

1975-76
SESSION LAWS
OF THE
STATE OF WASHINGTON

2nd EXTRAORDINARY SESSION
FORTY-FOURTH LEGISLATURE

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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.)
- (c) *Permanent bound edition—when and how obtained—price.* The permanent bound edition of the session laws may be ordered from the State Law Librarian, Temple of Justice, Olympia, Washington 98504 at four dollars per volume. (No sales tax required.) The laws of 1975-76 2nd Extraordinary Session will be published in one volume. All orders must be accompanied by remittance.

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 VETOS

- (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 1975-76 2nd Extraordinary Session to be June 25, 1976 (midnight June 24).
- (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.

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CHAPTER 1

[House Bill No. 1229]

REVENUE AND TAXATION

AN ACT Relating to revenue and taxation; amending section 82.12.010, chapter 15, Laws of 1961 as last amended by section 52, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.12.010; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 10, chapter 281, Laws of 1971 ex. sess. and RCW 82.12.020; amending section 4, chapter 90, Laws of 1975 1st ex. sess.; and declaring an emergency.

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

Section 1. Section 82.12.010, chapter 15, Laws of 1961 as last amended by section 52, chapter 278, Laws of 1975 1st 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 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 department of revenue may prescribe((:)); PROVIDED, That in case any such articles of tangible personal property are used in respect to the construction, repairing, decorating, or improving of, and which become or are to become an ingredient or component 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 such articles therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, then the value of the use of such articles so used shall be determined according to the retail selling price of such articles, or in the absence of such a selling price, as nearly as possible according to the retail selling price at place of use of similar products of like quality and character or, in the absence of either of these selling price measures, such value may be determined upon a cost basis, in any event under such rules and regulations as the 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. 2. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 10, chapter 281, Laws of 1971 ex. sess. and RCW 82.12.020 are each amended to read as follows:

There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280, subsections (2) or (7). This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in subdivision (2) of RCW 82.12.030, payment by one purchaser or user of tangible personal property of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property from the taxes imposed by such chapters. The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate of four and one-half percent.

Sec. 3. Section 4, chapter 90, Laws of 1975 1st ex. sess. is amended to read as follows:

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 chapter 90, Laws of 1975 1st ex. sess., section 5, chapter 291, Laws of 1975 1st ex. sess. and 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. 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 July 20, 1975.

Passed the Senate July 19, 1975.

Approved by the Governor July 25, 1975.

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

CHAPTER 2

[Engrossed Senate Bill No. 2971]

APPROPRIATIONS—SCHOOL LEVY RELIEF—TRANSIT BONDS DEBT SERVICE

AN ACT Relating to appropriations; amending section 193, chapter 269, Laws of 1975 1st ex. sess. (uncodified); 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 including amounts from motor vehicle excise taxes imposed pursuant to RCW 35.58.273 through 35.58.279 except those amounts which are obligated for bonds and the covenants thereof issued as of the effective date of this 1975 amendatory act 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, or as much as may be available thereof, 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. Notwithstanding any other provision of this section, any district receiving authorization for collection of an excess levy in 1976 for maintenance and operations shall not receive an allocation during the last half of fiscal year 1976 in an amount together with the reduced levy collection over the amount which would have been derived from the originally approved levy for such period. Any excess amount of the allocation due any such district as calculated pursuant to this section shall be distributed as the superintendent of public instruction shall direct during the first six months of fiscal year 1977.

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.

*Section 1 was later amended by chapter 7, Laws of 1975-76 2nd ex. sess.

Sec. 2. Section 193, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

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)~~) four million one hundred eighty thousand dollars, 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.

It is the intent of the legislature that the appropriation contained in this section shall be expended only for debt service on bonds which have been issued under RCW 35.58.2731 as of the effective date of this 1975 amendatory act and no part of this appropriation shall be expended for maintenance and operations of any mass transit system.

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 July 20, 1975.

Passed the House August 9, 1975.

Approved by the Governor August 10, 1975.

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

CHAPTER 3

[Senate Bill No. 2978]

ELECTIONS—UNEXPIRED TERMS

AN ACT Relating to elections; amending section 29.13.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.13.010; and declaring an emergency.

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

Section 1. Section 29.13.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.13.010 are each amended to read as follows:

All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, district, and precinct officers, and for the submission to the voters of the state of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A state-wide general election shall be held on the first Tuesday after the first Monday of November of each year: PROVIDED, That the state-wide general election held in odd-numbered years shall be limited to (1) city, town, and district general elections as provided for in RCW 29.13.020, or as otherwise provided by law; (2) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the congress of the United States; (3) the election of state and county officers for the remainder of any unexpired terms ~~((as provided for))~~ of offices created by whose duties are described in Article II, section 15, Article III, sections ~~((16, 17, 19, 20, 21, 22 and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (4) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (5) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate: PROVIDED FURTHER, That this section shall not be construed as fixing the time for holding primary elections, or elections for the recall of county, city, town, or district officers: PROVIDED HOWEVER, That the board of county commissioners may, if they deem an emergency to exist, call a special county election at any time by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. Such county special election shall be noticed and conducted in the manner provided by law.~~

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 August 9, 1975.

Passed the House August 9, 1975.

Approved by the Governor August 11, 1975.

Filed in Office of Secretary of State August 11, 1975.

CHAPTER 4

[Senate Bill No. 2980]

ELECTIONS—COSTS— CANDIDATES' PAMPHLETS

AN ACT Relating to elections; amending section 2, chapter 4, Laws of 1973 and RCW 29.13.047; amending section 29.80.010, chapter 9, Laws of 1965 as amended by section 8, chapter 4, Laws of 1973; and declaring an emergency.

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

Section 1. Section 2, chapter 4, Laws of 1973 and RCW 29.13.047 are each amended to read as follows:

Whenever state officers or measures are voted upon at a state primary or general election held in ((November of)) an odd-numbered year as provided for in RCW 29.13.010, the state of Washington shall assume its prorated share of such election costs. The county auditor shall apportion the state's share of such expenses when prorating election costs as provided under RCW 29.04.020 and 29.13.045 and shall file such expense claims with the state auditor. The state auditor shall compile such claims for presentation to the next succeeding legislature in the same manner as other legislative relief claims.

