AND HANDICAPPED		
Sheltered workshops, products, services, municipal purchases authorized	20	
DISASTERS		
Relief, state program, preparation, administration	113	E1
DISCRIMINATION		
Housing, dormitories, public, private schools, segregation, sex, marital, family status basis, not discrimination	145	E1
Public schools, sex basis, elimination provisions	226	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
DISCRIMINATION—cont.		
Sex, public schools, elimination provisions	226	E1
DISSOLUTION OF MARRIAGE		
Dissolutions, marriages, separations, validity, actions, filing, superior court, county of petitioner's residence	32	
DISTRICT COURTS (See also JUSTICE COURTS)		
Judges, Lincoln county, number, reduced to one	153	E1
DISTRICTS (See also type of district)		
Hospital, commissioners, compensation increase	42	
Hospital, public, interlocal cooperation act, inclusion	115	E1
Insurance, liability, officers, employees, purchase authorized	16	
Irrigation, directors, insurance availability, payment provision	14	
Irrigation, directors, travel expenses, provision	163	E1
Irrigation, interlocal cooperation act provisions, inclusion	115	E1
Irrigation, property, purchased for nonpayment of assessments, leasing not permitted	163	E1
Libraries, interlocal cooperation act provisions, inclusion	115	E1
Local improvement districts, water, sewerage systems, county establishment authorized, financing provisions	188	E1
Port, managing official, authority, delegation by commissioners, permitted	12	E1
Sewer, mergers, across county lines, authorized	86	E1
Sewer, water, revenue, bond anticipation warrants, issuance authorized	25	E1
Television, reception improvement districts, per set tax, increase	11	
Water, commissioners, mileage reimbursement, establishment provision	116	E1
DIVORCE (See DISSOLUTION OF MARRIAGE)		
DOMESTIC RELATIONS		
Marriage dissolution, separation, validity, actions filing, superior court, county of petitioner's residence	32	
DRUGS (See also CONTROLLED SUBSTANCES)		
Homicide, negligent, motor vehicle operators, under influence intoxicants, drugs, provision	287	E1
Motor vehicle operators, under influence intoxicants, drugs, accident, traffic citation issuance, probable cause basis permitted, detention provision	56	
Motor vehicle operators, under influence intoxicants, drugs, arrest, reasonable belief basis, negligent homicide, breath, blood tests without consent, provisions	287	E1
Prescription, written, oral, refilling provisions, sales, use tax purposes, definition expanded	291	E1
EASEMENTS		
Roads, county, vacated, public utility easement right retained	22	
Yacolt burn area, state lands access easements, road rights, forestry supervisor acquisition authorized	101	E1
EASTERN WASHINGTON STATE COLLEGE (See also COLLEGES AND UNIVERSITIES)		
Degrees, titles, appropriate, certain programs, establishment authorized	232	E1
ECOLOGY		
Agricultural water supply facilities, loans, grants authority	295	E1
Archaeological resources, conservation, recording, provisions	134	E1
ECOLOGY DEPARTMENT		
Grass burning, research advisory committee, established, powers, duties	44	E1
EDUCATION (See also SCHOOL DISTRICTS; also SCHOOLS)		
Board, state, election results, challenges, contesting, ties, provisions	19	
Collective bargaining, school districts, employees, educational employment relations act	288	E1
Employment relations act, school districts	288	E1
National guard, high school career training, school credits, acceptance provision	262	E1
Private preschools, employees, unemployment compensation exempt	67	E1
Vocational, commission created, comprehensive program, administration provisions	174	E1
EDUCATION SERVICE DISTRICTS		
Intermediate school districts, redesignated	275	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
EGGS		
Eggs, egg products, regulations, federal act conformity, provision	201	E1
ELECTIONS (See also VOTERS AND VOTING)		
Education board, results, challenges, contesting, ties, provisions	19	
Mayors, council-manager code cities, council position one, election provision ..	155	E1
Senate, U.S., vacancy appointment, election, referendum provision	89	E1
Voters, registration, move to new address, same county, transfer provisions ...	184	E1
ELECTRICIANS		
Certificate, examination applicants, eligibility requirements, provisions revised	70	E1
Electrical examiners' board, size increased	92	E1
Electrical examiners' board, size increased	195	E1
Licenses, general, special categories, provision	92	E1
Licenses, general, special categories, provision	195	E1
ELECTRICITY - POWER		
Construction projects, public utilities districts, definition expanded, to include all generating facilities	10	E1
Public utility districts, distribution systems, maintenance, operation costs, special assessments levy, collection provisions	46	
EMERGENCIES AND EMERGENCY SERVICES		
Ambulance services, cities, towns, establishment provision, B & O tax authorized	24	E1
Ambulances, county, service charge authorized, existing private service situation proviso	147	E1
Department, disaster relief, programs preparation, administration	113	E1
Emergency medical care, rendering without compensation, civil liability exempt	58	
Fire districts, first aid vehicle services, charge provisions	64	
Medical related transportation, care, lien provisions	250	E1
Motor vehicle accidents, failure to render aid, give information, license revocation	210	E1
Pay telephones, use without charge or coins, provision	21	
Streams, emergency alterations, riparian owners, authorization procedures	29	E1
EMINENT DOMAIN		
Solid waste systems, cities, towns, provisions	208	E1
EMPLOYEES		
Benefit plans, contributions, liens	34	
Industrial insurance, permanent totally disabled, continuing medication, therapy provisions	234	E1
Insurance, health, premiums, employer portion payments, continuation by striking employees, option provisions	117	E1
Legislative, certain, unemployment compensation, coverage, excluded	4	
Minimum wage, farm workers, federal, state, local employees, law coverage, inclu- sion	289	E1
Port districts, public utility districts, officers, employees, employment related duties, actions against, defense costs, provisions	60	
Private preschools, unemployment compensation, exempt	67	E1
Public, deferred compensation, deposit, investment, provisions expanded	274	E1
Public, sheriff's office, home rule charter counties, 12 unclassified position appoint- ments, public safety director authorized	186	E1
Public utility districts, perspective employees, travel, living expenses, payment per- mitted	140	E1
School, deferred compensation, appropriate internal revenue, exclusion allowance amount, deferral permitted	205	E1
State, automobile assignments, official use limitation	33	E1
State, central personnel-payroll system, establishment authorized, appropriation	239	E1
State, insurance, administrative service charge	38	E1
State, officers, employees, tort claims against, payments, claims revolving fund use authorized	126	E1
State, salaries, increase provisions	9	
Temporarily disabled workmen, light duty, provisions	235	E1
EMPLOYERS		
Employee benefit plans, contributions, liens	34	

SUBJECT INDEX OF 1975 STATUTES

			Chapter
EMPLOYERS —cont.			
Health insurance, portion payments, continuation by striking employees, option provisions,	117		E1
Temporarily disabled workmen, light duty, employer provision	235		E1
EMPLOYMENT			
Public employment relations, commission created, duties	296		E1
Veterans' widows, widowers, totally disabled veterans, public employment preference provision	198		E1
ENERGY			
State buildings, energy system, life-cycle cost analysis requirements	177		E1
ENGINEERS AND ENGINEERING			
Professional, engineers, surveyors, certificate renewal fees increased	23		
ENVIRONMENT (See also ECOLOGY, also POLLUTION, also WASTE DISPOSAL)			
Thermal power plant site council, environmental impact, national policy act statement, state use permitted	206		E1
EQUESTRIANS			
Streets, cities, towns, counties, six year program, expenditures, report provision	215		E1
EVERGREEN STATE COLLEGE			
Parkway, construction completion, appropriation	18		E1
EVIDENCE			
Medical malpractice suits, failure to exercise standard of care, plaintiff's burden of proof	35		E1
Rape, victim's past sexual behavior, inadmissible	14		E1
EXAMINATIONS			
Dentists, temporary examiners board staff, licensure examination purposes, authorized	49		
Electricians, certification, applicants eligibility requirements, provisions revised	70		E1
Plumbers, certification, applicants eligibility requirements, provisions revised ..	71		E1
EXCISE TAXES			
Mobile homes, travel trailers, campers, delinquent, interest charge payment provision	9		E1
Mobile homes, travel trailers, campers, erroneous payment refund provision ..	9		E1
Motels, hotels, special excise, city, county imposition, control, first levied provisions	225		E1
Real estate, school district buildings, transportation, sites, bonds, use authorized	135		E1
EXECUTORS			
Foreign, savings and loan accounts, payment provisions	165		E1
EXEMPTIONS - TAXES			
Cargo containers, ocean commerce use, property tax exempt	20		E1
Pollution control facilities, tax credits, exemptions, certificate applications, denial appeals, administrative, judicial review procedure	158		E1
Private preschool employees, unemployment compensation, exempt	67		E1
Propane, natural gas, motor vehicle fuel use, time period extended	62		E1
Sheltered workshops, inventories, property tax exempt	3		E1
EXPO 74 (SPOKANE)			
Surplus facilities, Walla Walla community college acquisition authorized	141		E1
EXPOSITIONS (See FAIRS AND EXPOSITIONS)			
Osaka, exposition, law provisions repealed	45		
EYES AND EYEGLASSES			
Optometrists, education, professional requirements, regulation, general revisions	69		E1
Prescription, lenses, sales, use tax purposes, definition expanded	291		E1
FACULTY - COLLEGES AND UNIVERSITIES			
Community colleges, employment with "special funds", appointments not tenured	112		E1
Retirement pension, university faculty, employees, eligibility because of age, survivors supplement payment provision	212		E1
Salaries, increase provisions	9		

SUBJECT INDEX OF 1975 STATUTES

		Chapter
FAIRS AND EXPOSITIONS		
Osaka, exposition, law provisions repealed	45	
Trade, international, state financial aid, authorized	292	E1
World fair, bond redemption fund, abolished	149	E1
FAIR TRADE		
Act, repealed	55	
FAMILY MEDICAL PRACTICE		
State-wide medical education system, program implementation	108	E1
FARMERS AND FARMING		
Farm implements, retailer, wholesalers, contract discontinuance, price, cost recovery provisions	277	E1
Farm workers, minimum wage, law coverage, inclusion	289	E1
Irrigation, farming, ranching activities, on wetlands, shorelines management jurisdiction, excluded	182	E1
Irrigation systems, canals, wasteways, drains, reservoirs, shorelines management jurisdiction, excluded	182	E1
FEDERAL GOVERNMENT		
Construction, building materials sales tax, federal, county, city projects, contractor liability provision	90	E1
Eggs, egg products, regulations, federal act conformity, provisions	201	E1
Senator, vacancy, appointment, election, referendum provision	89	E1
Veteran's administration hospitals, concurrent state, federal jurisdiction, provision	142	E1
Water supply facilities, bond issue provisions, public body definition, federal government agency included	18	
FEED		
Commercial, brand registration, inspection, fee provisions revised	257	E1
FEES (See also TUITION AND FEES)		
Attorney, illegal odometer replacement, purchaser's suit, attorney and court fees, payment provisions	24	
Business, professions, licensing, registration, renewals, amount determination provision	30	E1
Engineers, surveyors, professional, certificate renewals, increased	23	
Feed, commercial, brand registration, inspection, fee provisions revised	257	E1
Hunting, fishing, game, license fees increased	15	E1
Jury, increased	76	E1
Jury, superior court, certain out of court settlements, return provision repealed	30	
Motor vehicle, application, inspection, motor vehicle fund deposit provision ..	138	E1
Motor vehicle licenses, applications, registrations, number plates, county auditor fee increased	146	E1
Motor vehicle operators, license, various fees increased	191	E1
Municipal courts, revenue, collection remittance, clerk responsibilities	241	E1
School, extracurricular events, optional noncredit, fees authorized	284	E1
Sheriffs, summons, service fees, increased	94	E1
Teacher professional training, institutes, workshops, certificates, provisions ...	192	E1
Trucks, tractors, trailers, additional excess tonnage, 6,000 pounds or more, quarterly permit purchase provision	196	E1
Winter sports conveyances, inspection, actual costs, assessment provisions	74	E1
FELONS AND FELONIES (See also CRIMES AND CRIMINAL PROCEDURES)		
Livestock, theft, killing, felony, damages	61	E1
FERRIES		
County systems, operation, maintenance cost, 50% of deficit, state payment provisions, appropriation	21	E1
Puget island, operation, maintenance, appropriation	18	E1
FINANCIAL DISCLOSURE		
Public disclosure, reports, addresses, contributions, lobbyists, legislators, records, general revisions	294	E1
FINES		
Game law violations, penalty fines, assessment imposed	57	

