

period of not more than five business days from the date that the bank received the adverse claimant's affidavit, without liability for the sufficiency or truth of the facts alleged in the affidavit, after which time the claim shall be treated as any other claim under this section.

Passed the House February 21, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 144

[House Bill No. 1114]

STATUTE LAW COMMITTEE—PUBLICATION OF SESSION LAWS— APPROPRIATION

AN ACT Relating to the publication of the session laws of the state of Washington; 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 general fund to the statute law committee the sum of one hundred eleven thousand seven hundred and twenty dollars (\$111,720), 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. 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 8, 1979.

Passed the Senate March 8, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 145

[Engrossed Substitute Senate Bill No. 2142]

ANIMALS—PHYSICAL DAMAGE—PENALTY

AN ACT Relating to livestock; amending section 3, chapter 174, Laws of 1977 ex. sess. and RCW 4.24.320; amending section 9A.48.080, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.080; amending section 9A.48.100, chapter 260, Laws of 1975 1st ex. sess. as amended by section 1, chapter 174, Laws of 1977 ex. sess. and RCW 9A.48.100; and amending section 4, chapter 146, Laws of 1901 and RCW 16.52.070.

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

Section 1. Section 3, chapter 174, Laws of 1977 ex. sess. and RCW 4.24.320 are each amended to read as follows:

Any (~~owner of livestock~~) person who suffers damages as a result of actions described in (~~RCW 9A.48.070 through 9A.48.090~~) RCW 9A.48.080(c) or any owner of a horse, mule, cow, heifer, bull, steer, swine, or sheep who suffers damages as a result of a wilful, unauthorized act described in RCW 9A.56.080 may bring an action against the person or persons committing the act in a court of competent jurisdiction for exemplary damages up to three times the actual damages sustained, plus attorney's fees.

Sec. 2. Section 9A.48.080, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.080 are each amended to read as follows:

(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; or

(c) Notwithstanding RCW 16.52.070, causes physical damage, destruction, or injury by amputation, mutilation, castration, or other malicious act to a horse, mule, cow, heifer, bull, steer, swine, goat, or sheep which is the property of another.

(2) Malicious mischief in the second degree is a class C felony.

Sec. 3. Section 9A.48.100, chapter 260, Laws of 1975 1st ex. sess. as amended by section 1, chapter 174, Laws of 1977 ex. sess. and RCW 9A.48.100 are each amended to read as follows:

For the purposes of RCW 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 (~~and shall also include the injury or destruction of livestock~~).

Sec. 4. Section 4, chapter 146, Laws of 1901 and RCW 16.52.070 are each amended to read as follows:

Except as provided in RCW 9A.48.080, every person who cruelly overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or cruelly kills, or causes, procures, authorizes, requests or encourages so to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten or mutilated or cruelly killed, any animal; and whoever having the charge or custody of any animal, either as owner or otherwise, inflicts unnecessary suffering or pain upon the same, or unnecessarily fails to provide the same with the proper food, drink, air,

light, space, shelter or protection from the weather, or who wilfully and unreasonably drives the same when unfit for labor or with yoke or harness that chafes or galls it, or check rein or any part of its harness too tight for its comfort, or at night when it has been six consecutive hours without a full meal, or who cruelly abandons any animal, shall be guilty of a misdemeanor.

Passed the Senate February 16, 1979.

Passed the House March 8, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 146

[Substitute Senate Bill No. 2255]

PESTICIDE CONTROL—REGISTRATION—BOARD

AN ACT Relating to pesticide control; amending section 3, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.030; amending section 10, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.100; amending section 15, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.150; adding new sections to chapter 15.58 RCW; and repealing section 39, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.390.

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

Section 1. Section 3, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.030 are each amended to read as follows:

As used in this chapter the ~~((following))~~ words and phrases defined in this section shall have the ~~((following))~~ meanings indicated unless the context clearly requires otherwise~~((:))~~.

(1) "Pesticide" means, but is not limited to: (a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed and any other form of plant or animal life or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the director may declare to be a pest; (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; (c) any substance or mixture of substances intended to be used as a spray adjuvant; and (d) any other substances intended for such use as may be named by the director by regulation.

(2) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests including devices used in conjunction with pesticides such as lindane vaporizers.

(3) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropod, or mollusk pest.

(4) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any fungi.