Sec. 2. Section 29.80.010, chapter 9, Laws of 1965 as amended by section 8, chapter 4, Laws of 1973 are each amended to read as follows:

As soon as possible prior to each state general election at which federal or state officials are to be elected, the secretary of state shall publish and mail to each individual place of residence of the state a candidates' pamphlet containing photographs and campaign statements of eligible nominees who desire to participate therein: PROVIDED, That in odd-numbered years no candidates' pamphlet shall be published, unless an election is to be held to fill a vacancy in one or more of the following statewide elective offices: United State senator, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, superintendent of public instruction, commissioner of public lands, insurance commissioner and justice of the supreme court.

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 September 6, 1975.

Passed the House September 6, 1975.

Approved by the Governor September 9, 1975.

Filed in Office of Secretary of State September 9, 1975.

CHAPTER 5

[House Bill No. 1230]

PUBLIC EMPLOYMENT LABOR
RELATIONS COMMISSION

AN ACT Relating to public employment labor relations; adding new sections to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW; repealing section 28A.72.020, chapter 223, Laws of 1969 ex. sess., section 8, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.020; repealing section 28A.72.060, chapter 223, Laws of 1969 ex. sess., section 3, chapter 52, Laws of 1969 ex. sess., section 9, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.060; repealing section 28A.72.080, chapter 223, Laws of 1969 ex. sess., section 10, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.080; and repealing section 1, chapter 115, Laws of 1973 1st ex. sess., section 11, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.100; prescribing effective dates; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW a new section to read as follows:

(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 if that person's appointment shall have been rejected by the senate during the next legislative session. 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. Commission members shall not be eligible for state retirement under chapter 41.40 RCW by virtue of their service on the commission.

(2) 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.

(3) 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.

(4) 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.

NEW SECTION. Sec. 2. There is added to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW a new section to read as follows:

(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 issuance 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) The payment of 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 subject to the presentation of itemized vouchers therefor approved by the commission or by any individual it designates for that purpose and to the applicable provisions of chapter 43.03 RCW and the regulations promulgated thereunder.

NEW SECTION. Sec. 3. There is added to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW a new section to read as follows:

All employees of the department of labor and industries classified under the provisions of chapter 41.06 RCW, the state civil service law, whose positions are entirely concerned with functions transferred to the commission by chapter 296, Laws of 1975 1st ex. sess. shall be transferred to the jurisdiction of the commission.

NEW SECTION. Sec. 4. There is added to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW a new section to read as follows:

All reports, documents, surveys, books, records, files, papers, or other writings in the possession of the marine employee commission, the office of the superintendent of public instruction, the state board for community college education, and the department of labor and industries and pertaining to the functions transferred to the commission by chapter 296, Laws of 1975 1st ex. sess. shall by January 1, 1976, be delivered to the custody of the commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the functions transferred by chapter 296, Laws of 1975 1st ex. sess. shall by January 1, 1976, be transferred to the commission.

Any appropriation or portion thereof remaining as of January 1, 1976, and which is made to an agency for the purpose of carrying out functions transferred from such agency pursuant to chapter 296, Laws of 1975 1st ex. sess., shall, by January 1, 1976, be transferred and credited to the commission for the purpose of

carrying out such functions. This paragraph shall not affect the transfer of moneys prior to January 1, 1976, pursuant to section 67, chapter 169, Laws of 1975 1st ex. sess.

Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the performance of the functions transferred under chapter 296, Laws of 1975 1st ex. sess., the director of program planning and fiscal management or his successor shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 5. There is added to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW a new section to read as follows:

Where transfers of budgeted funds or equipment are required under this act, the director of program planning and fiscal management shall certify such transfers to the agencies affected, the state auditor and the state treasurer all of whom shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with such certification.

NEW SECTION. Sec. 6. There is added to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW a new section to read as follows:

On January 1, 1976, all rules and regulations, and all business pending before the agencies or divisions thereof from whom functions are transferred pursuant to chapter 296, Laws of 1975 1st ex. sess. and which pertain to such functions shall be continued and acted upon by the commission. All existing contracts and obligations pertaining to such functions shall remain in full force and effect, but shall be performed by the commission in lieu of the agency from whom the functions are transferred. The transfer of any functions shall not affect the validity of any act performed by such agency or division thereof or any officer or employee thereof prior to the effective date of the transferral of such functions.

Notwithstanding any other provisions of this act, contracts or agreements are authorized between the commission and other agencies with respect to functions transferred from other agencies pursuant to chapter 296, Laws of 1975 1st ex. sess. Such contract or agreement may provide for an employee or employees of such other agencies or other person or persons to continue to provide services relating to pending business which is transferred to the commission as of January 1, 1976, until such pending business is completed.

NEW SECTION. Sec. 7. The following acts or parts of acts are each hereby repealed:

(1) Section 28A.72.020, chapter 223, Laws of 1969 ex. sess., section 8, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.020;

(2) Section 28A.72.060, chapter 223, Laws of 1969 ex. sess., section 3, chapter 52, Laws of 1969 ex. sess., section 9, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.060;

(3) Section 28A.72.080, chapter 223, Laws of 1969 ex. sess., section 10, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.080; and

(4) Section 1, chapter 115, Laws of 1973 1st ex. sess., section 11, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.100.

NEW SECTION. Sec. 8. There is added to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW a new section to read as follows:

Sections 4, 6, and 8 through 39 of chapter 296, Laws of 1975 1st ex. sess. shall not be effective until January 1, 1976.

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 on September 8, 1975, except for the provisions of sections 6 and 7 which shall be effective on January 1, 1976.

Passed the House September 6, 1975.

Passed the Senate September 6, 1975.

Approved by the Governor September 9, 1975.

Filed in Office of Secretary of State September 9, 1975.

CHAPTER 6

[House Bill No. 1240]

APPROPRIATION—SOUTH KING
COUNTY ACTIVITIES CENTER

AN ACT Relating to appropriations; amending section 5, chapter 276, Laws of 1975 1st ex. sess. (uncodified); and declaring an emergency.

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

Section 1. Section 5, chapter 276, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

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		
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)) <u>South King County Activi-</u> <u>ties Center educational facility for the devel-</u> <u>opmentally disabled: PROVIDED, That the</u> <u>appropriation contained in this subsection is</u> <u>contingent upon acquisition of the former</u> <u>Nike-Ajax site from the Kent School District</u> <u>and department of health, education and</u> <u>welfare: PROVIDED FURTHER, That the</u> <u>facility authorized by this appropriation need</u> <u>not be included in the plans required by sec-</u> <u>tion 2, chapter 276, Laws of 1975 1st ex. sess.</u> <u>(uncodified)</u>		
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 stand- ards, 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	
		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. 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 September 6, 1975.

Passed the Senate September 6, 1975.

Approved by the Governor September 9, 1975.