SUBJECT INDEX OF 1975 STATUTES

	Chapter	
FIRE DISTRICTS		
Ambulances, service charge authorized, existing private service situation proviso	147	E1
First aid vehicle service, charge provisions	64	
Local improvement districts, creation, bonds, warrants issuance authorized	130	E1
FIREMEN		
Pensions, benefits, consumer price index, percentage calculation, provisions revised	178	E1
FIREWOOD		
State lands, public cutting, personal use, permits, provisions	10	
FIRST AID		
Fire districts, vehicle service, charge provisions	64	
FISCAL YEAR		
Air pollution authorities, cities, dates revised	106	E1
FISH AND FISHING		
Fish, frozen, label required	39	
Fisherman, commercial, "case area" affected by federal court decision, loan provisions	152	E1
Fishing derbies, nonprofit, gambling regulations, exempt	259	E1
Fishing vessels, commercial, gear, licenses, permits, state purchase authorized	183	E1
Game, seasons, duration, dates, determination, game director authority	102	E1
Game fish, law violations, penalty fines, assessment imposed	57	
Game special wildlife account, established, fish, wildlife loss compensation money deposit	207	E1
Hydraulics projects, approval, director's authority, delegation	29	E1
Licenses, game hunting, fishing, fees increased	15	E1
Rivers, streams, emergency alterations, riparian owners, authorization procedures	29	E1
Test fishing, sale proceeds, allocations provisions	223	E1
FISHING DERBIES		
Gambling	259	E1
FLOODWAY		
Defined, shoreline management law purposes	182	E1
FOOD		
Eggs, egg products, regulations, federal act conformity, provisions	201	E1
Frozen, label required	39	
Honey, imitation, artificial, mixtures, labeling, identification, provisions	283	E1
FORECLOSURE		
Deeds of trust, requirements, general provisions	129	E1
FOREIGN MEDICAL SCHOOLS		
Graduates, physicians' assistants, permitted	90	E1
FORESTS AND FORESTRY		
Forest practices act, forest practices classifications redefined, urban development areas, local government authority, state practice rules, provisions	200	E1
State lands, firewood, public cutting, personal use, permits provisions	10	
Yacolt burn area, state lands access easements, road rights, forestry supervisor acquisition authorized	101	E1
FRANCHISES		
Highways, state, granting, with or without hearing, requirement revised	46	E1
FRUIT		
Tree fruit research center, Washington state university, facility bonds, amount increased, appropriations	109	E1
FUEL		
Commercial vehicles, use tax identification card, obsolete language deleted	42	E1
Motor vehicle, tax, distribution. cities, towns, counties, highway commission, allocation increased	100	E1
Propane, motor vehicle fuel use, tax exemption, time period extended	62	E1
Tax, all-terrain vehicles, collection, time period termination date removed	34	E1
Tax, all-terrain vehicles, refund, 1% rate established, allocation	34	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
FUNDS		
Armory fund, abolished, moneys transferred, state general fund	121	E1
Business enterprises revolving, created	251	E1
Cemetery prearrangement, deposit, federal credit union, savings and loan association, permitted	55	E1
Deferred compensation revolving, created	274	E1
Fishing vessel, gear, license, and permit reduction, created	183	E1
Game special wildlife account, established, game fund	207	E1
General administration construction, transferred, general fund	91	E1
Interest payment loan, fishermen, commercial, "case area" affected by federal court decision, loan provisions	152	E1
Labor & industries department, revolving fund, created	123	E1
Motor transport account, established	167	E1
Motor vehicle, application, inspection fees, deposit provision	138	E1
Nursery inspection, established	257	E1
Public school construction, transferred, general fund	91	E1
School construction, planning, state matching funds, increase authorized	98	E1
School districts, building, operating funds, not immediately needed, investment authority, delegation authorized	47	
Seed, established	257	E1
Sick leave, accumulated, superintendent of public instruction office, abolished	60	E1
State, Asian development bank, investment permitted	252	E1
State, surplus cash balances, state treasurer investment provision	4	E1
Trade fair, state and international, name changed	292	E1
University of Washington hospital bond retirement, created	88	E1
Urban arterial, urban areas definition revised, incorporated city, town population basis, fund eligibility purposes	253	E1
Urban arterial projects, funds obligation, period extended	267	E1
War veterans compensation, Viet Nam veterans bonus, appropriation	273	E1
Winter recreational parking account, created	209	E1
World fair bond redemption, abolished	149	E1
FURLOUGHS		
Rapist, first degree, during three year mandatory minimum sentence, work release, furlough program, participation prohibited	247	E1
GAMBLING		
Fishing derbies, nonprofit, regulations, exempt	259	E1
Law, changes, state policy, criminal sections effectiveness, studies authorized	166	E1
Reports, submission to gambling commission, hearings, licensing requirements, local law enforcement assistance, provisions	166	E1
GAME AND GAME DEPARTMENT		
Game law violations, penalty fines, assessment imposed	57	
Game special wildlife account, established, fish, wildlife loss compensation money deposit	207	E1
Hunting, fishing, license fees increased	15	E1
Hunting violations, license revocation required	6	E1
Hydraulics projects, approval, director's authority, delegation	29	E1
Rivers, streams, emergency alterations, riparian owners, authorization procedure	29	E1
Seasons, duration, date, determination, game director authority	102	E1
GAME FISH (See FISH AND FISHING)		
GARBAGE		
Solid waste systems, cities, towns, collection, processing, sale, authorized	208	E1
GASOLINE		
Aircraft fuel, excise tax, municipal, Indian airports, collection requirement, funds, aid reversion provision	161	E1
GEMS		
State, petrified wood, designated	8	
GENERAL ADMINISTRATION DEPARTMENT		
Administrative board, state, abolished, duties transferred	40	
Motor pool, operation authorized	167	E1

SUBJECT INDEX OF 1975 STATUTES

	Chapter	
GENERAL ADMINISTRATION DEPARTMENT—cont.		
Motor vehicle transportation service, established, motor pool, powers, duties . .	167	E1
GEOGRAPHIC NAMES		
Board, membership, state historical society president's representative authorized	26	E1
GIFTS		
Adopted child, defined, inheritance, gift tax purposes	291	E1
GOOD SAMARITAN		
Emergency medical care, rendering, civil liability exempt	58	
GRADE CROSSING – RAILROAD		
Protective devices, protective device installation, maintenance, cost payment provisions	189	E1
GRAIN AND GRAIN PRODUCTS		
Inspection, expenses, agriculture department appropriation	75	E1
GRANTS		
Indians, airports, construction, operation, financial assistance, authorized	161	E1
GRASS		
Burning, research advisory committee, established, powers, duties	44	E1
GROSS WEIGHTS		
Trucks, tractors, increase provisions, axle distance measurements revised	168	E1
Trucks, tractors, trailers, additional excess tonnage, 6,000 pounds or more, quarterly permit purchase provision	196	E1
GROSS WEIGHTS – VEHICLES		
Highways construction, operation within project limits, weight limitation exempt	63	E1
GUARDIANSHIP		
Child abuse, judicial proceedings, appointment required	217	E1
Limited guardianship, established, provisions	95	E1
Mentally retarded, blood relatives, provisions	95	E1
HANDICAPPED AND DISABLED		
Industrial insurance, permanent totally disabled, continuing medication, therapy provisions	234	E1
Jurors, qualifications, sight, mind, provisions defined	203	E1
Parking, special card, use on any vehicle, authorized, unlimited parking periods permitted	297	E1
Physically disabled, building, facility accessibility, usability, standards established	110	E1
Sheltered workshops, products, services, municipal purchases authorized	20	
Veterans' widows, widowers, totally disabled veterans, public employment preference provision	198	E1
HAZARDOUS SUBSTANCES AND PRODUCTS		
Vessels, Puget sound, carrying potential hazardous substances, pilot, tug assistance, feasibility study	125	E1
HEALTH		
Boarding home residents, aged ambulatory, supervised medication service, permitted	43	E1
Boxing, wrestling, participants, certain amateur events, annual physical examination, weight class determination, provisions	1	
Emergency medical care, immunity	58	
Health maintenance organizations, prepaid group practice health plans, establishment, licensing	290	E1
Insurance, health care, public employees, payment, allowance deduction permitted	73	E1
Insurance, premiums, employer portion payments, continuation by striking employees, option provisions,	117	E1
Teachers, health care insurance, premiums, retirement allowance deduction authorized	17	
Tuberculosis, tax levy, requirement removed	291	E1
HEALTH AND WELFARE PLANS		
Employee benefit plans, contributions, employer enforcement, trustee action filing, lien, provisions	34	

SUBJECT INDEX OF 1975 STATUTES

		Chapter
HEALTH MAINTENANCE ORGANIZATIONS		
Establishment, registration, membership, licensing	290	E1
HEARINGS		
Examiner, municipal courts, cities, office creation authorized	214	E1
Franchises, along state highways, granting with or without hearing, requirement provisions revised	46	E1
HERBICIDES		
Use, special programs, implementation, fees, provisions	27	
HIGHER EDUCATION (See also COLLEGES AND UNIVERSITIES, also COMMUNITY COLLEGES)		
Capital projects, higher education, general obligation bonds, bond anticipation notes, issuance authorized	237	E1
Council, renamed post-secondary education, membership, duties, revised	132	E1
Personnel, salaries, compensation revisions, funds availability program planning and fiscal management office approval	122	E1
HIGHWAYS		
Centerlines, municipal boundaries, use precluded, right-of-way line use authorized	220	E1
Commission, operations, capital improvements, 1975-77 biennium, appropriations	279	E1
Commission, reimbursable nonstate highways expenditures, 1975-77 biennium, appropriations	227	E1
Director, state property, deeds, conveyance executions, provisions	96	E1
Duwamish valley, high level crossing, design evaluation, feasibility, appropriation	267	E1
Evergreen state college parkway, construction completion, appropriation	18	E1
Ferry systems, county, operation, maintenance costs, 50% of deficit, state payment provisions	21	E1
Franchises, along state highways, with or without hearing, requirement provisions revised	46	E1
Fuel taxes, motor vehicle, distribution, cities, towns, counties, highway commission, allocation increased	100	E1
Gross weight, motor vehicles, construction projects use, limitation exempt	63	E1
Improvements, three categories, six year comprehensive program, priority system established	143	E1
Seattle, Connecticut street to south Bellevue, construction decision, expediting provisions	272	E1
Signs, roadways, unsafe conditions, sign wording provisions repealed	255	E1
Signs, specified, visible from highway, in existence 1965, permitted	271	E1
West Seattle, access development commission, created, study, report duties	267	E1
HIGHWAYS - STATE ROUTE		
No. 005, Connecticut street, Seattle, south Bellevue, construction decision, expediting provisions	272	E1
No. 090, south Bellevue, Connecticut street, Seattle, construction decision, expediting provisions	272	E1
Routes, descriptions, locations, additions, general revisions	63	
HISTORICAL SOCIETIES AND ASSOCIATIONS		
Geographic names board, membership, state historical society president's representative authorized	26	E1
HOLIDAYS		
Local government, certain employees, excluded from state holiday provisions ..	194	E1
HOMES (See also types of Homes)		
Boarding, aged ambulatory residents, supervised medication service, permitted	43	E1
HOMICIDES		
Negligent, motor vehicle operators, under influence intoxicants, drugs, arrest, reasonable belief basis, breath, blood tests without consent, provisions	287	E1
HONEY		
Imitation, artificial, mixtures, labeling, identification, provisions	283	E1
HORSES		
Livestock, theft, killing, felony, damages	61	E1

SUBJECT INDEX OF 1975 STATUTES

	Chapter	
HORTICULTURE		
Herbicides, use, special programs, implementation, fees, provisions	27	
Tax, property, agricultural, horticultural produce, crops, phase out exemption purposes, definition expanded	291	E1
HOSPITALS		
Districts, commissioners, compensation increase	42	
Districts, public, interlocal cooperation act, inclusion	115	E1
Malpractice suits, failure to exercise standard of care, plaintiff proof required ..	35	E1
Records, patient, retention requirement	175	E1
University of Washington, hospital facilities, capital improvement project, general obligation bonds issuance authorized	88	E1
Veteran's administration hospitals, concurrent state, federal jurisdiction provision	142	E1
HOTELS		
Special excise tax, city, county imposition, control, first levied provisions	225	E1
HOUSING		
Dormitories, residences, public, private schools, segregation, sex, marital, family status, not discrimination	145	E1
Migrant workers, Yakima county, labor housing demonstration project, completion authorized	50	E1
School superintendents, 2nd, 3rd class districts, provided	41	E1
HUNTING		
Game seasons, duration, date, determination, game director authority	102	E1
Game violations, license violations, revocation required	6	E1
Licenses, game hunting, fishing, fees increased	15	E1
HYDRAULICS		
Projects, approval, game and fish department directors, authority delegation ..	29	E1
Rivers, streams, emergency alterations, riparian owners, authorization procedures	29	E1
HYDROELECTRIC FACILITIES		
Construction projects, public utilities districts, definition expanded, to include all generating facilities	10	E1
IDENTIFICATION CARDS		
Motor vehicles, commercial, use tax identification card, obsolete language deleted	42	E1
IMMUNITY (LEGAL)		
Child abuse, reporting, legal liability immunity provision	217	E1
Pharmacists, dentists, professional competency, disciplinary proceedings participation, civil action immunity provisions	114	E1
IMPLIED CONSENT		
Motor vehicle operators, under influence intoxicants, drugs, arrest, reasonable belief basis, negligent homicide, breath, blood tests, without consent, provisions	287	E1
IMPOUNDING		
Motor vehicles, towing, removal, parked, abandoned on private property, regulations	281	E1
INCOMPETENTS		
Mentally retarded, guardianship, blood relatives, provisions	95	E1
INDIANS		
Airports, construction, operation, financial assistance, aeronautics commission, authorized	161	E1
Library service, provision by counties authorized	50	
INDIGENTS		
Appeals, court, state payment provision	261	E1
INDUSTRIAL DEVELOPMENT CORPORATIONS		
Pollution control, facilities, bond financing provisions	6	
INDUSTRIAL INSURANCE		
Permanent totally disabled, continuing medication, therapy, provisions	234	E1
Procedures, provisions, general revisions	224	E1
Spouse, surviving, remarried and widowed, benefits resumption provisions	179	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
INDUSTRIAL INSURANCE—cont.		
Temporarily disabled workmen, light duty, employer provision	235	E1
Volunteers, coverage, provisions	79	E1
INHERITANCE		
Adopted child, defined, inheritance, gift tax purposes	291	E1
INITIATIVES AND REFERENDUMS		
Senate, U.S. vacancy, appointment, election, referendum provision	89	E1
Sewage systems, public utility districts, additional, acquisition, construction, operation, referendum provisions	57	E1
INSPECTIONS		
Agriculture department, grain inspection expenses, appropriation	75	E1
Nursing homes, laws, regulations, failure to comply, sanctions	99	E1
Winter sports conveyances, inspection, actual costs, assessment provisions	74	E1
INSTITUTIONS		
Juveniles, transfer from correctional to mental institutions, authorized	199	E1
Mental, commitments, general provisions, revisions	199	E1
Mental, inpatient, outpatient basis, 72 hour evaluation, summons statement provision	199	E1
Mentally ill, retarded persons, return to community, state facilities, placement, custody, release, provisions	246	E1
Mental, voluntary commitments, detention, professional staff recommendation basis, authorized	199	E1
Prisoners, work, training release programs, employment, compensation, benefits, provisions	44	
Social and health services facilities, acquisition, construction, remodeling general obligation bonds, issuance authorized	258	E1
INSULIN		
Sales tax, exempted	291	E1
INSURANCE (See also INDUSTRIAL INSURANCE)		
Ambulance service, payment, claim against tort-feasor, insurer, permitted	250	E1
Assessments, life insurers, certificates of contribution, premium tax liability offset provisions	133	E1
Code, general revisions	266	E1
Companies, leasehold estates, mortgage investments, term length shortened	154	E1
Employee benefit plans, contributions, employer enforcement, trustee action filing, lien, provisions	34	
Employees' board, state, administrative expenses, charges, benefits, provisions expanded	38	E1
Employees' board, state, benefits supervisor, personnel department, appointment authorization	38	E1
Health, premiums, employer portion payments, continuation by striking employees, option provisions	117	E1
Health care, public employees, payment, allowance deduction permitted	73	E1
Irrigation districts, directors, availability, payment, provision	14	
Liability, districts, political subdivisions, officers, employees, purchase authorized	16	
State employees, administrative service charge, payment provision	38	E1
Teachers, health care, premiums, retirement allowance deduction authorized ..	17	
INTEREST AND USURY		
Commercial, business transactions, over \$50,000, usury defense plea not permitted	180	E1
Mobile homes, travel trailers, campers, delinquent, interest charge, payment provision	9	E1
Public works, contracts, retained percentage, various banking institutions, deposit, interest, provisions	104	E1
Tort judgments, against governmental agencies, interest rate establishment provision	26	
INTERLOCAL COOPERATION		
Hospitals, public districts, act, inclusion	115	E1
Irrigation districts, act, inclusion	115	E1
Library districts, act, inclusion	115	E1
Public agencies, certain additional, included under provisions of act	115	E1

