

*the state by this act. Of this amount, one million two hundred thousand dollars shall be deposited in the public employees' retirement fund and one million six hundred thousand dollars shall be deposited in the teachers' retirement fund.*

\*Sec. 9 was partially vetoed, see message at end of chapter.

Sec. 10. Section 12, chapter 205, Laws of 1979 ex. sess. and RCW 41-.04.330 are each amended to read as follows:

The provisions of this 1979 amendatory act shall apply only to court decrees of dissolution or legal separation and court-approved property settlement agreements regardless of whether entered before or after ((May 25, 1979)) the effective date of this 1986 act, and only to those persons who have actually retired.

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 is not 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 Senate March 8, 1986.

Passed the House March 5, 1986.

Approved by the Governor April 4, 1986, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State April 4, 1986.

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

"I am returning herewith, without my approval as to section 9(b), Reengrossed Substitute Senate Bill No. 3182, entitled:

"AN ACT Relating to retirement from public service."

Section 9(b) appropriates \$2,800,000 for contribution to the pension trust fund for this biennium. The fiscal impact for the remaining provisions of this measure is \$1,200,000 and therefore the appropriated amount is excessive.

The Department of Retirement Systems, in consultation with the Office of the State Actuary, will revise the employer contribution rate for the Public Employees and Teachers Systems so as to assure the appropriate cost of this legislation is collected by the system during this biennium.

With the exception of section 9(b), Reengrossed Substitute Senate Bill No. 3182 is approved."

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## CHAPTER 318

[Senate Bill No. 3397]

### WILDLIFE—ILLEGAL POSSESSION—BAIL

AN ACT Relating to game and game fish; amending RCW 77.21.070; providing an effective date; and declaring an emergency.

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

\*Sec. 1. Section 3, chapter 8, Laws of 1983 1st ex. sess. as amended by section 336, chapter 258, Laws of 1984 and RCW 77.21.070 are each amended to read as follows:

(1) Whenever a person is convicted of illegal (~~hunting or~~) possession of wildlife listed in this subsection, the convicting court shall order the person to reimburse the state in the following amounts for each animal killed or possessed:

- (a) Moose, antelope, mountain sheep, mountain goat, and all wildlife species classified as endangered by rule of the commission . . . . . \$1,000
- (b) Elk, deer, black bear, and cougar . . . . . \$500

(2) For the purpose of this section, the term "convicted" includes a plea of guilty, a finding of guilt regardless of whether the imposition of the sentence is deferred or any part of the penalty is suspended, and the payment of a fine. No court may establish bail for illegal possession of wildlife listed in subsection (1) in an amount less than the bail established for hunting during the closed season plus the reimbursement value of wildlife set forth in subsection (1).

(3) If two or more persons are convicted of illegally (~~hunting or~~) possessing wildlife listed in this section, the reimbursement amount shall be imposed upon them jointly and separately.

(4) The reimbursement amount provided in this section shall be imposed in addition to and regardless of any penalty, including fines, or costs, that is provided for violating any provision of Title 77 RCW. The reimbursement required by this section shall be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect. Nothing in this section may be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

(5) A defaulted reimbursement or any installment payment thereof may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including vacation of a deferral of sentencing or of a suspension of sentence.

**(6) All moneys derived from reimbursements required under this section shall be remitted to the credit of the state game fund.**

\*Sec. 1 was partially vetoed, see message at end of chapter.

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 June 30, 1986.

Passed the Senate March 12, 1986.

Passed the House March 11, 1986.

Approved by the Governor April 4, 1986, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State April 4, 1986.

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

"I am returning herewith, without my approval as to section 1(6), Senate Bill No. 3397, entitled:

"AN ACT Relating to game and game fish."

Section 1(6) of this bill would direct to the Game Fund, rather than to the Public Safety and Education fund, reimbursements to the state for the value of game animals taken illegally.

These reimbursements were directed to the Public Safety and Education Fund by the 1984 Court Reform Act, which did away with a very cumbersome system of separate accounting for numerous small special purpose court collections. The unified and simplified system now in place is vastly superior to its predecessor. The change contemplated by this subsection would be a step backward toward the old system. Moreover, the change is unnecessary because the Game Department receives appropriations from the Public Safety and Education Fund.

For this reason, I have vetoed section 1(6) of Senate Bill No. 3397."

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## CHAPTER 319

[Engrossed Senate Bill No. 4705]

### COMMUNICATING WITH A MINOR FOR IMMORAL PURPOSES

AN ACT Relating to communications with minors for immoral purposes; amending RCW 9.68A.090, 9.68A.050, and 9.68A.110; and prescribing penalties.

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

**\*Sec. 1. Section 4, chapter 262, Laws of 1984 and RCW 9.68A.050 are each amended to read as follows:**

**A person who:**

**(1) Knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct; or**

**(2) Possesses with intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct; or**

**(3) Knowingly exposes a minor to visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct**  
**is guilty of a class C felony punishable under chapter 9A.20 RCW.**

**((3)) (4) As used in this section, "minor" means a person under ((sixteen)) eighteen years of age.**

\*Sec. 1 was vetoed, see message at end of chapter.