Filed in Office of Secretary of State September 9, 1975.

CHAPTER 7

[House Bill No. 1242]

SCHOOL EXCESS LEVY REDUCTIONS

AN ACT Relating to appropriations; amending section 1, chapter 2, Laws of 1975 2nd ex. sess. (uncodified); and declaring an emergency.

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

Section 1. Section 1, chapter 2, Laws of 1975 2nd ex. sess. (uncodified) is amended to read as follows:

There is hereby appropriated from the state general fund including amounts from motor vehicle excise taxes imposed pursuant to RCW 35.58.273 through 35.58.279 except those amounts which are obligated for bonds and the covenants thereof issued as of the effective date of this 1975 amendatory act 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, or as much as may be available thereof, 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: PROVIDED, That school districts which submitted multiple special levy propositions at any one election for maintenance and operations collectible in 1976 and which received voter approval to levy at least one of such propositions, and at no other election received voter approval for levy propositions for maintenance and operations collectible in 1976, need certify to their respective county legislative authority a reduction in such excess levy only in an amount thereof equal to the percentage that the levy proposition receiving voter approval bears to the total of such multiple special levy propositions presented to the people at such election. 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. Notwithstanding any other provision of this section, any district receiving authorization for collection of an excess levy in 1976 for maintenance and operations shall not receive an allocation during the last half of fiscal year 1976 in an amount together with the reduced levy collection over the amount which would have been derived from the originally approved levy for such period. Any excess amount of the allocation due any such district as

calculated pursuant to this section shall be distributed as the superintendent of public instruction shall direct during the first six months of fiscal year 1977.

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.

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 September 6, 1975.

Passed the Senate September 6, 1975.

Approved by the Governor September 9, 1975.

Filed in Office of Secretary of State September 9, 1975.

CHAPTER 8

[House Bill No. 1243]

APPROPRIATION—STATE'S LIABILITY, VALENTINE V. JOHNSTON JUDGMENT

AN ACT Relating to appropriations; 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 department of revenue from the general fund the sum of nine hundred and fifty thousand dollars: **PROVIDED**, That this appropriation or so much thereof as may be necessary, shall be for the purpose of satisfying the state's liability in accordance with the judgment of the Pierce county superior court entered August 8, 1975, in the case of Valentine v. Johnston (Cause No. 197735).

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 September 6, 1975.

Passed the Senate September 6, 1975.

Approved by the Governor September 9, 1975.

Filed in Office of Secretary of State September 9, 1975.

CHAPTER 9

[Initiative Measure No. 316]

DEATH PENALTY—AGGRAVATED MURDER

AN ACT Relating to crimes and punishments; adding new sections to chapter 9A.32 RCW; defining crimes; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 9A.32 RCW a new section to read as follows:

AGGRAVATED MURDER IN THE FIRST DEGREE. A person is guilty of aggravated murder in the first degree when he commits murder in the first degree as defined in RCW 9A.32.030 under or accompanied by any of the following circumstances:

(1) The victim was a law enforcement officer or fire fighter and was performing his or her official duties at the time of the killing.

(2) At the time of the act resulting in the death, the defendant was serving a term of imprisonment in a state correctional institution.

(3) The defendant committed the murder pursuant to an agreement that he receive money or other thing of value for committing the murder.

(4) The defendant had solicited another to commit the murder and had paid or agreed to pay such person money or other thing of value for committing the murder.

(5) The defendant committed the murder with intent to conceal the commission of a crime, or to protect or conceal the identity of any person committing the same, or with intent to delay, hinder or obstruct the administration of justice by preventing any person from being a witness or producing evidence in any investigation or proceeding authorized by law or by influencing any person's official action as a juror.

(6) There was more than one victim and the said murders were part of a common scheme or plan, or the result of a single act of the defendant.

(7) The defendant committed the murder in the course of or in furtherance of the crime of rape or kidnapping or in immediate flight therefrom.

NEW SECTION. Sec. 2. There is added to chapter 9A.32 RCW a new section to read as follows:

AGGRAVATED MURDER IN THE FIRST DEGREE—PENALTY. A person found guilty of aggravated murder in the first degree as defined in section 1 of this act, shall be punished by the mandatory sentence of death. Once a person is found guilty of aggravated murder in the first degree, as defined in section 1 of this act, neither the court nor the jury shall have the discretion to suspend or defer the imposition or execution of the sentence of death. Such sentence shall be automatic upon any conviction of aggravated first degree murder. The death sentence shall take place at the state penitentiary under the direction of and pursuant to arrangements made by the superintendent thereof: **PROVIDED,** That the time of such execution shall be set by the trial judge at the time of imposing sentence and as a part thereof.

NEW SECTION. Sec. 3. There is added to chapter 9A.32 RCW a new section to read as follows:

AGGRAVATED MURDER IN THE FIRST DEGREE—LIFE IMPRISONMENT. In the event that the governor commutes a death sentence or in the event that the death penalty is held to be unconstitutional by the United States supreme court or the supreme court of the state of Washington in any of the circumstances specified in section 1 of this act, the penalty for aggravated murder in the first degree in those circumstances shall be imprisonment in the state penitentiary for life. A person sentenced to life imprisonment under this section shall not

have that sentence suspended, deferred, or commuted by any judicial officer, and the board of prison terms and paroles shall never parole a prisoner or reduce the period of confinement nor release the convicted person as a result of any automatic good time calculation nor shall the department of social and health services permit the convicted person to participate in any work release or furlough program.

NEW SECTION. Sec. 4. There is added to chapter 9A.32 RCW a new section to read as follows:

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. The section captions as used in this act are for organizational purposes only and shall not be construed as part of the law.

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

Passed by the vote of the people at the November 4, 1975 state general election.

Proclamation signed by the Governor, December 4, 1975.

CHAPTER 10

[House Bill No. 1166]

PROPERTY TAX COLLECTION—DATES

AN ACT Relating to revenue and taxation; amending section 84.56.010, chapter 15, Laws of 1961 as amended by section 2, chapter 7, Laws of 1965 ex. sess. and RCW 84.56.010; amending section 84.56.070, chapter 15, Laws of 1961 and RCW 84.56.070; providing an expiration date; and declaring an emergency.