SUBJECT INDEX OF 1975 STATUTES

	Chapter	
INTERMEDIATE SCHOOL DISTRICTS		
Educational service districts, redesignated	275	E1
INTERNATIONAL TRADE FAIRS		
Advisory council, ex officio legislative members, appointment provision	292	E1
Financial aid, state, authorized	292	E1
INVENTORIES		
B & O tax, 1974 tax, 100% paid by May 10, 1974, credit adjustment provision	291	E1
Campers, dealer, manufacturer inventories, unlicensed use, 72 hour demonstration periods, permitted	41	
Sheltered workshops, property tax exempt	3	E1
INVESTIGATION AND INVESTIGATORS		
Medical practice, appointment, duties	190	E1
INVESTMENTS		
Asian development bank, public funds, permitted	252	E1
City funds, excess, local improvement district interim financing warrants, investment permitted	11	E1
Deferred compensation funds, public employee, deposit, investment provisions expanded	274	E1
Finance committee, state transportation, manufacturing firms, equipment sale, lease obligations, trust certificates, permitted	81	E1
Leasehold estates, insurance company investments, term length shortened	154	E1
Real estate, restricted, securities registration, definitions, provisions	84	E1
Savings and loan associations, 5% of savings funds, provisions	165	E1
School districts, building, operating funds, not immediately needed, authority delegation, authorized	47	
Securities, adviser salesmen, defined, registration provisions	84	E1
Securities, registration, fees, offers, sales, holders, fraud, general revisions	84	E1
State funds, surplus cash balances, state treasurer investment provision	4	E1
IRRIGATION		
Agricultural water supply facilities, loan repayments, interest use provisions ..	295	E1
Agricultural water supply facilities, loans, grants, ecology department authority	295	E1
Districts, directors, insurance, availability, payment, provision	14	
Districts, directors, travel expenses, provision	163	E1
Districts, distribution systems, maintenance, operation costs, special assessments levy, collection costs	46	
Districts, interlocal cooperation act provisions, inclusion	115	E1
Districts, property, purchased for nonpayment of assessments, leasing not permitted	163	E1
Irrigation, farming, ranching activities, on wetlands, shorelines management jurisdiction, excluded	182	E1
Irrigation systems, canals, wasteways, drains, reservoirs, shorelines management jurisdiction, excluded	182	E1
JOINT OPERATING AGENCIES – (POWER COMMISSION)		
Plants, facilities, electrical generation, transmission, powers, out-of-state operation, provision	37	E1
JUDGES		
District court, Lincoln county, number, reduced to one	153	E1
Juvenile court system, class AA counties, administration, transfer to county by superior court judges, authorized	124	E1
Punishment assessment, municipal courts, cities over 400,000, duty transferred from jury to judge	29	
Salaries, elected state officials, increased, appropriation	263	E1
Superior court, Whatcom county, number increased	49	E1
JUDGMENTS		
Foreign money-judgments, uniform act	240	E1
Small claims, unpaid, certification procedure revised	40	E1
Tort, against governmental agencies, interest payment provision	26	
JUDICIAL SYSTEM		
Municipal, judicial officers, certain cities, authorized	214	E1

SUBJECT INDEX OF 1975 STATUTES

	Chapter	
JURORS AND JURIES		
Fees, increased	76	E1
Fees, superior court, certain out of court settlements, return provision repealed	30	
Justice courts, jury summons, service by mail authorized	119	E1
Municipal courts, cities over 400,000, punishment assessment, duty transferred from jury to judge	29	
Qualifications, sight, mind, provisions defined	203	E1
JUSTICE COURTS		
Judges, attorney requirement removed	197	E1
Judges, Lincoln county, number, reduced to one	153	E1
Judicial officers, municipal courts, certain cities, authorized	214	E1
Juries, summons, service by mail authorized	119	E1
Municipal courts, cities over 400,000, punishment assessments, duty transferred from jury to judge	29	
Salaries, elected state officials, judges, increased	263	E1
Small claims, unpaid, certification procedure revised	40	E1
JUVENILES		
Court system, class AA counties, administration, transfer to county by superior court judges authorized	124	E1
Delinquent, juvenile court, social and health services department, jurisdiction, to age 21, authorized	170	E1
Mental institutions, transfer from correctional institutions, authorized	199	E1
KITSAP COUNTY		
Veteran's home, certain land, transfer to county, authorized	27	E1
LABELS AND LABELING		
Food, frozen, label required	39	
Honey, imitation, artificial, mixtures, labeling, identification, provisions	283	E1
LABOR		
Migrant workers, Yakima county demonstration project, completion authorized	50	E1
Public employment relations, commission created, duties	296	E1
LABOR AND INDUSTRIES		
Department, orders, appellant burden of proof, appeal procedures, revisions ..	58	E1
Department, revolving fund, created, printing and distribution defrayal purposes	123	E1
Revolving fund, department, created, printing and distribution defrayal purposes	123	E1
LAND		
Archaeological resources, conservation, recording, provisions	134	E1
Auctions, public, valuable material from public lands, up to \$10,000 value permitted	45	E1
State, exchange for nonstate lands, notice publication, hearing, required	107	E1
State, firewood, public cutting, personal use, permits provisions	10	
Veteran's home, Retsil, certain land, transfer to Kitsap county, authorized	27	E1
LANDLORDS AND TENANTS		
Deposits, rental, landlord change, transfer provisions	233	E1
LANGUAGE DISABILITIES		
Children, public schools, learning/language disabilities, screening, identification, report, recommendations, provisions	78	E1
LAW ENFORCEMENT OFFICERS		
Criminal justice personnel, recruitment, minimum standards, commission establishment, authorized	82	E1
Holidays, state, employees exclusion provisions	194	E1
Sheriffs and chiefs of police association, recognition	172	E1
LAW LIBRARIES		
Counties, 7th and 8th class, establishment, prosecuting attorney maintenance, provisions	37	
LEARNING DISABILITIES		
Children, public schools, learning/language disabilities, screening, identification, report, recommendations, provisions	78	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
LEARNING RESOURCES CENTERS		
Libraries, media services, school districts, integration, minimum standards provisions	127	E1
LEASEHOLD		
Estates, mortgages, insurance company investments, term length shortened ...	154	E1
LEASES		
Criminal justice training commission, training facility, authorized	103	E1
Irrigation districts, property, purchased for nonpayment of assessments, leasing not permitted	163	E1
LEGISLATORS		
Members-elect, meetings attendance, allowances authorized	185	E1
LEGISLATURE		
Accounting system, establishment provision	16	E1
Budget, operations, adopted, biennial appropriations period provision	16	E1
Employees, certain, unemployment compensation coverage, excluded	4	
Members-elect, meetings attendance, allowances authorized	185	E1
State agency operating budgets, review procedures	293	E1
Trade fair advisory council, ex officio members, appointment provision, duties	292	E1
Transportation committee, transportation related studies authorized, appropriation	268	E1
Transportation taxing study	2	
LEVIES		
Public utility districts, maintenance, operation costs, special assessments levy, collection provisions	46	
LIABILITY		
Insurance, districts, political subdivisions, officers, employees, purchase authorized	16	
Life and disability insurance guaranty association, assessments, certificates of contribution, premium tax liability offset provisions	133	E1
Sales, use tax, associations, corporations, nonpayment, certain officers, employees, liability provisions	291	E1
State officers, employees, tort claims against, payments, claims revolving fund use authorized	126	E1
LIBRARIES (See also LAW LIBRARIES)		
Books, prepayment authorized	72	E1
Districts, interlocal cooperation act provisions, inclusion	115	E1
Hospital records, patient, retention requirement	175	E1
Indians, service, counties, provision authorized	50	
Law, 7th and 8th class counties, establishment provisions	37	
School district, media services, integration, minimum standards provisions	127	E1
LICENSE PLATES		
Governmental vehicles, state, confidential plates, issuance provisions	169	E1
Motor vehicles, applications, registrations, number plates, county auditor fee increased	146	E1
Personalized, private vehicles, additional types, use authorized	59	
LICENSES AND LICENSING		
Blind vendors, public buildings, licensing, operation priority, provisions	251	E1
Business, professions, licensing, registration, renewal fees, amount determination, provision	30	E1
Campers, dealer, manufacturer inventories, unlicensed use, 72 hour demonstration periods, permitted	41	
Campers, weight information, licensing purposes, not required	41	
Corporations, reinstatement, three year period privilege	36	E1
Dentist, dental examiners board, temporary staff, licensure examination purposes, authorized	49	
Electricians, certification examination applicants, eligibility requirements, provisions revised	70	E1
Electricians, general, special categories, provision	92	E1
Electricians, general, special categories, provision	195	E1
Engineers, surveyors, professional, certificates renewal fees increased	23	

SUBJECT INDEX OF 1975 STATUTES

		Chapter
LICENSES AND LICENSING—cont.		
Fishing vessels, commercial, gear, licenses, permits, state purchase authorized	183	E1
Health maintenance organizations, prepaid group practice health plans, establishment	290	E1
Hunting, fishing, game, fees increased	15	E1
Hunting, game violations, revocation required	6	E1
Liquor, nonprofit organizations, minority Canadian directors, issuance permitted	256	E1
Massage, business operation, licensing, regulation	280	E1
Motor vehicle operators, anatomical gift statement, invalidated upon expiration, revocation, provision	54	
Motor vehicle operators, various fees increased	191	E1
Motor vehicles, applications, registrations, number plates, county auditor fee increased	146	E1
Motor vehicles, operators, cancelled, failure to surrender, misdemeanor	52	
Motor vehicles, registrations, renewal, staggered periods	118	E1
Motor vehicles, revocation, failure to render aid, give information, scene of accident	210	E1
Motor vehicles, unpaid fees, purchasers not liable, ownership transfer permitted	52	
Nursing homes, departmental rules violations, suspension provisions	97	E1
Nursing homes, provisional, provisions	99	E1
Physicians, surgeons, licensing, practice, provisions, general revisions	171	E1
Plumbers, certification examination applicants, eligibility requirements, provisions revised	71	E1
Public accountants, various fees, renewal dates, provisions	229	E1
LIENS		
Action, enforcement, summons filing, service, time periods specified	231	E1
Ambulance service, payment, claim against tort-feasor, insurer, permitted	250	E1
Employee benefit plans, contributions, employer payment enforcement provisions	34	
LIFE AND DISABILITY INSURANCE GUARANTY ASSOCIATION		
Assessments, certificates of contribution, premium tax liability offset provisions	133	E1
LIGHTS		
Motor vehicles, rear-mounted system, three color, authorized	242	E1
LINCOLN COUNTY		
District judge, number, reduced to one	153	E1
LIQUOR (See also ALCOHOLIC BEVERAGES)		
Alcoholic beverages, manufacture, sale, dispensing, possession, provisions, general revisions	173	E1
Homicide, negligent, motor vehicle operators, under influence intoxicants, drugs, provision	287	E1
Importation, duty free liquor, wine, beer, provisions	256	E1
Licensed liquor premises, employees 18–20 year olds, permitted	204	E1
Licenses, class H, certain common carriers, fee requirement revised	245	E1
Licenses, nonprofit organizations, minority Canadian directors, 10 miles south of border, issuance permitted	256	E1
Motor vehicle operators, under influence intoxicants, drugs, arrest, reasonable belief basis, negligent homicide, breath, blood tests without consent, provisions	287	E1
LIQUOR CONTROL BOARD (See also ALCOHOLIC BEVERAGES)		
Alcoholic beverages, manufacture, sale, dispensing, possession, provisions, general revisions	173	E1
LIVESTOCK (See AGRICULTURE AND LIVESTOCK, also ANIMALS)		
Stock restricted areas, violations, penalty provision revisions	38	
LOANS		
Fisherman, commercial, "case area" affected by federal court decision, loan provisions	152	E1
LOBBYISTS AND LOBBYING		
Public disclosure, reports, addresses, contributions, lobbyists, legislators, records, general revisions	294	E1
LOCAL IMPROVEMENT DISTRICTS (See also DISTRICTS, also type of district)		
City funds, excess, interim financing warrants, investment permitted	11	E1