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

Section 1. Section 84.56.010, chapter 15, Laws of 1961 as amended by section 2, chapter 7, Laws of 1965 ex. sess. and RCW 84.56.010 are each amended to read as follows:

On or before the first Monday in January next succeeding the date of levy of taxes the county auditor shall issue to the county treasurer his warrant authorizing the collection of taxes listed on the tax rolls of his county as certified by the county assessor for such assessment year, and said rolls shall be preserved as a public record in the office of the county treasurer. The amount of said taxes levied and extended upon said rolls shall be charged to the treasurer in an account to be designated as treasurer's "Tax roll account" for and said rolls with the warrants for collection shall be full and sufficient authority for the county treasurer to receive and collect all taxes therein levied: PROVIDED, That the county treasurer shall in no case collect such taxes or issue receipts for the same or enter payment or satisfaction of such taxes upon said assessment rolls before the (~~ffteenth~~) first day of (~~February~~) March following.

Sec. 2. Section 84.56.070, chapter 15, Laws of 1961 and RCW 84.56.070 are each amended to read as follows:

On the (~~ffteenth~~) first day of (~~February~~) March succeeding the levy of taxes, the county treasurer shall proceed to collect all personal property taxes. He

shall give notice by mail to all persons charged with personal property taxes, and if such taxes are not paid before they become delinquent, he shall forthwith proceed to collect the same. In the event that he is unable to collect the same when due, he shall prepare papers in distraint, which shall contain a description of the personal property, the amount of taxes, the amount of the accrued interest at the rate provided by law from the date of delinquency, and the name of the owner or reputed owner, and he shall without demand or notice distraint sufficient goods and chattels belonging to the person charged with such taxes to pay the same, with interest at the rate provided by law from the date of delinquency, together with all accruing costs, and shall proceed to advertise the same by posting written notices in three public places in the county in which such property has been distrained, one of which places shall be at the county court house, such notice to state the time when and place where such property will be sold. The county treasurer, or his deputy, shall tax the same fees for making the distraint and sale of goods and chattels for the payment of taxes as are allowed by law to sheriffs for making levy and sale of property on execution; traveling fees to be computed from the county seat of the county to the place of making distraint. If the taxes for which such property is distrained, and the interest and costs accruing thereon, are not paid before the date appointed for such sale, which shall be not less than ten days after the taking of such property, such treasurer shall proceed to sell such property at public auction, or so much thereof as shall be sufficient to pay such taxes, with interest and costs, and if there be any overplus of money arising from the sale of any personal property, the treasurer shall pay such overplus to the owner of the property so sold or to his legal representative: PROVIDED, That whenever it shall become necessary to distraint any standing timber owned separately from the ownership of the land upon which the same may stand, or any fish trap, pound net, reef net, set net or drag seine fishing location, or any other personal property as the treasurer shall determine to be incapable or reasonably impracticable of manual delivery, it shall be deemed to have been distrained and taken into possession when the said treasurer shall have, at least thirty days before the date fixed for the sale thereof, filed with the auditor of the county wherein such property is located a notice in writing reciting that he has distrained such property, describing it, giving the name of the owner or reputed owner, the amount of the tax due, with interest, and the time and place of sale; a copy of said notice shall also be sent to the owner or reputed owner at his last known address, by registered letter at least thirty days prior to the date of sale: AND PROVIDED FURTHER, That if the county treasurer has reasonable grounds to believe that any personal property upon which taxes have been levied, but not paid, is about to be removed from the county where the same has been assessed, or is about to be destroyed, sold or disposed of, the county treasurer may demand such taxes, without the notice provided for in this section, and if necessary may forthwith distraint sufficient goods and chattels to pay the same.

NEW SECTION. Sec. 3. This 1976 amendatory act shall be effective with respect to 1976 collections of all real and personal property taxes, and shall expire on December 31, 1976.

NEW SECTION. Sec. 4. This 1976 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 13, 1976.
Passed the Senate February 13, 1976.
Approved by the Governor February 16, 1976.
Filed in Office of Secretary of State February 16, 1976.

CHAPTER 11

[Substitute House Bill No. 1299]

HISTORIC PROPERTIES—

BUILDING CODE CONFORMANCE

AN ACT Relating to historic properties; and adding a new section to chapter 19.27 RCW.

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

NEW SECTION. Section 1. There is added to chapter 19.27 RCW a new section to read as follows:

Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a building or structure may be made without conformance to all of the requirements of the codes adopted under RCW 19.27-.030, when authorized by the appropriate building official, provided:

- (1) The building or structure has been designated by official action of a legislative body as having special historical or architectural significance; and
- (2) The restored building or structure will be less hazardous, based on life and fire risk, than the existing building.

Passed the House February 5, 1976.
Passed the Senate February 6, 1976.
Approved by the Governor February 17, 1976.
Filed in Office of Secretary of State February 17, 1976.

CHAPTER 12

[Substitute Senate Bill No. 3233]

UNIVERSITY OF WASHINGTON—LIABILITY

INSURANCE—REVOLVING FUND

AN ACT Relating to insurance or protection programs for university regents, employees, agents, and students, and their dependents; adding new sections to chapter 28B.20 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 28B.20 RCW a new section to read as follows:

The board of regents of the University of Washington, subject to such conditions and limitations and to the extent it may prescribe, is authorized to provide by purchase of insurance, by self-insurance, or by any combination of arrangements, indemnification of regents, officers, employees, agents, and students from liability on any action, claim, or proceeding instituted against them arising out of

the performance or failure of performance, of duties for or employment with the university, or of responsibilities imposed by approved programs of the university, and to hold such persons harmless from any expenses connected with the defense, settlement, or payment of monetary judgments from such action, claim, or proceeding.

NEW SECTION. Sec. 2. There is added to chapter 28B.20 RCW a new section to read as follows:

(1) A self-insurance revolving fund in the custody of the treasurer is hereby created to be used solely and exclusively by the board of regents of the University of Washington for the following purposes:

(a) The payment of judgments against the university, its schools, colleges, departments, and hospitals and against its regents, officers, employees, agents, and students for whom the defense of an action, claim, or proceeding has been provided pursuant to section 1 of this act.

(b) The payment of claims against the university, its schools, colleges, departments, and hospitals and against its regents, officers, employees, agents, and students for whom the defense of an action, claim, or proceeding has been provided pursuant to section 1 of this act: **PROVIDED**, That payment of claims in excess of twenty-five hundred dollars must be approved by the state attorney general.

(c) For the cost of investigation, administration, and defense of actions, claims, or proceedings, and other purposes essential to its liability program.

(2) Said self-insurance revolving fund shall consist of periodic payments by the University of Washington from any source available to it in such amounts as are deemed reasonably necessary to maintain the fund at levels adequate to provide for the anticipated cost of payments of incurred claims and other costs to be charged against the fund.

(3) No money shall be paid from the self-insurance revolving fund unless first approved by the board of regents, and unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted.

NEW SECTION. Sec. 3. There is added to chapter 28B.20 RCW a new section to read as follows:

This act constitutes the exclusive authority for the board of regents of the University of Washington to provide liability coverage for its regents, officers, employees, agents, and students, and further provides the means for defending and payment of all such actions, claims, or proceedings. This act shall govern notwithstanding the provisions of chapter 4.92 RCW and RCW 28B.10.842 and 28B.10.844.

***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 January 30, 1976.

Passed the House February 10, 1976.

Approved by the Governor February 17, 1976, with the exception of section 4 which is vetoed.

Filed in Office of Secretary of State February 17, 1976.

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. 3233 entitled:

"AN ACT Relating to insurance or protection programs for university regents, employees, agents, and students, and their dependents."

This bill authorizes the University of Washington to arrange for a program of self insurance in the area of liability claims.

Section 4 of the bill declares an emergency and provides for the act to take effect immediately. I have on several occasions in past sessions vetoed emergency clauses from bills that did not measure up to the standard and urgency contained in Article II, section 1(b) of our Constitution. I am increasingly apprehensive that repeated use on unwarranted occasions will render emergency clauses wholly without meaning in the eyes of both the people and the courts.

I am advised that the University of Washington is hopeful that the bill will go into effect prior to July 1, 1976, so that a program of self-insurance can be prepared for the new fiscal year. I am reasonably confident that the Legislature will adjourn sine die sometime before April 1, so that the bill would go into effect by July 1, 1976 in any event.

With the exception of section 4 which I have vetoed, the remainder of Substitute Senate Bill No. 3233 is approved."

CHAPTER 13

[Senate Bill No. 3033]

HOSPITALS—LIABILITY SELF-INSURANCE

AN ACT Relating to hospitals; and amending section .01.05, chapter 79, Laws of 1947 and RCW 48.01.050.

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

Section 1. Section .01.05, chapter 79, Laws of 1947 and RCW 48.01.050 are each amended to read as follows:

"Insurer" as used in this code includes every person engaged in the business of making contracts of insurance, other than a fraternal benefit society. A reciprocal or interinsurance exchange is an "insurer" as used in this code. Two or more hospitals, as defined in RCW 70.39.020(3), which join and organize as a mutual corporation pursuant to chapter 24.06 RCW for the purpose of insuring or self-insuring against liability claims, including medical liability, through a contributing trust fund shall not be deemed an "insurer" under this code.

Passed the Senate January 30, 1976.

Passed the House February 10, 1976.

Approved by the Governor February 17, 1976.

Filed in Office of Secretary of State February 17, 1976.

CHAPTER 14

[Engrossed Senate Bill No. 3061]
PUBLIC EMPLOYEES COLLECTIVE
BARGAINING—NEGOTIATION,
MEDIATION, TIME PERIODS

AN ACT Relating to public employees' collective bargaining; amending section 3, chapter 131, Laws of 1973 and RCW 41.56.440; and amending section 4, chapter 131, Laws of 1973 as amended by section 29, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.450.

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

Section 1. 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: PROVIDED, That this forty-five day time period may be modified by mutual written agreement of the representatives of the public employer and uniformed personnel. 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 commission shall name a third member who shall be chairman of the fact-finding panel and who may be an employee of the 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 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. 2. Section 4, chapter 131, Laws of 1973 as amended by section 29, chapter 296, Laws of 1975 1st ex. sess. 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 commission, which shall then name one from each list as members to the panel, all within two days: PROVIDED, That this forty-five day time period may be modified by mutual written agreement of the representatives of the public employer and unionized personnel. 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 commission, and the 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 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.

Passed the Senate February 6, 1976.

Passed the House February 12, 1976.

Approved by the Governor February 18, 1976.

Filed in Office of Secretary of State February 18, 1976.

CHAPTER 15

[House Bill No. 1356]

EDUCATION—CODE CORRECTIONS

AN ACT Relating to education; reenacting section 28A.57.032, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 43, Laws of 1975 and by section 80, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.032; reenacting section 28A.57.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 43, Laws of 1975 and by section 83, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.050; reenacting section 28A.57.140, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 43, Laws of 1975 and by section 89, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.140; reenacting section 28A.57.200, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 23, Laws of 1975 1st ex. sess. and by section 94, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.200; reenacting section 28A.57.328, chapter 223, Laws of 1969 ex. sess. as last amended by section 7, chapter 43, Laws of 1975 and by section 101, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.328; reenacting section 4, chapter 67, Laws of 1971 as amended by section 10, chapter 43, Laws of 1975 and by section 103, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.356; reenacting section 5, chapter 67, Laws of 1971 as last amended by section 11, chapter 43, Laws of 1975 and by section 104, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.357; reenacting section 6, chapter 67, Laws of 1971 as last amended by section 12, chapter 43, Laws of 1975 and by section 105, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.358; reenacting section 28A.57.415, chapter 223, Laws of 1969 ex. sess. as last amended by section 13, chapter 43, Laws of 1975 and by section 107, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.415; reenacting section 28A.58.137, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 137, Laws of 1975 1st ex. sess. and by section 2, chapter 254, Laws of 1975 1st ex. sess. and RCW 28A.58.137; reenacting section 28A.60.070, chapter 223, Laws of 1969 ex. sess. as last amended by section 15, chapter 43, Laws of 1975 and by section 119, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.60.070; reenacting section 28A.60.210, chapter 223, Laws of 1969 ex. sess. as last amended by section 18, chapter 43, Laws of 1975 and by section 121, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.60.210; reenacting section 28A.65.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 22, chapter 43, Laws of 1975 and by section 122, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.080; reenacting section 28A.65.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 24, chapter 43, Laws of 1975 and by section 123, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.100; reenacting section 28A.65.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 25, chapter 43, Laws of 1975 and by section 125, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.120; reenacting section 28A.65.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 26, chapter 43, Laws of 1975 and by section 126, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.150; reenacting section 28A.70.110, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 192, Laws of 1975 1st ex. sess. and by section 134, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.110; reenacting section 28A.71.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 192, Laws of 1975 1st ex. sess. and by section 139, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.71.100; repealing section 28A.03.050, chapter 223, Laws of 1969 ex. sess., section 103, chapter 176, Laws of 1969 ex. sess., section 1, chapter 60, Laws of 1975 1st ex. sess.,

section 48, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.03.050; repealing section 28A.48.050, chapter 223, Laws of 1969 ex. sess., section 110, chapter 176, Laws of 1969 ex. sess., section 3, chapter 66, Laws of 1975 1st ex. sess., section 69, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.48.050; repealing section 28A.48.090, chapter 223, Laws of 1969 ex. sess., section 113, chapter 176, Laws of 1969 ex. sess., section 36, chapter 43, Laws of 1975, section 72, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.48.090; 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., section 36, chapter 43, Laws of 1975, section 120, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.60.186; and declaring an emergency.