SUBJECT INDEX OF 1975 STATUTES

	Chapter —cont.	
LOCAL IMPROVEMENT DISTRICTS (See also DISTRICTS, also type of district)		
Fire districts, creation, bonds, warrants issuance authorized	130	E1
Water, sewer systems, county establishment authorized, financing provisions ..	188	E1
LOW INCOME (See INCOME)		
MAIL		
Jury summons, justice courts, service by mail authorized	119	E1
Property assessments, corrections taxpayer notification by certified mail	160	E1
MALPRACTICE		
Healing arts professionals, hospitals, failure to exercise standard of care, plaintiff proof required	35	E1
Medical, complaints, charges, medical disciplinary board, investigation, corrective action, powers, duties	61	
MANUFACTURERS AND MANUFACTURING		
Finance committee, state transportation, manufacturing firms, equipment sale, lease obligations, trust certificates, permitted	81	E1
MARRIAGES		
Dissolution, separation, validity, actions filing, superior court, county of petitioner's residence	32	
MASSAGE		
Business operation, licensing, regulation	280	E1
Practitioners, business operation, licensing, regulation	280	E1
MATCHING FUNDS		
School construction planning, state matching funds, increase authorized	98	E1
MAYORS		
Council—manager code cities, council position one, election provision	155	E1
MEAT AND MEAT PRODUCTS		
Frozen, label required	39	
MEDICAL PRACTICE INVESTIGATOR		
Position created, physician's assistant utilization inspection, duties	190	E1
MEDICINE		
Boarding home residents, aged ambulatory, supervised medication service, permitted	43	E1
Emergency medical care, rendering without compensation, civil liability exempt	58	
Family practice, state-wide medical education system, established, appropriation	108	E1
Health maintenance organizations, prepaid group practice health plans, establishment, licensing	290	E1
Industrial insurance, permanent totally disabled, continuing medication, therapy provisions	234	E1
Liens, medical related transportation and care purposes, provisions	250	E1
Malpractice, complaints, charges, medical disciplinary board, investigation, corrective action, powers, duties	61	
Medical examiners board, layman member, added	171	E1
Medical practice investigator, created, physician's assistant utilization inspection, duties	190	E1
Physician's assistant, foreign, medical school graduates, permitted	190	E1
Physicians, mentally, physically incompetent, unprofessional conduct, discipline proceedings	61	
Physicians, surgeons, licensing, practice, provisions, general revisions	171	E1
University of Washington, medical school, regional education program, Alaska, Montana, Idaho students, resident tuition provision	105	E1
MENTALLY ILL AND RETARDED (See also HANDICAPPED)		
Commitments, general provisions, revisions	199	E1
Commitments, voluntary, detention, professional staff recommendation basis, authorized	199	E1
Juveniles, transfer from correctional to mental institution authorized	199	E1
Mentally retarded, guardianship, blood relatives, provisions	95	E1
Outpatient, inpatient status, 72 hour evaluation, summons statement provision	199	E1

SUBJECT INDEX OF 1975 STATUTES

	Chapter	
MENTALLY ILL AND RETARDED (See also HANDICAPPED)——cont.		
Physicians, mentally, physically incompetent, unprofessional conduct, discipline proceedings	61	
Pre-trial deferred prosecution program, misdemeanants, alcohol, mental problems, court referral authorized	244	E1
Return to community, state facilities, placement, custody, relief, provisions ...	246	E1
MERGERS		
Sewer districts, mergers across county lines, authorized	86	E1
METROPOLITAN MUNICIPAL CORPORATIONS		
Water pollution, local abatement corrective measures notice, commencement time period extended	36	
MIGRANT WORKERS		
Yakima county, labor housing demonstration project, completion authorized .	50	E1
MILEAGE (See also TRAVEL)		
County road administration board, members, mileage rate provision	1	E1
Urban arterial board, members, mileage rate provision	1	E1
Water district commissioners, reimbursement, establishment provision	116	E1
MILITIA		
Armory fund, abolished, moneys transferred, state general fund	121	E1
MILK		
Class I, II, dealer, producer sales assessment levy, education use purposes	136	E1
Containers, unit sizes, agriculture department determination provision	51	E1
MINES AND MINING		
Mines to market roads, provisions repealed	139	E1
MINIMUM WAGE		
Farm workers, federal, state, local employees, law coverage, inclusion	289	E1
Public employees, state, local, law coverage, inclusion	289	E1
Work week, 40 hours, time and one-half for overtime, provision	289	E1
MINORITIES		
Contractors, training program, highways commission appropriation	18	E1
MINORS (See also CHILDREN; also YOUNG ADULTS)		
Berries, picking by minors under 12, not for interstate commerce, permitted ..	238	E1
Licensed liquor premises, employees, 18-20 year olds, permitted	204	E1
Shoplifting, adults, minors, liability, damages, civil action provisions	59	E1
MOBILE HOMES		
Tax, excise, delinquent, interest charge payment provision	9	E1
Tax, excise, erroneous payment, refund provision	9	E1
MODEL ORDINANCES		
Traffic, uniform ordinances, counties, cities, towns, enacted	54	E1
MONEY		
Foreign money-judgments recognition, uniform act	240	E1
MONEY ORDERS (See CHECKS AND MONEY ORDERS)		
MORTGAGES		
Deeds of trust, foreclosure, requirements, general provisions	129	E1
Leasehold estates, insurance company investments, term length shortened	154	E1
MOTELS		
Special excise tax, city, county imposition, control, first levied provisions	225	E1
MOTION PICTURES		
Sexually explicit materials, exhibit on viewing screen visible to general public, misdemeanor	156	E1
MOTORCYCLES AND MOTORBIKES		
Governmental, identification insignia, lettering, confidential plates, provisions .	169	E1
License plates, personalized, use authorized	59	
MOTOR POOL		
Transferred, general administration department	167	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
MOTOR VEHICLES (See also AUTOMOBILES)		
Accidents, failure to render aid, give information, license revocation	210	E1
Accidents, offenders, citation issuance, probable cause basis, permitted, detention provision	56	
All-terrain, fuel tax collection, time period termination date removed	34	E1
All-terrain, fuel tax refund, 1% rate established, allocation	34	E1
Automobiles, taking, releasing, without authority, destruction of property code provisions, deleted	28	
Commercial, use fuel tax identification card, obsolete language deleted	42	E1
Definitions	62	
Department, business, professions, licensing, registration, renewal fees, amount determination provisions	30	E1
Fees, application, inspection, fund deposit provision	138	E1
Fuel, taxes, distribution, cities, towns, counties, highway commission, allocation increased	100	E1
Governmental, identification insignia, lettering, confidential plates, provisions ..	169	E1
Gross weight, highways construction vehicles, operation within project limits, limitation exempt	63	E1
Handicapped persons, parking, special card, use on any vehicle, authorized, unlimited parking periods permitted	297	E1
Homicide, negligent, operator under influence intoxicants, drugs, provision ...	287	E1
License plates, personalized, private vehicles, all types	59	
Licenses, applications, registrations, number plates, county auditor fee increased	146	E1
Licenses, registration renewal, staggered periods, provisions	118	E1
Lights, rear-mounted system, three color, authorized	242	E1
Medical practice investigator, created, physician's assistant utilization inspection, duties	190	E1
Odometers, illegal replacement, purchaser's suit, attorney and court fees recovery provision	24	
Odometers, new vehicles, dealer disconnection provision repealed	24	
Operators, licenses, various fees increased	191	E1
Operators, under influence intoxicants, drugs, accident, traffic citation issuance, probable cause basis permitted, detention provision	56	
Operators, under influence intoxicants, drugs, arrest, reasonable belief basis, negligent homicide, breath, blood tests without consent, provisions	287	E1
Operators, vehicles, licenses, cancelled, failure to surrender, misdemeanor	52	
Ownership, registration, and licensing	25	
Propane, fuel use, tax exemption, time period extended	62	E1
Purchasers, prior unpaid license fees, not liable, ownership transfer permitted ..	52	
Registration, licenses renewal, staggered periods	118	E1
Rules of the road	62	
Towing, removal, parked, abandoned vehicles on private property, regulations	281	E1
Traffic, uniform ordinance, counties, cities, towns, enacted	54	E1
Trucks, tractors, gross weight, increase provisions, axle distance measurements revised	168	E1
Trucks, tractors, trailers, additional excess tonnage, 6,000 pounds, or more, quarterly permit purchase provision	196	E1
MUNICIPAL CORPORATIONS		
Utility systems, transfer to counties, provisions	188	E1
Warrants, interest bearing, not presented within year, cancellation	131	E1
MUNICIPAL COURTS		
Hearing examiner, office, cities, creation authorized	214	E1
Judges, attorney requirement removed	197	E1
Judicial officers, certain cities, authorized	214	E1
Punishment, assessment, duty of judge	29	
Revenue, collection, remittance clerk responsibilities	241	E1
MUNICIPAL RESEARCH COUNCIL		
Membership, increased, appointment provisions revised	218	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
MUSEUMS		
University of Washington, unclaimed documents, materials, acquisition, disposition provisions	159	E1
MUTUAL SAVINGS BANKS (See also BANKS AND BANKING)		
Certificates of deposit	15	
Public works, retained percentage various banking institutions, deposit, interest, provisions	104	E1
Savings and loan association, conversion from mutual savings bank, provisions	83	E1
Savings and loan association, conversion to mutual savings bank, filing, investigation, federally approved associations, procedures	111	E1
Trusts, business, handling, powers, expansion provisions	265	E1
NATIONAL GUARD		
Armory fund, abolished, moneys transferred, state general fund	121	E1
High school, career training, school credits, acceptance provision	262	E1
NATURAL GAS		
Motor vehicles, fuel use, tax exemption, time period extended	62	E1
NEWSPAPERS		
Public contracts, notice publication, in newspaper located in appropriate county area, required	230	E1
NONPROFIT ORGANIZATIONS AND ASSOCIATIONS (See also CHARITABLE ORGANIZATIONS)		
Fishing derbies, gambling regulations exempt	259	E1
Liquor licenses, minority Canadian directors, issuance permitted	256	E1
NOTARIES PUBLIC		
Rubber stamps, seal, use permitted	85	E1
NOXIOUS WEEDS		
Provisions, general revisions	13	E1
NURSERIES (Plants)		
Funds, established, horticultural plants inspection fees sources	257	E1
NURSES AND NURSING		
Malpractice suits, failure to exercise standard of care, plaintiff proof required ..	35	E1
NURSING HOMES		
Accounting, reimbursement systems establishment, records examination provision ..	213	E1
Administrators examiners board, membership increased, qualification provisions ..	97	E1
Inspection, reporting system, compliance with regulations purposes, provision ..	99	E1
Laws, regulations, failure to comply, sanctions	99	E1
Licenses, departmental rules violations, suspension provisions	97	E1
Licensing, provisional, provision	99	E1
Records, patient, retention requirement	175	E1
OBSCENE MATERIALS		
Sexually explicit materials, exhibit on viewing screen visible to general public, misdemeanor	156	E1
OCCUPATIONAL EDUCATION		
Coordinating council, abolished, duties transferred, vocational education commission	174	E1
ODOMETERS		
Replacement, illegal, purchaser's suit, attorney and court fees recovery, provision ..	24	
OFFICIALS (See also PUBLIC OFFICIALS)		
Senate, United States, vacancy, appointment, election, referendum provision ..	89	E1
State, elected, judges, salaries, increased, appropriation	263	E1
State, employees, criminal charges, related to official acts, attorney general defense authorized	144	E1
State, motor vehicles, confidential plates, provisions	169	E1
State, tort claims, defense	126	E1
OIL (See PETROLEUM, also CRUDE OIL)		
OIL TANKERS (See TANKERS - PETROLEUM & CRUDE OIL)		