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

Section 1. Section 28A.57.032, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 43, Laws of 1975 and by section 80, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.032 are each reenacted to read as follows:

The members of the county committee shall be elected by the educational service district superintendent and the members of the board of directors of the school districts of the county at a meeting which the 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 or second 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 educational service district superintendent has jurisdiction within a county all such superintendents shall participate in electing the committee, and the 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. 2. Section 28A.57.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 43, Laws of 1975 and by section 83, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.050 are each reenacted 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 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 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. 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 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. 3. Section 28A.57.140, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 43, Laws of 1975 and by section 89, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.140 are each reenacted to read as follows:

Any school district in the state having a student enrollment within the public schools of such district of two thousand pupils or more, as shown by any regular census as required under RCW 28A.58.150(4), as now or hereafter amended, or by any other evidence acceptable to the educational service district superintendent and the superintendent of public instruction, shall be a school district of the first class. Any other school district shall be a school district of the second class.

Whenever the educational service 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. 4. Section 28A.57.200, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 23, Laws of 1975 1st ex. sess. and by section 94, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.200 are each reenacted to read as follows:

In case any school district shall have an average enrollment of fewer than two pupils or shall not have made a reasonable effort to maintain, during the preceding school year at least the minimum term of school required by law, the 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: 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 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. 5. Section 28A.57.328, chapter 223, Laws of 1969 ex. sess. as last amended by section 7, chapter 43, Laws of 1975 and by section 101, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.328 are each reenacted to read as follows:

Upon the establishment of a new school district of the second class, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in any such new second class school district, they shall become directors of said district, and the educational service district board shall appoint the number of additional directors required to constitute a board of five directors for the new second class district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is 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, 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. 6. Section 4, chapter 67, Laws of 1971 as amended by section 10, chapter 43, Laws of 1975 and by section 103, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.356 are each reenacted 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 shall meet at the call of the 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. 7. Section 5, chapter 67, Laws of 1971 as last amended by section 11, chapter 43, Laws of 1975 and by section 104, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.357 are each reenacted 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 shall meet at the call of the 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. 8. Section 6, chapter 67, Laws of 1971 as last amended by section 12, chapter 43, Laws of 1975 and by section 105, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.358 are each reenacted 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 shall meet at the call of the 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. 9. Section 28A.57.415, chapter 223, Laws of 1969 ex. sess. as last amended by section 13, chapter 43, Laws of 1975 and by section 107, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.415 are each reenacted to read as follows:

Upon receipt of a written petition by an educational service district superintendent signed by at least twenty percent of the registered voters of a 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. 10. Section 28A.58.137, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 137, Laws of 1975 1st ex. sess. and by section 2, chapter 254, Laws of 1975 1st ex. sess. and RCW 28A.58.137 are each reenacted to read as follows:

In all districts the board of directors shall elect a superintendent who shall 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. 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.

Sec. 11. Section 28A.60.070, chapter 223, Laws of 1969 ex. sess. as last amended by section 15, chapter 43, Laws of 1975 and by section 119, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.60.070 are each reenacted to read as follows:

Every school district superintendent in districts of the second class shall within ten days after any change in the office of chairman or superintendent, notify the educational service district superintendent of such change.

Sec. 12. Section 28A.60.210, chapter 223, Laws of 1969 ex. sess. as last amended by section 18, chapter 43, Laws of 1975 and by section 121, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.60.210 are each reenacted to read as follows:

Plans of any second 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 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. 13. Section 28A.65.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 22, chapter 43, Laws of 1975 and by section 122, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.080 are each reenacted 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 class districts five copies of said preliminary budget shall be forwarded to the 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 educational service district superintendent, a member of the local

board of directors, a member of the educational service district board, 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 class districts be filed with the 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. 14. Section 28A.65.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 24, chapter 43, Laws of 1975 and by section 123, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.100 are each reenacted 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 class districts the board of directors shall immediately forward the budget to the educational service district superintendent for review and revision by the final budget review committee.

Sec. 15. Section 28A.65.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 25, chapter 43, Laws of 1975 and by section 125, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.120 are each reenacted 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 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 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. 16. Section 28A.65.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 26, chapter 43, Laws of 1975 and by section 126, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.150 are each reenacted to read as follows:

If an emergency arises in a second 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 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. 17. Section 28A.70.110, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 192, Laws of 1975 1st ex. sess. and by section 134, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.110 are each reenacted to read as follows:

The fee for any 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 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 educational service district superintendent is located, to be by him placed to the credit of said school district or educational service district: PROVIDED, That if any school district collecting fees for the certification of professional staff does not hold a professional training institute separate from the educational service district then all such moneys shall be placed to the credit of the educational service district.

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. 18. Section 28A.71.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 192, Laws of 1975 1st ex. sess. and by section 139, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.71.100 are each reenacted to read as follows:

The educational service 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 educational service 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 educational service district general expense fund when approved by the educational service district board.

Educational service district boards of contiguous 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 educational service 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 educational service district superintendents.

NEW SECTION. Sec. 19. The following acts or parts of acts are each hereby repealed:

(1) Section 28A.03.050, chapter 223, Laws of 1969 ex. sess., section 103, chapter 176, Laws of 1969 ex. sess., section 1, chapter 60, Laws of 1975 1st ex. sess., section 48, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.03.050;

(2) Section 28A.48.050, chapter 223, Laws of 1969 ex. sess., section 110, chapter 176, Laws of 1969 ex. sess., section 3, chapter 66, Laws of 1975 1st ex. sess., section 69, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.48.050;

(3) Section 28A.48.090, chapter 223, Laws of 1969 ex. sess., section 113, chapter 176, Laws of 1969 ex. sess., section 36, chapter 43, Laws of 1975, section 72, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.48.090; 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., section 36, chapter 43, Laws of 1975, section 120, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.60.186.

NEW SECTION. Sec. 20. 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.

EXPLANATORY NOTE

Section 1. RCW 28A.57.032 was amended twice during the 1975 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1975 c 43 § 3 changed the reference in the first paragraph from "first, second, or third class" to "first or second class" in a comprehensive act which reclassified school districts.

(2) 1975 1st ex.s. c 275 § 80 was part of a comprehensive act changing "intermediate school districts" to "educational service districts".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Sec. 2. RCW 28A.57.050 was amended twice during the 1975 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1975 c 43 § 4 deleted the second proviso in subsection (4) relating to prohibiting the division of third class school districts into school directors' districts.

(2) 1975 c 275 § 83 was part of a comprehensive act changing "intermediate school districts" to "educational service districts".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Sec. 3. RCW 28A.57.140 was amended twice during the 1975 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1975 c 43 § 1 revised the first paragraph by changing "population in excess of ten thousand" to read "student enrollment within the public schools of such district of two thousand pupils or more". The reference to "regular or special census" was changed to "regular census as required under RCW 28A.58.150(4), as now or hereafter amended"; and "the superintendent of public instruction" was included in regard to evidence acceptable to the district superintendent. Language was deleted which related to districts other than second class. In the second paragraph the phrase "and upon the approval of the superintendent of public instruction" was added in referring to changes in classification of a school district.

(2) 1975 1st ex.s. c 275 § 89 changed "intermediate school district" to "educational service district".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Sec. 4. RCW 28A.57.200 was amended twice during the 1975 first extraordinary session of the legislature, each without reference to the other.

(1) 1975 1st ex.s. c 23 § 1 changed the word "maintained" to "made a reasonable effort to maintain" relating to minimum terms of school during the preceding year. The act also added three provisos defining "reasonable effort", and providing procedures in case of strike or other interruptions in the normal school calendar.

(2) 1975 1st ex.s. c 275 § 94 changed "intermediate school district" to "educational service district".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Sec. 5. RCW 28A.57.328 was amended twice during the 1975 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1975 c 43 § 7, as part of a comprehensive act reclassifying school districts, deleted all references to third class school districts.

(2) 1975 1st ex.s. c 275 § 101 changed "intermediate school districts" to "educational service districts".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Sec. 6. RCW 28A.57.356 was amended twice during the 1975 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1975 c 43 § 10 deleted all references to third class school districts as part of a comprehensive act reclassifying school districts.

(2) 1975 1st ex.s. c 275 § 103 changed "intermediate school districts" to "educational service districts".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Sec. 7. RCW 28A.57.357 was amended twice during the 1975 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1975 c 43 § 11 deleted all references to third class districts as part of a comprehensive act reclassifying school districts.

(2) 1975 1st ex.s. c 275 § 104 changed "intermediate school district" to "educational service district".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Sec. 8. RCW 28A.57.358 was amended twice during the 1975 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1975 c 43 § 12 deleted all references to third class districts as part of a comprehensive act reclassifying school districts.

(2) 1975 1st ex.s. c 275 § 105 changed "intermediate school district" to "educational service district".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Sec. 9. RCW 28A.57.415 was amended twice during the 1975 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1975 c 43 § 13 deleted the words "first or second class" as part of a comprehensive act reclassifying school districts.

(2) 1975 1st ex.s. c 275 § 107 changed "intermediate school district" to "educational service district".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Sec. 10. RCW 28A.58.137 was amended twice during the 1975 first extraordinary session of the legislature, each without reference to the other.

(1) 1975 1st ex.s. c 137 § 1 added two new sentences at the end of the section regarding school superintendents' contract renewal.

(2) 1975 1st ex.s. c 254 § 2 changed part of the language of the first sentence from "superintendent who shall hold a valid teacher's certificate and such other credentials as required by the state board of education" to read "superintendent who shall have such qualifications as the local school board alone shall determine".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Sec. 11. RCW 28A.60.070 was amended twice during the 1975 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1975 c 43 § 15 deleted the reference to third class districts in a comprehensive act reclassifying school districts.

(2) 1975 1st ex.s. c 275 § 119 changed "intermediate school district" to "educational service district".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Sec. 12. RCW 28A.60.210 was amended twice during the 1975 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1975 c 43 § 18 deleted "or third" in the first sentence as part of a comprehensive act reclassifying school districts.

(2) 1975 1st ex.s. c 275 § 121 changed "intermediate school district" to "educational service district".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Sec. 13. RCW 28A.65.080 was amended twice during the 1975 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1975 c 43 § 22 was part of a comprehensive act reclassifying school districts and deleted the references to third class districts. It also changed the phrase "county or intermediate school district superintendent of schools" to "intermediate school district superintendent"; and the phrase "county or intermediate school district board of education" was reworded to read "intermediate school district board".

(2) 1975 1st ex.s. c 275 § 122 was part of a comprehensive act changing "intermediate school district" to "educational service district". The same phrases: "county or", "of schools", and "of education" were deleted as indicated in subsection (1) above.

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Sec. 14. RCW 28A.65.100 was amended twice during the 1975 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1975 c 43 § 24 deleted the reference to third class districts as part of a comprehensive act reclassifying school districts.

(2) 1975 1st ex.s. c 275 § 123 changed "intermediate school district" to "educational service district".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Sec. 15. RCW 28A.65.120 was amended twice during the 1975 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1975 c 43 § 25 deleted the reference to third class districts as part of a comprehensive act reclassifying school districts.

(2) 1975 1st ex.s. c 275 § 125 changed "intermediate school district" to "educational service district".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Sec. 16. RCW 28A.65.150 was amended twice during the 1975 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1975 c 43 § 26 deleted "or third" relating to classes of school districts as part of a comprehensive act reclassifying school districts.

(2) 1975 1st ex.s. c 275 § 126 changed "intermediate school district" to "educational service district".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Sec. 17. RCW 28A.70.110 was amended twice during the 1975 first extraordinary session of the legislature, each without reference to the other.

(1) 1975 1st ex.s. c 192 § 1 changed "teaching certificate" to "certificate" in the first line of the section. The phrase in the first sentence "authorizing the holder to teach" was changed to "authorizing the holder to teach or perform other professional duties". All references to the "institute fund" were deleted. In the proviso the phrase "... fees for the certification of teachers does not hold an institute..." was changed to "... fees for the certification of professional staff does not hold a professional training institute...". A new paragraph was added regarding the use of fees.

(2) 1975 1st ex.s. c 275 § 134 changed "intermediate school district" to "educational service district".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with all amendments included therein.

Sec. 18. RCW 28A.71.100 was amended twice during the 1975 first extraordinary session of the legislature, each without reference to the other.