SUBJECT INDEX OF 1975 STATUTES

	Chapter	
OPTOMETRY AND OPTOMETRISTS		
Education, professional requirements, regulation, general revisions	69	E1
ORDINANCES		
County, ordinances, codes, regulations, violation, misdemeanor	216	E1
Traffic, cities, towns, counties, model ordinance	54	E1
OSAKA		
Exposition, law provisions repealed	45	
OSTEOPATHS		
Malpractice suits, failure to exercise standard of care, plaintiff proof required .	35	E1
PARENTS		
Shoplifting, minor children, liability provisions	59	E1
PARKING		
Handicapped persons, special card, use on any vehicle, authorized, unlimited park- ing periods permitted	297	E1
Off-street, parks, civic center facilities users, cities, towns operation authorized	221	E1
Towing, parked, abandoned motor vehicles on private property, removal regula- tions	281	E1
Winter, recreation activities purposes, establishment authorized	209	E1
PARKS AND RECREATION		
Parking, winter recreational activities purposes, establishment authorized	209	E1
Parks, facility user off-street parking, city, towns operation authorized	221	E1
Snowgroomer, pilot project, appropriation	181	E1
State lands, exchange for nonstate lands, hearing, notice publication required .	107	E1
Winter sports conveyances, inspection, actual costs, assessment provisions	74	E1
Youth corps, private areas development, public availability period reduced ...	7	
PAROLES (See PRISON TERMS AND PAROLES)		
PATHS (See TRAILS AND PATHS)		
PAYROLLS		
State, central personnel-payroll system, establishment authorized, appropriation	239	E1
PEDESTRIANS		
Streets, cities, towns, counties, six year program, expenditures, report provision	215	E1
PENSIONS (See also RETIREMENT)		
Firemen, policemen, increase, consumer price index, percentage calculation, provi- sions revised	178	E1
University faculty, employees, eligibility because of age, survivors supplemental payment provision	212	E1
PER DIEM		
Legislative members-elect, meeting attendance, allowances authorized	185	E1
Port district commissioners, per diem, expenses reimbursement, district population size basis, provisions	187	E1
PERMITS		
Building, fees, cities, counties, setting authorized	8	E1
Camping clubs, sales, promotion permits, memberships, misleading statements, cer- tain practices prohibited	150	E1
Motor vehicle, prior unpaid fees, purchasers not liable, ownership transfer permit- ted	52	
Motor vehicle, special permits	25	
Trucks, tractors, trailers, additional excess tonnage, 6,000 pounds or more, quar- terly permit purchase provision	196	E1
University of Washington, alcoholic beverages sale permitted, under banquet per- mits, authorized	68	E1
PERSONAL RECOGNIZANCE		
Release, court, failure to appear, crime, penalties	2	E1
PERSONNEL DEPARTMENTS		
Benefits supervisor, state employees insurance contracts, appointment authorization	38	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
PERSONNEL DEPARTMENTS—cont.		
Central personnel—payroll system, for state agencies, establishment authorized, appropriation	239	E1
PETRIFIED WOOD		
State gem, designated	8	
PETROLEUM		
Oil tankers, Puget sound, over 125,000 tons, prohibited, under, various pilot, tug, safety feature requirements	125	E1
PHARMACY AND PHARMACISTS		
Immunity, professional competency, disciplinary proceedings participation, civil action immunity provisions	114	E1
PHOTOGRAPHS		
Candidates, political office, campaign use, age requirements, restrictions	162	E1
PHYSICAL EXAMINATION		
Amateur boxing, wrestling, participants, annually	1	
PHYSICALLY HANDICAPPED (See HANDICAPPED AND DISABLED)		
Sheltered workshops, products, services, municipal purchases, authorized	20	
PHYSICIANS AND SURGEONS		
Family practice, state-wide medical education system, established, appropriation	108	E1
Incompetent, mentally, physically, unprofessional conduct, disciplinary proceedings	61	
Licensing, practice, provisions, general revisions	171	E1
Malpractice suits, failure to exercise standard of care, plaintiff proof required .	35	E1
Medical practice investigators, appointment, duties	190	E1
Physician's assistant, foreign medical school graduates, permitted	190	E1
Point Roberts, Canadian, practice authorized	171	E1
PIERCE COUNTY		
Ferry systems, county, operation, maintenance, costs, 50% of deficit, state payment provisions, appropriation	21	E1
PILOT PROGRAMS AND PROJECTS		
Migrant workers, Yakima county labor housing, demonstration project, completion authorized	50	E1
Snowgroomer, purchase, operation, trail maintenance and improvement, parks and recreation commission appropriation	181	E1
PILOTS - SHIPS		
Oil tankers, Puget sound, over 125,000 tons, prohibited, under, various pilot, tug, safety feature requirements	125	E1
PLANNING AND COMMUNITY AFFAIRS		
Public transportation benefit areas, planning, support, appropriation	270	E1
PLATES - LICENSE (See LICENSE PLATES)		
Motor vehicle, personalized, private vehicles, additional types, use authorized .	59	
PLUMBERS		
Certificate, examination applicants, eligibility requirements, provisions revised	71	E1
POINT ROBERTS		
Physicians, Canadian, practice authorized	171	E1
POLICE		
Criminal justice personnel, recruitment, minimum standards, commission establishment, authorized	103	E1
Pensions, benefits, consumer price index, percentage calculation, provisions revised	178	E1
Sheriffs and chiefs of police association, recognition	172	E1
POLITICAL ADVERTISING		
Candidates, picture, use, age requirements, restrictions	162	E1
POLITICAL CAMPAIGNS (See also CAMPAIGNS)		
Candidates, picture, use, age requirements, restrictions	162	E1
Public disclosure, reports, addresses, contributions, lobbyists, legislators, records, general revisions	294	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
POLLUTION		
Air, authorities, cities, towns, counties, special studies, investigations, consultation, contracting power	106	E1
Air, authorities, fiscal year, dates revised	106	E1
Control facilities, industrial installation, bond financing provisions	6	
Control facilities, tax credits, exemptions, certificate applications, denial appeals, administrative, judicial review procedures	158	E1
Metropolitan municipal corporation, local water pollution abatement notice, corrective measures commencement, time period extended	36	
Oil tankers, Puget sound, over 125,000 tons, prohibited, under, various pilot, tug, safety feature requirements	125	E1
POPULATION		
State laws, rules, regulations, cities over 400,000, applicability provisions	33	
PORTS AND PORT DISTRICTS		
Actions, against officers, employees, employment related duties, defense costs provision	60	
Commissioners, per diem, expenses reimbursement, district population size basis, provisions	187	E1
Contracts, work, to \$30,000, no bids required	47	E1
Holidays, state, employees exclusion provisions	194	E1
Managing official, authority, delegation by commissioners, permitted	12	E1
Personal property, moneys, unclaimed, disposition procedures	28	E1
POST AUDITS		
State departments, five year intervals, permitted	193	E1
POST-SECONDARY EDUCATION		
Council, created, higher education council renamed, membership, duties, revised	132	E1
POULTRY AND POULTRY PRODUCTS		
Frozen, label required	39	
POWER COMMISSION - JOINT OPERATING AGENCIES		
Plants, facilities, electrical generation, transmission, powers, out-of-state operation, provision	37	E1
PREMIUMS (Insurance)		
Health insurance, employer portion payments, continuation by striking employees, option provisions	117	E1
PRESCRIPTIONS (See DRUGS)		
PRESSURE VESSELS (See BOILERS AND PRESSURE VESSELS)		
PRINTING		
Labor & industries department, revolving fund, created, costs defrayal purposes	123	E1
PRISONERS (See also FELONS)		
Rapists, first degree, during three year mandatory minimum sentence, work release, furlough program, participation prohibited	247	E1
Work, training release, employment, compensation, benefits provisions	44	
PRISON TERMS AND PAROLES		
Rapists, first degree, during three year mandatory minimum sentence, work release, furlough program, participation prohibited	247	E1
PRIVATE SCHOOLS (See SCHOOLS - PRIVATE)		
PRIVATE UTILITIES		
Joint operating agencies, plants, facilities, out-of-state operation, provision	37	E1
PROGRAM PLANNING AND FISCAL MANAGEMENT OFFICE		
Annexations, cities, towns, certificate filing provision	31	E1
Higher education personnel, salaries, compensation revisions, funds availability, program planning and fiscal management office approval	122	E1
PROPANE		
Motor vehicles, fuel use, tax exemption, time period extended	62	E1

SUBJECT INDEX OF 1975 STATUTES

	Chapter	
PROPERTY		
Assessments, corrections, taxpayer notified by certified mail	160	E1
Cargo containers, ocean commerce use, tax exempt	20	E1
Destroyed, tax adjustments, refunding, provisions	120	E1
Personal property, money, unclaimed, port district disposition procedures	28	E1
Sheltered workshops, inventories, tax exempt	3	E1
Tax committee, abolished	291	E1
Taxes, exempt status, renewal application, 4 year periods, required	291	E1
PROPERTY – PERSONAL		
Agricultural, horticultural, produce, crops, tax, phase out exemption purposes, definition expanded	291	E1
Automobiles, taking, releasing, without authority, destruction of property code provisions, deleted	28	
Cattle, sheep, taking, releasing, without authority, penalties	28	
PROPERTY – REAL (See also REAL ESTATE)		
Assessments, valuation data, owner reporting permitted	58	E1
Churches, buildings, improvements, required for maintenance, safeguarding purposes, tax exempt	291	E1
Highways, property deeds, conveyance, executions, highway director, provisions	96	E1
Motor vehicles, towing, removal, parked, abandoned on private property, regulations	281	E1
School districts, surplus, sale procedures, requirements, proceeds use, provisions	243	E1
PROSECUTING ATTORNEYS		
Deputies, special, terms, residence, provisions	19	E1
Law reform activities, authorized	19	E1
PROSTHETIC DEVICES		
Sales tax, exempted	291	E1
PUBLIC DEPOSITARIES		
Cemetery prearrangement, deposit, federal credit union, savings and loan association, permitted	55	E1
Qualification, regulation, provisions expanded	77	E1
PUBLIC DISCLOSURE		
Reports, addresses, contributions, lobbyists, legislators, records, general revisions	294	E1
PUBLIC EMPLOYEES (See EMPLOYEES)		
PUBLIC HOSPITAL DISTRICTS		
Commissioners' compensation	42	
PUBLIC LANDS		
Agricultural leasehold estates, insurance company investments, provisions	154	E1
Auctions, public, valuable material, up to \$10,000 value permitted	45	E1
Firewood, state lands, public cutting, personal use, permits, provisions	19	
Highway, property deeds, conveyance executions, highway director, provisions	96	E1
State lands, exchange for nonstate lands, hearing, notice publication, required	107	E1
Timber, valuable materials, sale, removal, payment bonds, security, deposit provisions	52	E1
PUBLIC OFFICIALS		
State, officers, employees, tort claims against, payments, claims revolving fund use authorized	126	E1
PUBLIC RECORDS		
Nursing homes, inspection, reporting records, open to public inspection	99	E1
PUBLIC UTILITIES		
Joint operating agencies, plants, facilities, out-of-state operation, provision ...	37	E1
Roads, county, vacated, easement right retained	22	
PUBLIC UTILITY DISTRICTS		
Actions, against officers, employees, employment related duties, defense costs provision	60	
Construction projects, definition expanded, to include all generating facilities .	10	E1

SUBJECT INDEX OF 1975 STATUTES

	Chapter	
PUBLIC UTILITY DISTRICTS—cont.		
Distribution systems, maintenance, operation costs, special assessments levy, collection provisions	46	
Employees, prospective, travel, living expenses, payment permitted	140	E1
Sewage systems, additional, acquisition, construction, operation, referendum provisions	57	E1
PUBLIC WORKS		
Cities, 1st class, contracts exceeding \$10,000, bids required	56	E1
Contracts, notice publication, in newspaper located in appropriate area, required	230	E1
Contracts, retained percentage, deposit, various banking institutions, deposit, interest, provisions	104	E1
Sewer districts, contracts, under \$5,000, no bids required	64	E1
Water districts, contracts, under \$5,000, no bids required	64	E1
Water mains, 1st class cities, contracts, public works, exceeding \$15,000, bid required	56	E1
PUBLICATIONS		
Alcohol abuse materials, certain university, college campuses, distribution permitted	164	E1
Books, public agencies, prepayment authorized	72	E1
Labor and industries laws and regulations	123	E1
State lands, exchange for nonstate lands, hearing, notice publication, required	107	E1
PUGET ISLAND FERRY		
Operation, maintenance, appropriation	18	E1
Operation, maintenance, 1975-77 biennium, appropriation	279	E1
PUGET SOUND		
Oil tankers, over 125,000 tons, prohibited, under, various pilot, tug, safety feature requirements	125	E1
Vessels, carrying potential hazardous substances, pilot, tug assistance, feasibility study	125	E1
PUPIL - TEACHER RATIOS		
Schools, state aid, grades K-3 same as grades 4-12, required	211	E1
PUPILS (See STUDENTS)		
PURCHASING		
Books, public agencies, prepayment authorized	72	E1
Sheltered workshops, municipalities, products, services, authorized	20	
RAILROADS		
Grade crossings, protective device installation, maintenance, cost payment provisions	189	E1
RANCHES		
Irrigation, farming, ranching activities, on wetlands, shorelines management jurisdiction, excluded	182	E1
RAPE		
Provisions, revised, expanded	14	E1
Rapists, first degree, during three year mandatory minimum sentence, work release, furlough program, participation prohibited	247	E1
REAL ESTATE (See also PROPERTY - REAL)		
Excise tax, school district buildings, transportation, sites, bonds, use authorized	135	E1
Securities, restricted, registration, definitions, provisions	84	E1
RECORDS AND FILES		
Hospital, patients, retention requirement	175	E1
Nursing homes, inspection, reporting records, open to public inspection	99	E1
Nursing homes, patients, retention requirement	175	E1
RECRUITS AND RECRUITING		
Criminal justice personnel, recruitment, minimum standards, commission establishment, authorized	82	E1
REFERENDUMS (See INITIATIVES AND REFERENDUMS)		

SUBJECT INDEX OF 1975 STATUTES

		Chapter
REFUNDS – TAX		
Destroyed property, adjustments, refunding provisions	120	E1
Mobile homes, travel trailers, campers, excise tax, erroneous payment provision	9	E1
RENT AND RENTALS		
Deposits, rental, landlord change, transfer provisions	233	E1
RESERVOIRS		
Irrigation systems, canals, wasteways, drains, reservoirs, shorelines management jurisdiction, excluded	182	E1
RESTAURANTS		
Licensed liquor premises, employees 18–20 year olds, permitted	204	E1
RETAILERS		
Farm implements, retailers, wholesalers, contract discontinuance, price, cost recovery provisions	277	E1
RETIREMENT (See also PENSIONS)		
Health care insurance, public employees, payment, allowance deduction permitted	73	E1
Teachers, deferred compensation, appropriate internal revenue exclusion allowance amount, deferral permitted	205	E1
Teachers, health care insurance, premiums, retirement allowance deduction authorized	17	
Teachers' system, benefits funding provisions consolidated	148	E1
Teachers' system, board membership, increased	17	E1
University faculty, employees, eligibility because of age, survivors supplement payment provision	212	E1
RETSIL		
Veteran's home, certain land, transfer to Kitsap county, authorized	27	E1
RETURN TO COMMUNITY		
Mentally ill, retarded persons, return to community, state facilities, placement, custody, release, provisions	246	E1
REVENUE DEPARTMENT		
Tax commission, various statute references, name changed	278	E1
RIGHTS OF WAY		
Municipal, highways, centerline, municipal boundaries, use precluded, right of way line use authorized	220	E1
RIPARIAN RIGHTS		
Streams, emergency alterations, riparian owners, authorization procedures	29	E1
RIVERS AND STREAMS		
Hydraulic projects, approval, game and fish department directors, authority delegation	29	E1
Streams, emergency alterations, riparian owners, authorization procedures	29	E1
ROADS (See also HIGHWAYS)		
Construction, nonstate highways, highway commission reimbursable expenditures, 1975–77 biennium, appropriations	227	E1
Counties, vacated, public utility easement right retained	22	
Mines to market roads, provisions repealed	139	E1
Signs, roadway, unsafe conditions, wording provisions repealed	255	E1
RULES OF THE ROAD		
Amendments	62	
SAFETY		
Lights, motor vehicle, rear-mounted system, three color, authorized	242	E1
Railroad grade crossings, protective device installation, maintenance, cost payment provisions	189	E1
Roadway signs, unsafe conditions, wording provisions repealed	255	E1
Students, removal from school grounds, buildings by authorized persons only, procedures compliance	248	E1

SUBJECT INDEX OF 1975 STATUTES

	Chapter
SALARIES AND WAGES	
County legislative authorities, adjustments, pre-election budget action, post-election continuation ratification	32 E1
Court reporters, increased	128 E1
Higher education personnel, salaries, compensation revisions, funds availability, program planning and fiscal management office approval	122 E1
Hospital district commissioners, compensation increase	42
Minimum wage, farm workers, federal, state, local employees, law coverage, inclusion	289 E1
Port commissioners, per diem, expenses reimbursement, district population size basis, provisions	187 E1
Prisoners, work, training release programs, employment compensation, benefits, provisions	44
Public, state, local, minimum wage, law coverage, inclusion	289 E1
School districts, preliminary budget, total amounts by budget class, setting out permitted	202 E1
School employees, deferred compensation, appropriate internal revenue exclusion allowance amount, deferral permitted	205 E1
State employees, etc., increase provisions	9
State officials, elected, officers, judges, increased, appropriation	263 E1
Unemployment compensation, average annual wage, qualifying weekly wage, overpayments, appeals filings, temporary disability payments, provisions revised	228 E1
Work week, 40 hours, time and one-half for overtime, provision	289 E1
Youth corps, leadership compensation, increased	7
SALES (See also TAXES)	
Camping clubs, sales, promotion permits, memberships, misleading statements, certain practices prohibited	150 E1
Cigarettes, unstamped, sale, possession, tax liability provision	22 E1
Honey, imitation, artificial, mixtures, labeling, identification, provisions	283 E1
Insulin, tax exempt	291 E1
Milk, class I, II, dealer, producer sales assessment levy, education use purposes	136 E1
Port districts, unclaimed personal property, money, disposition procedures	28 E1
Prosthetic devices, tax exempt	291 E1
Real estate excise tax, school district, buildings, transportation, sites, bonds, use authorized	135 E1
School district surplus property, sale procedures, requirements, proceeds use, provisions	243 E1
Test fishing, proceeds, allocation provisions	223 E1
Timber, valuable materials, public lands, removal, payment bonds, security, deposit provision	52 E1
Travel tickets, sales services, gross revenue, B & O tax exempt	291 E1
SALESMEN	
Investment adviser defined, regulation provisions	84 E1
SALMON	
Test fishing, sale proceeds, allocation provisions	223 E1
SAVINGS ACCOUNTS	
Savings and loan associations, 5% of savings funds, investment provision	165 E1
SAVINGS AND LOAN ASSOCIATIONS	
Cemetery prearrangement funds, deposit, federal associations, permitted	55 E1
Deferred compensation funds, public employee, deposit, investment provisions expanded	274 E1
Executors, foreign, accounts, payment provisions	165 E1
Fiscal year, alternative to calendar year, adoption authorized	165 E1
Investment authority, 5% of savings funds, provisions	165 E1
Mutual savings bank, conversion to savings and loan association, filing, investigation, federally approved association, procedures	111 E1
Mutual savings bank, conversion to savings and loan association, provisions ..	83 E1
Public works, retained percentage, various banking institutions, deposit, interest, provisions	104 E1

SUBJECT INDEX OF 1975 STATUTES

	Chapter	
SCHOOL DISTRICTS (See also EDUCATION; also SCHOOLS)		
Administrative costs, study	5	E1
Boards, members, state education board election results, contesting, ties, provisions	19	
Budgets, preliminary, delay until state common school budget in effect, permitted	53	E1
Budgets, preliminary, final, not adopted, certain interim expenditures permitted	151	E1
Classifications, 1st class, scope enlarged, 2nd, 3rd classes combined	43	
Collective bargaining, school districts, employees	288	E1
Contracts, directors, officers, 2nd, 3rd class districts, beneficial interest, not permitted	41	E1
Deferred compensation, employees, appropriate internal revenue exclusion allowance amount, deferral permitted	205	E1
Educational employment relations act, school districts	288	E1
Extracurricular events, optional noncredit, fees authorized	284	E1
Funds, building, operating, not immediately needed, investment authority, delegation authorized	47	
Intermediate, redesignated educational service districts	275	E1
Motor vehicles, identification insignia, lettering, confidential plates, provisions	169	E1
Professional training, institutes, workshops, certificates, fees, provisions	192	E1
Property, real, surplus, sale procedures, requirements, proceeds use, provisions	243	E1
Real estate sales excise tax, school district, buildings, transportation, sites, bonds, use authorized	135	E1
Salaries, preliminary budgets, total amounts by budget class, setting out permitted	202	E1
School year, minimum term, reasonable effort maintenance requirement	23	E1
Students, transfer to nonresident district, state apportionment credit, provisions	66	E1
Superintendents, contract renewal, school board discretion	137	E1
Superintendents, qualifications, local board determination, professional certification not required	254	E1
Superintendents, 2nd, 3rd class districts, housing provided	41	E1
Teachers, authority, rights with respect to pupils	254	E1
SCHOOLS (See also EDUCATION; also SCHOOL DISTRICTS)		
Blind, deaf, state school students, weekend, vacation travel expenses, payment authorized	51	
Boxing, wrestling, participants, annual physical examination, weight class designation, provisions	1	
Budgets, preliminary, delay until state common school budget in effect, permitted	53	E1
Construction, planning, state matching funds, increase authorized	98	E1
Construction, public school fund, transferred, general fund	91	E1
Discrimination, sexes, public schools, elimination provisions	226	E1
Extracurricular events, optional noncredit, fees authorized	284	E1
Housing, dormitories, segregation, sex, marital, family status basis, not discrimination	145	E1
Learning/language disabilities, children screening, identification, report, recommendations, provisions	78	E1
Libraries, media services, integration, minimum standards provisions	127	E1
National guard, high school career training, school credits, acceptance provision	262	E1
Private, preschools, employees, unemployment compensation exempt	67	E1
Pupil-classroom teacher ration, grades K-3 same as grades 4-12, state aid purposes, required	211	E1
State aid, pupil-classroom teacher ratio grades K-3 same as grades 4-12, required	211	E1
Students, removal from grounds, buildings, by authorized persons only, procedures compliance	248	E1
Students, transfer to nonresident district, state apportionment credit, provisions	66	E1
Superintendents, contract renewal, school board discretion	137	E1
Superintendents, qualifications, local board determination, professional certification not required	254	E1
Superintendents, 2nd, 3rd class districts, housing provided	41	E1
Teachers, professional training institutes, workshops, certificates, fees, provisions	192	E1
Year, minimum term, school district reasonable effort maintenance requirement	23	E1
SCHOOLS - PRIVATE		
Employees, preschools, unemployment compensation exempt	67	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
SEALS		
Notaries public, rubber stamp	85	E1
SEATTLE		
Duwamish waterway, high level crossing, design evaluations, feasibility, appropriation	267	E1
Highway, state route No. 5, Connecticut street to south Bellevue, construction decision, expediting provisions	272	E1
West Seattle, access development commission, created, study, report duties ...	267	E1
SECURITIES		
Investment adviser salesmen, defined, regulation provisions	84	E1
Real estate, restricted, registration, definitions, provisions	84	E1
Registration, fees, offers, sales, holders, fraud, general revisions	84	E1
State investments, transportation, manufacturing firms, equipment sale, lease obligation, trust certificates, permitted	81	E1
SEEDS		
Fund, established, inspection fees sources	257	E1
SENIOR CITIZENS		
Boarding home residents, ambulatory, supervised medication service, permitted	43	E1
College, university, tuition, fees, enrollees over 60, waiver permitted	157	E1
Community colleges, tuition, fees, enrollees over 60, waiver permitted	157	E1
Nursing home administrators examiners board, members, provision	97	E1
SENTENCES (Penal)		
Municipal courts, cities over 400,000, punishment assessments, duty transferred from jury to judge	29	
Rapists, first degree, during three year mandatory minimum sentence, work release, furlough program, participation prohibited	247	E1
SESSION LAWS		
Publication, distribution, statute law committee, appropriation	5	
SEWER DISTRICTS		
Mergers, across county lines, authorized	86	E1
Public works, contracts, under \$5,000, no bids required	64	E1
Warrants, revenue, bond anticipation, issuance authorized	25	E1
SEWERS AND SEWERAGE		
Local improvement districts, water, sewerage systems, county establishment authorized, financing provisions	188	E1
Public utility districts, additional systems, acquisition, construction, operation, referendum provisions	57	E1
SEX CRIMES		
Rape, provisions revised, expanded	14	E1
SEXES		
Discrimination, public schools, elimination provisions	226	E1
Housing, dormitories, residences, public, private schools, segregation, not discrimination	145	E1
SEXUALLY EXPLICIT MATERIALS		
Motion picture screen, visible to general public misdemeanor	156	E1
SHAREHOLDERS		
Credit union, share guaranty, association created, duties	80	E1
SHEEP		
Taking, releasing, without authority, penalties	28	
SHELTERED WORKSHOPS		
Inventories, property tax exempt	3	E1
Municipalities, purchases, products, services, authorized	20	
SHOPLIFTING		
Liability, damages, adults, minors, civil action provisions	59	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
SHORELANDS AND SHORELINES (See also WATER, also TIDELANDS)		
Floodways, defined, shoreline management law purposes	182	E1
Irrigation, farming, ranching activities, on wetlands, shorelines management jurisdiction, excluded	182	E1
Irrigation systems, canals, wasteways, drains, reservoirs, shorelines management jurisdiction, excluded	182	E1
SICK LEAVE		
Superintendent of public instruction office, accumulated fund, abolished	60	E1
SIGNS		
Highways, in existence 1965, visible from highway, certain permitted	271	E1
Roadway, unsafe conditions, wording provisions repealed	255	E1
SKAGIT COUNTY		
Ferry systems, county, operation, maintenance, costs, 50% of deficit, state payment provisions, appropriation	21	E1
SKIS AND SKIING		
Lifts, conveyances, inspection, actual costs, assessment provisions	74	E1
Parking areas, winter recreational activities, establishment authorized	209	E1
SMALL BUSINESSES		
Port districts, contractors, small works roster, projects under \$30,000, provision	47	E1
Sewer, water districts, contractors, small works roster, projects under \$5,000, provisions	64	E1
SMALL CLAIMS		
Judgments, unpaid, certification procedure revised	40	E1
SNOWMOBILES		
General provisions, revisions	181	E1
Snowgroomer, pilot project, purchase, operation, trail maintenance and improvement, parks and recreation commission appropriation	181	E1
SOCIAL AND HEALTH SERVICES DEPARTMENT		
Facilities, acquisition, construction, remodeling, general obligation bonds, issuance authorized	258	E1
Juvenile delinquents, jurisdiction, juvenile court, social and health services department, to age 21, authorized	170	E1
Mentally ill, retarded persons, return to community, state facilities, placement, custody, release, provisions	246	E1
SOLDIERS HOMES		
Applicants, state residency requirement, repealed	13	
SOLID WASTE (See also GARBAGE, also POLLUTION)		
Cities, towns, systems, plants, collection, processing, sale, authorized	208	E1
SPORTS		
Boxing, wrestling, amateur participants, annual physical examination, weight class designation, provisions	1	
Winter sports conveyances, inspection, actual costs, assessment provisions	74	E1
STAMPS		
Cigarettes, unstamped, sale, possession, tax liability provision	22	E1
Notaries public, rubber stamp, seal use permitted	85	E1
STATE AUDITOR		
Post audits, state departments, five year intervals, permitted	193	E1
STATE FINANCE COMMITTEE		
Investments, state transportation, manufacturing firms, equipment sale, lease obligations, trust certificates, permitted	81	E1
State funds, surplus cash balances, state treasurer investment, authorization provision	4	E1
STATE GEM		
Petrified wood, designated	8	
STATE GOVERNMENT		
Administrative board, abolished, duties transferred	40	

SUBJECT INDEX OF 1975 STATUTES

		Chapter
STATE GOVERNMENT—cont.		
Administrative rules, state agencies, adverse decisions, agency proceedings, copy, attorney of record, provision	12	
Appropriations, state agencies, operations, budget	269	E1
Capital campus buildings, facilities, construction, improvement, general obligation bonds, issuance, authorized	249	E1
Capital improvements budget, state, 1975-77 biennium, appropriations	276	E1
Columbia river gorge commission, membership increased, jurisdiction provisions	48	E1
Employees, insurance, administrative service charge	38	E1
Funds, public school construction, general administration construction, transferred, general fund	91	E1
Laws, rules, regulations, cities over 400,000 population, applicability provisions	33	
Legislature, operations budget adopted, biennial appropriations period provision	16	E1
Motor pool, state, operation transferred, general administration department	167	E1
Motor vehicles, identification insignia, lettering, confidential plates, provisions	169	E1
Motor vehicles, state employee assignment official use limitation	33	E1
Municipal research council, membership increased, appointment provisions revised	218	E1
Officials, employees, criminal charges, related to official acts, attorney general defense authorized	144	E1
Officials, employees, tort claims against, payments, claims revolving fund use authorized	126	E1
Payroll, personnel, central system, establishment authorized, appropriation	239	E1
Personnel, payroll, central system, establishment authorized, appropriation	239	E1
Post audits, state departments, five year intervals, permitted	193	E1
Power commission, plants, facilities, powers, out-of-state operation, provision	37	E1
Public employment relations, commission created, duties	296	E1
State building code, application provisions	282	E1
Tort judgments, against governmental agencies, interest payment provision	26	
Trade fairs, international, financial aid authorized	292	E1
Veteran's administration hospitals, concurrent state, federal jurisdiction, provision	142	E1
STATE HISTORICAL SOCIETY		
Geographic names, board, membership, president's representative authorized	26	E1
STATE PATROL		
Salaries, increase provisions	9	
STATE PRINTER		
Warrants, state, printing, required	48	
STATE TREASURER		
State funds, surplus cash balances, investment provision	4	E1
Warrants, state, redeemed, 6 year retention, required	48	
STATUTE LAW COMMITTEE		
Bill drafting, session laws printing, appropriation	5	
STATUTE OF LIMITATIONS		
Warrants, state, redeemed, claim action, 5 year limitation	48	
STOCK RESTRICTED AREAS		
Penalties	38	
STOCKS AND STOCKHOLDERS		
Banks, trust companies, annual meeting, deadline date changed	35	
STOLEN GOODS		
Shoplifting, civil action provisions	59	E1
STREETS (See also HIGHWAYS)		
Construction, nonstate highways, highway commission reimbursable expenditures, 1975-77 biennium, appropriations	227	E1
STRIKES		
Health insurance, employer portion payments, continuation by striking employees, option provisions	117	E1
STUDENTS		
Blind, deaf, state school, weekend, vacation travel, payment authorized	51	
College, enrollees over 60, waiver permitted	157	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
STUDENTS—cont.		
Learning/language disabilities, screening, identification, report, recommendations provisions	78	E1
Medical, university of Washington, regional education program students, Alaska, Montana, Idaho residents, resident tuition provision	105	E1
Pupil-classroom teacher ratio, grades K-3 same as grades 4-12, state aid to schools, required	211	E1
Removal from school grounds, buildings, by authorized persons only, procedures compliance	248	E1
Teachers, authority, rights, with respect to pupils	254	E1
Transfers, to nonresident school district, state apportionment credit, provisions	66	E1
STUDIES		
School districts, administrative costs	5	E1
Tankers, crude oil, Puget sound, tug escorts, speed limits, maneuverability, report	125	E1
Transportation, legislative transportation committee, authorized, appropriation	268	E1
Transportation, tax structure, reporting time extended	2	
Vessels, Puget sound, carrying potentially hazardous substances, pilot, tug assistance, feasibility	125	E1
SUMMONS AND PROCESS		
Jury, justice courts, service by mail authorized	119	E1
Liens, action enforcement, summons filing, service, time periods specified	231	E1
Mentally ill individuals, inpatient, outpatient basis, 72 hour evaluation, summons statement provision	199	E1
Sheriff, service fees, increased	94	E1
SUPERINTENDENT OF PUBLIC INSTRUCTION		
Sick leave, accumulated fund, abolished	60	E1
SUPERINTENDENTS (Schools)		
Contracts, renewals, school board discretion	137	E1
SUPERIOR COURTS		
Judges, Whatcom county, number increased	49	E1
Jury, certain out of court settlements, fee return provision repealed	30	
Juvenile court system, class AA counties, administration, transfer to county by judges, authorized	124	E1
Marriage dissolutions, separations, validity, actions filing, superior court, county of petitioner's residence	32	
Salaries, elected state officials, judges, increased	263	E1
SUPREME COURT		
Salaries, elected state officials, judges, increased	263	E1
SURPLUS		
Expo 74, Walla Walla community college acquisition authorized	141	E1
School district property, sale procedures, requirements, proceeds use, provisions	243	E1
SURVEYS AND SURVEYORS		
Professional, engineers, surveyors, certificate renewal fees increased	23	
TANKERS - PETROLEUM & CRUDE OIL		
Puget sound, over 125,000 tons, prohibited, under, various pilot, tug, safety feature requirements	125	E1
TAXES		
Aircraft fuel, excise, municipal, Indian airports, collection requirement, funds, aid reversion provision	161	E1
Ambulance services, establishment provision, B & O tax authorized	24	E1
B & O, ambulance service, authorized	24	E1
B & O, business within and without the state, apportionment of services and income, payment purposes	291	E1
B & O, inventories, 1974 tax, 100% paid by May 10, 1974, credit adjustment provision	291	E1
Campers, trailers, erroneous payment, refund provisions	9	E1
Cargo containers, ocean commerce use, property tax exempt	20	E1
Churches, buildings, improvements, required for maintenance, safeguarding, purposes, property tax exempt	291	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
TAXES—cont.		
Cigarettes, unstamped, sale, possession, tax liability provision	22	E1
Drugs, prescription, written, oral, refilling provisions, sales, use tax purposes, definition expanded	291	E1
Fuel, all-terrain vehicles, collection, time period termination date removed ...	34	E1
Fuel, all-terrain vehicles, refund, 1% rate established, allocation	34	E1
Fuel, commercial vehicles, use tax identification card, obsolete language deleted	42	E1
Fuel, motor vehicle, distribution, cities, towns, counties, highway commission, allocation increased	100	E1
Inheritance, adopted child defined, inheritance, gift tax purposes	291	E1
Insulin, sales tax exempt	291	E1
Mobile homes, travel trailers, campers, excise tax, delinquent, interest charge payment provision	9	E1
Mobile homes, travel trailers, campers, excise tax, erroneous payment, refund provisions	9	E1
Motels, hotels, special excise, city, county imposition, control, first levied provisions	225	E1
Pollution control facilities, credits, exemptions, certificate applications, denial appeals; administrative, judicial review provisions	158	E1
Pollution control facilities, industrial installation, federal tax exemption provision	6	
Propane, motor vehicle fuel use, exemption, time period extended	62	E1
Property, agricultural, horticultural produce, crops, phase out exemption purposes, definition expanded	291	E1
Property, assessments, corrections, taxpayer notified by certified mail	160	E1
Property, cargo containers, ocean commerce use, exempt	20	E1
Property, church, buildings, improvements, required for maintenance, safeguarding purposes, exempt	291	E1
Property, committee abolished	291	E1
Property, destroyed, adjustments, refunding, provisions	120	E1
Property, exempt status, renewal applications, 4 year periods, required	291	E1
Prosthetic devices, sales tax exempt	291	E1
Public health work, counties, property tax levy, amount increased	291	E1
Public transportation benefit areas, creation, financing, taxing, provisions ...	270	E1
Real estate sales excise, school district, buildings, transportation, sites, bonds, use authorized	135	E1
Sales, building materials, federal county, city construction projects contractor liability provision	90	E1
Sales, use, associations, corporations, nonpayment, certain officers, employees, liability provisions	291	E1
Sheltered workshops, inventories, exempt	3	E1
Tax law corrections	291	E1
Television reception improvement districts, per set, increase	11	
Transportation, tax structure study, reporting time extended	2	
Travel tickets, sales services, gross revenue, B & O tax exempt	291	E1
Tuberculosis, tax levy, requirement removed	291	E1
TEACHERS		
Authority, rights, with respect to pupils	254	E1
Collective bargaining, school districts, employees, educational employment relations act	288	E1
Deferred compensation, appropriate internal revenue exclusion allowance amount, deferral permitted	205	E1
Health care insurance, premiums, retirement allowance deduction authorized ..	17	
Private preschools, unemployment compensation exempt	67	E1
Professional training institutes, workshops, certificates, fees, provisions	192	E1
Pupil-classroom teacher ratio, grades K-3 same as grades 4-12, state aid to schools, required	211	E1
Retirement system, benefits funding provisions consolidated	148	E1
Retirement system, board membership, increased	17	E1
TELEPHONES		
Emergencies, pay telephones, use without charge or coins, provisions	21	
TELEVISION AND RADIO		
Television, reception improvement districts, per set tax, increase	11	

SUBJECT INDEX OF 1975 STATUTES

	Chapter
TENANTS (See LANDLORDS AND TENANTS, also HOUSING)	
TENURE	
Community colleges, faculty, employment with "special funds", appointments not tenured	112 E1
THEATERS	
Sexually explicit materials, exhibit on viewing screen visible to general public, misdemeanor	156 E1
THERAPY	
Massage, business operation, licensing, regulation	280 E1
THERMAL POWER	
Plant site council, environmental impact, national policy act statement, state use permitted	206 E1
TIMBER	
Firewood, state lands, public cutting, personal use, permits, provisions	10
Public land, sale, removal, payment bonds, security, deposit provisions	52 E1
TIRES	
Studded, traffic control signs, prohibiting use November 1 to April 1, not permitted	255 E1
TOLL BRIDGE AUTHORITY	
Appropriations, capital improvements projects, 1975-77 biennium	279 E1
TORTS	
Ambulance service, payment, claim against tort-feasor, insurer, permitted	250 E1
Emergency medical care, immunity	58
Judgments, against governmental agencies, interest payment provision	26
State officers, employees, payments against, claims revolving fund use authorized	126 E1
TOWING AND TOWERS	
Motor vehicles, towing, removal, parked, abandoned on private property, regulations	281 E1
TRADE FAIRS	
Advisory council, ex officio legislative members, appointment provision, duties	292 E1
International, state financial aid, authorized	292 E1
TRAFFIC	
Accidents, offenders, citation issuance, probable cause basis, permitted, detention provision	56
Motor vehicles, rules of the road	62
Uniform ordinance, counties, cities, towns, enacted	54 E1
TRAILERS (See TRAVEL TRAILERS, also TRUCKS AND TRACTORS)	
TRAILS AND PATHS	
Bicycles, pedestrian, equestrian, six year program, cities, towns, counties, expenditures, report provision	215 E1
TRAINING INSTITUTE	
Teachers, professional training institutes, workshops, certificates, fees, provisions	192 E1
TRANSFERS	
Students, to nonresident school districts, state apportionment credit, provisions	66 E1
TRANSIT SYSTEMS	
Holidays, state, employees exclusion provisions	194 E1
Public transportation benefit areas, creation, financing, taxing, provisions	270 E1
TRANSPORTATION (See also TRANSIT SYSTEMS)	
Emergency medical care without compensation, civil liability exempt	58
Finance committee, state transportation, manufacturing firms, equipment sale, lease obligations, trust certificates, permitted	81 E1
Motor pool, state, operation transferred, general administration department ..	167 E1
Public benefit areas, creation, financing, taxing provisions	270 E1
State employees, automobile assignments, official use limitation	33 E1
Studies, legislative transportation committee authorized, appropriation	268 E1
Tax, structure study, reporting time extended	2

SUBJECT INDEX OF 1975 STATUTES

		Chapter
TRAVEL		
Blind, deaf, state school students, weekend, vacation travel expenses, payment authorized	51	
Irrigation districts, directors, travel expenses, provisions	163	E1
Legislative members—elect, meeting attendance, allowances authorized	185	E1
Public utility districts, prospective employees, travel, living expenses, payment permitted	140	E1
Tickets, sales services, gross revenue, B & O tax exempt	291	E1
Water district commissioners, mileage reimbursement, establishment provision	116	E1
TRAVEL TRAILERS		
License plates, private vehicles, personalized, use authorized	59	
Tax, excise, delinquent, interest charge payment provision	9	E1
Tax, excise erroneous payment, refund provision	9	E1
TREES		
Fruit research center, Washington state university, facility bonds, amount increased appropriations	109	E1
TRUCKS AND TRACTORS		
Commercial vehicles, use fuel tax identification card, obsolete language deleted	42	E1
Gross weight, increase provisions, axle distance measurements revised	168	E1
License plates, private vehicles, personalized, use authorized	59	
Trucks, tractors, trailers, additional excess tonnage, 6,000 pounds or more, quarterly permit purchase provision	196	E1
TRUST COMPANIES		
Stockholders, annual meeting, deadline date changed	35	
TRUSTS		
Deeds, foreclosure, requirements, general provisions	129	E1
Mutual savings banks, business, handling, powers, expansion provisions	265	E1
Urban arterial projects, funds obligation, period extended	267	E1
TUBERCULOSIS		
Tax, county levy, requirement removed	291	E1
TUITION AND FEES		
College, enrollees over 60, waiver permitted	157	E1
Medical school, university of Washington, regional education program students, Alaska, Montana, Idaho residents, resident tuition provision	105	E1
UNEMPLOYED (See UNEMPLOYMENT COMPENSATION, also EMPLOYEES, also EMPLOYERS)		
UNEMPLOYMENT COMPENSATION		
Average annual wage, qualifying weekly wage, overpayments, appeals filings, temporary disability payments, provisions revised	228	E1
Legislative employees, certain, coverage, excluded	4	
Schools, private, preschool employees, coverage exempt	67	E1
UNFAIR BUSINESS PRACTICES		
Camping clubs, sales, promotion permits, memberships, misleading statements, certain practices prohibited	150	E1
UNIFORM ACTS (See ACTS)		
UNIVERSITY OF WASHINGTON (See also COLLEGES AND UNIVERSITIES)		
Family practice, state-wide medical education system, program implementation, appropriation	108	E1
Hospital facilities, capital improvement project, general obligation bonds issuance authorized	88	E1
Liquor, banquet permits, issuance authorized	68	E1
Medical school, regional education program Alaska, Montana, Idaho students, resident tuition provision	105	E1
Museum, unclaimed documents, materials, acquisition, disposition provisions ..	159	E1
URBAN ARTERIAL BOARD		
Appropriations, capital improvements projects, 1975-77 biennium	279	E1
Members, mileage rate provision	1	E1

SUBJECT INDEX OF 1975 STATUTES

		Chapter
URBAN ARTERIALS		
Projects, trust account funds, obligation period, extended	267	E1
Urban areas, arterial fund eligibility purposes, incorporated city, town population basis, definition revised	253	E1
URBAN RENEWAL		
Counties, all, participation authorized	3	
UTILITIES		
Joint operating agencies, plants, facilities, out-of-state operation, provision ...	37	E1
VENDING MACHINES (See COIN OPERATED MACHINES)		
VETERANS		
Homes, applicants, state residency requirement, repealed	13	
Hospitals, veteran's administration, concurrent state, federal jurisdiction provision	142	E1
Viet Nam, bonus, provisions revised	273	E1
Widows, widowers, totally disabled veterans, public employment preference provision	198	E1
VETERAN'S HOME		
Land, certain, transfer to Kitsap county, authorized	27	E1
VICTIMS - CRIME		
Victims, compensation, provisions, general revisions	176	E1
VIET NAM		
Veterans, bonus, provisions revised	273	E1
VOCATIONAL EDUCATION		
Commission, created, powers, duties	174	E1
Councils, advisory, abolished	174	E1
State plan development, maintenance, commission responsibility, provisions ...	174	E1
VOLUNTEERS		
Industrial insurance, coverage, provisions	79	E1
VOTERS AND VOTING (See also ELECTIONS)		
Education board, election results, contesting, ties, provisions	19	
Registration, move to new address, same county, transfer provisions	184	E1
WAGES (See SALARIES AND WAGES)		
WAHAKIACUM COUNTY		
Puget island ferry, operation, maintenance, appropriation	18	E1
WALLA WALLA		
Community college, acquisition, Expo 74 surplus facilities	141	E1
WARRANTS - FISCAL		
County, claims payment, issuance delay requirement removed	31	
Fire districts, local improvement district creation, bonds, warrants issuance, authorized	130	E1
Local improvement districts, excess city funds, interim financing warrants, investment permitted	11	E1
Municipal corporations, interest bearing, not presented within year, cancellation	131	E1
Sewer districts, revenue, bond anticipation, issuance authorized	25	E1
State, printing by state printer, required	48	
State, redeemed, state treasurer retention, 6 year period, required	48	
State, redeemed warrant claims, 5 year action limitation	48	
Water districts, revenue, bond anticipation warrants, issuance authorized	25	E1
WASHINGTON STATE UNIVERSITY		
Tree fruit research center, facility, bonds amount increased, appropriation ...	109	E1
WASTEWAYS		
Irrigation systems, canals, wasteways, drains, reservoirs, shorelines management jurisdiction, excluded	182	E1
WATER		
Districts, revenue, bond anticipation warrants, issuance authorized	25	E1
Floodways, defined, shoreline management law purposes	182	E1

SUBJECT INDEX OF 1975 STATUTES

	Chapter	
WATER—cont.		
Hydraulic projects, approval, game and fish department directors, authority delegation	29	E1
Irrigation, farming, ranching activities, on wetlands, shorelines management jurisdiction, excluded	182	E1
Irrigation systems, canals, wasteways, drains, reservoirs, shorelines management jurisdiction, excluded	182	E1
Local improvement districts, water, sewerage systems, county establishment authorized, financing provisions	188	E1
Mains, 1st class cities, contracts, public works, exceeding \$15,000, bids required	56	E1
Metropolitan municipal corporation, local water pollution abatement notice, corrective measures commencement, time period extended	36	
Public utility districts, distribution systems, maintenance, operation costs, special assessments levy, collection provisions	46	
Puget sound, oil tankers, over 125,000 tons, prohibited, under, various pilot, tug, safety feature requirements	125	E1
Streams, emergency alterations, riparian owners, authorization procedures	29	E1
Supply facilities, bonds, issuance provision, public body definition, federal government agency included	18	
WATER DISTRICTS		
Commissioners, mileage reimbursement, establishment provision	116	E1
Public works, contracts, under \$5,000, no bids required	64	E1
Warrants, revenue, bond anticipation, issuance authorized	25	E1
WEEDS AND WEED CONTROL		
Noxious, control, general revisions	13	E1
WELFARE (See PUBLIC ASSISTANCE)		
WESTERN WASHINGTON STATE COLLEGE		
Degrees, titles, appropriate, certain programs, establishment authorized	232	E1
WETLANDS		
Irrigation, farming, ranching activities, on wetlands, shorelines management jurisdiction, excluded	182	E1
WHATCOM COUNTY		
Ferry systems, county, operation, maintenance, costs, 50% of deficit, state payment provisions, appropriation	21	E1
Superior court, judges, number increased	49	E1
WHOLESALEERS		
Farm implements, retailers, wholesalers, contract discontinuance, price, cost recovery provisions	277	E1
WIDOWS AND WIDOWERS		
Industrial insurance, surviving spouse, remarried and widowed, benefits resumption provision	179	E1
Veterans, totally disabled, public employment preference provision	198	E1
WINE AND WINERIES		
Importation, duty free, liquor, wine, beer, provisions	256	E1
WINTER SPORTS		
Winter recreation activities, parking areas, establishment authorized	209	E1
WOOD AND WOOD PRODUCTS		
Petrified wood, state gem, designated	8	
WORK RELEASE		
Prisoners, employment, compensation, benefits, provisions	44	
Rapists, first degree, during three year mandatory minimum sentence, work release, furlough program, participation prohibited	247	E1
WORKMEN'S COMPENSATION		
Industrial insurance, procedures, provisions, general revisions	224	E1
Industrial insurance, surviving spouse, remarried and widowed, benefits resumption provision	179	E1

SUBJECT INDEX OF 1975 STATUTES

	Chapter	
WORKMEN'S COMPENSATION—cont.		
Payments, temporary, total permanent disability, death cases, 1971, 1975 adjustment formulas	286	E1
Temporarily disabled workmen, light duty, employer provision	235	E1
WRESTLING		
Amateur, certain, participants, annual physical examination required	1	
YACOLT BURN AREA		
State lands, access easements, road rights, forestry supervisor acquisition authorized	101	E1
YAKIMA COUNTY		
Migrant labor housing, demonstration project, completion authorized	50	E1
YOUNG ADULTS		
Delinquents, juvenile court, social and health services department, jurisdiction, to age 21, authorized	170	E1
Employment, licensed liquor premises, 18-20 year olds, permitted	204	E1
YOUTH CORPS		
Enrollment, limitation removed, leadership compensation, provisions	7	
Recreation areas, private, developed by corps enrollees, public availability period reduced	7	

STATE MEASURES

(Text, proposed Constitutional Amendments, see page 1345, supra)

**History of State Measures (supplementing 1973 Laws
of Washington, p. 1843) 1461**

**HISTORY OF STATE MEASURES FILED WITH
THE SECRETARY OF STATE**

(Supplementing 1973 Laws, Page 1843)

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 280 (**Limiting Special Legislative Sessions**)—
Filed March 12, 1973 by Axel Julin, Chairman, Committee to Retain a
Part Time Citizen Legislature. No signatures presented for checking.
- INITIATIVE MEASURE NO. 281—Filed June 8, 1973 by Bruce Helm of
Alderwood Manor. Refined June 12, 1973 as Initiative Measure No. 282
with a new sponsor, Kenneth D. Hansen of Seattle.
- *INITIATIVE MEASURE NO. 282 (Shall state elected officials' salary in-
creases be limited to 5.5% over 1965 levels, and judges' the same over
1972 levels?)**—Filed June 12, 1973 by Kenneth D. Hansen of Seattle.
Signatures (699,098) were submitted and found sufficient. Measure sub-
mitted to the voters for decision at the November 6, 1973 state general
election and was approved by the following vote: **For—798,338 Against
—197,795**. Act is now identified as Chapter 149, Laws of 1974, 1st Extraor-
dinary Session.
- INITIATIVE MEASURE NO. 283 (**Shall it be unlawful, except in an emer-
gency, to hitchhike, or to pick up a hitchhiker along a public highway?**)—
Filed January 18, 1974 by Ms. Sallyann Devine of Seattle. No signatures
presented for checking.
- INITIATIVE MEASURE NO. 284 (**Shall corporations pay a 12% excise tax
measured by income so that special school levies may be reduced or
eliminated?**)—Filed January 22, 1974 by Representative Charles Moon.
No signatures presented for checking.
- INITIATIVE MEASURE NO. 285 (**Shall all privately or corporately owned
land, including residential real estate, annually be taxed a minimum of
\$2.50 per acre?**)—Filed January 24, 1974 by Donn C. Higley of Seattle.
No signatures presented for checking.
- INITIATIVE MEASURE NO. 286 (**Shall the membership of the legislature
be reduced from forty-nine senators and ninety-eight representatives to
twenty-one senators and sixty-three representatives?**)—Filed January 30,
1974 by Harley H. Hoppe of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 287 (**Shall salmon net fishing be prohibited
in designated Puget Sound and adjacent waters unless permitted by a
newly established commission?**)—Filed January 31, 1974 by Dr. Charles
F. Raab of Port Angeles. No signatures presented for checking.
- INITIATIVE MEASURE NO. 288 (**Shall couples with children under 18 be
ineligible for divorce and, upon separation, shall a commission oversee
their children's rights?**)—Filed February 1, 1974 by Joseph Garske of
Yakima. No signatures presented for checking.
- INITIATIVE MEASURE NO. 289 (**Shall additional gambling activities, in-
cluding slot machines and card rooms, be legalized, local regulation**

*Indicates measure became law.

prohibited, and the state gambling commission replaced?)—Filed February 4, 1974 by Roy Needham of Yakima. No signatures presented for checking.

INITIATIVE MEASURE NO. 290 (Shall liquor prices be limited and revenue distribution formulas changed, a new seven-member liquor board created, and an administrator appointed?)—Filed February 25, 1974 by Senator William S. "Bill" Day of Spokane. No signatures presented for checking.

INITIATIVE MEASURE NO. 291 (Shall parents and other persons be prohibited from inflicting or threatening bodily punishment upon children or mentally retarded persons?)—Filed March 12, 1974 by Ms. Shirley Amiel of Bellevue. No signatures presented for checking.

INITIATIVE MEASURE NO. 292 (Shall criminal penalties for state traffic law violations and laws imposing state retail sales taxes and use taxes be repealed?)—Filed March 18, 1974 by Jack Zektzer of Seattle. No signatures presented for checking.

INITIATIVE MEASURE NO. 293 (Shall present laws governing modification, renewal or nonrenewal of certificated school employees' contracts be repealed and merit salary systems adopted?)—Filed March 18, 1974 by Senator Hubert F. Donohue of Dayton. No signatures presented for checking.

INITIATIVE MEASURE NO. 294 (Shall the legislature be reduced to 21 senators and 63 representatives elected from single-member districts established by this initiative?)—Filed March 26, 1974 by Elizabeth J. Bracelin and Robert L. Burnham, Co-sponsors. No signatures presented for checking.

INITIATIVE MEASURE NO. 295 (Shall the retail sales tax be eliminated on sales of food, clothing, medicines and medical devices, and residential construction costs?)—Filed April 4, 1974 by Richard Dymont, Chairman, Libertarian Party of Washington. No signatures presented for checking.

INITIATIVE MEASURE NO. 296 (Shall the 1973 law substituting principles of comparative negligence for those of contributory negligence in civil damage actions be repealed?)—Filed April 9, 1974 by James M. Petra of Chehalis. No signatures presented for checking.

INITIATIVE MEASURE NO. 297 (Shall any gambling activities be legal when licensed by the state gambling commission and authorized by the municipality where conducted?)—Filed April 15, 1974 by Gary Bacon, Chairman, Committee for Local Option. No signatures presented for checking.

INITIATIVE MEASURE NO. 298 (Shall an initiative be adopted stating that no person shall serve for more than eight consecutive years in the legislature?)—Filed May 10, 1974 by Harry S. Foster of Edmonds. No signatures presented for checking.

INITIATIVE MEASURE NO. 299 (Shall the tax on retail sales of liquor (spirits) in the original package be reduced by two cents per ounce?)—Filed May 13, 1974 by Alfred J. Schweppe on behalf of the Citizens Committee for Lower Liquor Taxes. Signatures (134,695) filed July 5, 1974. Petition failed. Not enough valid signatures obtained to place the measure on the November 5, 1974 state general election ballot.

- INITIATIVE MEASURE NO. 300 (Shall certain rights of parents regarding public school curricula and teaching materials be defined and some school district programs restricted?)—Filed May 13, 1974 by Ms. Sally F. Tinner of Steilacoom. No signatures presented for checking.
- INITIATIVE MEASURE NO. 301 (Shall present laws governing modification, renewal or nonrenewal of certificated school employees' contracts be repealed?)—Filed January 16, 1975 by Ms. Dorothy Roberts of Bellevue. No signatures presented for checking.
- INITIATIVE MEASURE NO. 302 (Shall the minimum age for the purchase or consumption of alcoholic beverages be lowered to 18 years?)—Filed January 28, 1975 by Ms. Diahn Schmidt of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 303 (Shall an initiative be adopted declaring persons having served in the Congress a total of twelve years ineligible for reelection?)—Filed January 29, 1975 by Gene Goosman, Sr. of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 304 (Shall a new commission appoint the director of fisheries and manage food fish and shellfish for commercial and recreational purposes?)—Filed February 3, 1975 by Dr. Charles F. Raab of Port Angeles. No signatures presented for checking.
- INITIATIVE MEASURE NO. 305 (Shall the legal age for the use and consumption of alcoholic beverages be lowered to 19 years?)—Filed February 6, 1975 by Richard Spaulding and William G. Bowie, both of Cheney. No signatures presented for checking.
- INITIATIVE MEASURE NO. 306 (Shall state appropriations be limited to 9% of state personal income and decreases in state support to municipalities be restricted?)—Filed February 13, 1975 by Kenneth D. Hansen of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 307 (Shall some common school curricula be specified, teaching methods limited and written parental consent to certain school activities be required?)—Filed March 7, 1975 by Paul O. Snyder of Tacoma. No signatures presented for checking.
- INITIATIVE MEASURE NO. 308 (Shall sales and business and occupation taxes be removed from certain transactions involving clothing, food, shelter, and health care products?)—Filed March 10, 1975 by Carl R. Nicolai of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 309 (Shall the Shoreline Management Act of 1971 and the subsequent amendments to that Act be repealed?)—Filed March 14, 1975 by James Mark Toevs of Chehalis. No signatures presented for checking.
- INITIATIVE MEASURE NO. 310 (Shall the present forest practices act be repealed and be replaced with provisions relating solely to requirements for reforestation?)—Filed March 18, 1975 by Ms. Betty J. Wells of Camano Island. No signatures presented for checking.
- INITIATIVE MEASURE NO. 311 (Shall the death penalty be mandatory in cases of first degree murder and the definitions of degrees of murder revised?)—Filed March 20, 1975 by Representative Earl F. Tilly. No signatures presented for checking.

INITIATIVE MEASURE NO. 312 (Shall an initiative be passed lowering certain real property taxes to 1960 levels, or, if greater, those at last transfer?)—Filed April 4, 1975 by Donald H. Sallee of Brinnon. No signatures presented for checking.

INITIATIVE MEASURE NO. 313 (Shall the names of signers of initiative and referendum petitions be confidential and the petitions destroyed after they are canvassed?)—Filed April 4, 1975 by Donald H. Sallee of Brinnon. No signatures presented for checking.

INITIATIVES TO THE LEGISLATURE

INITIATIVE TO THE LEGISLATURE NO. 45 (Restoration of Law Prohibiting Hitchhiking)—Filed July 10, 1972 by Mildred C. Trantow, President, Washington State Chapter of Pro America. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 46 (Restricting School District Excess Levies)—Filed July 25, 1972 by Representative Paul Barden and Representative Vaughn Hubbard, Co-sponsors. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 47 (Shall public schools be prohibited from teaching either the theory of evolution or that of creation unless both are taught?)—Filed April 3, 1974 by Ward E. Ellsworth. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 48 (Shall state financial support for public schools be greatly increased for 1975-77 and school district excess levies restricted after 1975?)—Filed April 9, 1974 by the Committee for State School Support. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 49 (Shall an initiative be adopted declaring persons ineligible for election to given state offices for more than 12 consecutive years?)—Filed July 5, 1974 by Senator Peter von Reichbauer. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 50 (Shall greyhound dog racing, with parimutuel betting, be permitted when licensed by a state commission and subject to its control?)—Filed July 16, 1974 by Donald Nicholson. No signatures presented for checking.

REFERENDUM MEASURES

REFERENDUM MEASURE NO. 36 (Minimum Age - Alcoholic Beverage Control)—Filed April 4, 1973 by Lloyd C. Tremain, Chairman, Citizens United for Responsible Legislation. Signatures (79,389) filed June 7, 1973 and found sufficient. Measure submitted to the voters for decision at the November 6, 1973 state general election. Failed to pass by the following vote: **For**—495,624 **Against**—510,491. As a consequence, Chapter 100, Laws of 1973 did not become law.

REFERENDUM BILLS

(measures passed by the Legislature and referred to the voters)

REFERENDUM BILL NO. 32 (Chapter 199, Laws 1st Extraordinary Session, 1973—Shall County auditors be required to appoint precinct committeemen of major political parties as deputy voting registrars upon their request?)—Filed April 26, 1973. Measure submitted to the voters for decision at the November 6, 1973 state general election and was rejected by the following vote: **For—291,323 Against—609,306.**

***REFERENDUM BILL NO. 33 (Chapter 200, Laws 1st Extraordinary Session, 1973—Shall personalized motor vehicle license plates be issued with resulting extra fees to be used exclusively for wildlife preservation?)—**Filed April 26, 1973. Measure submitted to the voters for decision at the November 6, 1973 state general election and was approved by the following vote: **For—613,921 Against—362,195.**

REFERENDUM BILL NO. 34 (Chapter 152, Laws 1st Extraordinary Session, 1974—Shall a state lottery be conducted under gambling commission regulations with prizes totaling not less than 45% of gross income?)—Filed April 26, 1974. Measure submitted to the voters for decision at the November 5, 1974 state general election and was approved by the following vote: **For—515,404 Against—425,903.**

*Indicates measure became law.