(1) 1975 1st ex.s. c 192 § 2, (in the first sentence), (a) changed "teachers' institutes and/or workshops for in-service training" to "teachers' institutes and/or workshops for professional staff preparation and in-service training"; (b) changed "benefit to the teachers" to "benefit to the teachers and other professional staff of school districts"; (c) added at the end of the first

sentence "and shall comply with rules and regulations of the state board of education pursuant to RCW 28A.70.110 as now or hereafter amended". In the second sentence "...additional means of teacher in-service training..." was changed to "... additional means of teacher and other professional staff preparation and in-service training...". The phrase "institute funds and/or the intermediate school district general expense fund" was amended to read "general expense fund". In the last paragraph regarding "districts employing more than one hundred teachers" the phrase "and other professional staff" was added; and the reference to "this code" was changed to "this code and state board of education rules and regulations".

(2) 1975 1st ex.s. c 275 § 139 changed "intermediate school districts" to "educational service districts".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with all amendments included therein.

Sec. 19. RCW 28A.03.050, 28A.48.050, 28A.48.090, and 28A.60.186 were both amended and repealed during the 1975 regular and extraordinary sessions of the legislature.

1975 1st ex.s. c 275 was a comprehensive bill consisting of 156 sections redesignating "intermediate school districts" as "educational service districts" and revising other nomenclature accordingly. Several of the sections amended by that act were also dealt with in other respects by various other acts in the 1975 sessions. The sections which were amended in other acts are herein reenacted to give effect to both amendments inasmuch as the various amendments do not appear to conflict with one another. Several of the sections amended in the educational district act for the sole purpose of changing nomenclature, were also repealed in other acts in order to effectuate the substantive provisions of such other acts. These sections are herein repealed.

Passed the House January 23, 1976.

Passed the Senate February 13, 1976.

Approved by the Governor February 18, 1976.

Filed in Office of Secretary of State February 18, 1976.

CHAPTER 16

[House Bill No. 1357]

TEACHERS' RETIREMENT— CODE CORRECTION

AN ACT Relating to teachers' retirement; reenacting section 42, chapter 80, Laws of 1947 as last amended by section 32, chapter 43, Laws of 1975 and by section 150, chapter 275, Laws of 1975 1st ex. sess. and RCW 41.32.420; and declaring an emergency.

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

Section 1. Section 42, chapter 80, Laws of 1947 as last amended by section 32, chapter 43, Laws of 1975 and by section 150, chapter 275, Laws of 1975 1st ex. sess. and RCW 41.32.420 are each reenacted 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 educational service district superintendent shall perform the duties imposed by this section for the employers in second 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.

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.

EXPLANATORY NOTE

RCW 41.32.420 was amended twice during the 1975 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1975 c 43 § 32 changed the reference in the next to the last sentence from "second and third class school districts" to "second class school districts".

(2) 1975 1st ex.s. c 275 § 150 was part of a comprehensive bill changing "intermediate school district" to "educational service district".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Passed the House January 23, 1976.

Passed the Senate February 13, 1976.

Approved by the Governor February 18, 1976.

Filed in Office of Secretary of State February 18, 1976.

CHAPTER 17

[House Bill No. 1358]

STATE GOVERNMENT—
CODE CORRECTIONS

AN ACT Relating to state government; reenacting section 43.09.310, chapter 8, Laws of 1965 as last amended by section 1, chapter 193, Laws of 1975 1st ex. sess. and by section 1, chapter 293, Laws of 1975 1st ex. sess. and RCW 43.09.310; reenacting section 12, chapter 103, Laws of 1973 1st ex. sess. as amended by section 1, chapter 81, Laws of 1975 1st ex. sess. and by section 1, chapter 252, Laws of 1975 1st ex. sess. and RCW 43.84.150; reenacting section 8, chapter 94, Laws of 1974 ex. sess. as amended by section 1, chapter 82, Laws of 1975 1st ex. sess. and by section 1, chapter 103, Laws of 1975 1st ex. sess. and RCW 43.101.080; and declaring an emergency.

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

Section 1. Section 43.09.310, chapter 8, Laws of 1965 as last amended by section 1, chapter 193, Laws of 1975 1st ex. sess. and by section 1, chapter 293, Laws of 1975 1st ex. sess. and RCW 43.09.310 are each reenacted 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 shall be made of each post-audit upon completion thereof, 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 12, chapter 103, Laws of 1973 1st ex. sess. as amended by section 1, chapter 81, Laws of 1975 1st ex. sess. and by section 1, chapter 252, Laws of 1975 1st ex. sess. and RCW 43.84.150 are each reenacted 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.

(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.

Sec. 3. Section 8, chapter 94, Laws of 1974 ex. sess. as amended by section 1, chapter 82, Laws of 1975 1st ex. sess. and by section 1, chapter 103, Laws of 1975 1st ex. sess. and RCW 43.101.080 are each reenacted 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 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.

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.

EXPLANATORY NOTE

Section 1. RCW 43.09.310 was amended twice during the 1975 first extraordinary session of the legislature, each without reference to the other.

(1) 1975 1st ex.s. c 193 § 1 added the proviso at the end of the first sentence providing that certain state departments may be audited at intervals exceeding two years but not less than five years.

(2) 1975 1st ex.s. c 293 § 1 deleted the requirement that reports be made in sextuplet, and provided that reports also be sent to the standing committees on ways and means of the house and senate, to the chief clerk of the house, to the secretary of the senate and "at least" one kept on file in the office of the state auditor.

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Sec. 2. RCW 43.84.150 was amended twice during the 1975 first extraordinary session of the legislature, each without reference to the other.

(1) 1975 1st ex.s. c 81 § 1 added a new subsection (15).

(2) 1975 1st ex.s. c 252 § 1 added the phrase "the Asian development bank" in subsection (2).

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Sec. 3. RCW 43.101.080 was amended twice during the 1975 first extraordinary session of the legislature, each without reference to the other.

(1) 1975 1st ex.s. c 82 § 1 added a new subsection (18).

(2) 1975 1st ex.s. c 103 § 1 amended subsection (9) by adding the phrase "and to lease for a period not to exceed three years a training facility or facilities necessary to the conducting of such programs". In the same subsection the phrase "purchase or lease of a training facility" was amended to read "purchase of a training facility".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Passed the House January 23, 1976.

Passed the Senate February 13, 1976.

Approved by the Governor February 18, 1976.

Filed in Office of Secretary of State February 18, 1976.

CHAPTER 18

[House Bill No. 1359]

MOTOR VEHICLES—CODE CORRECTION

AN ACT Relating to motor vehicles; reenacting section 46.52.020, chapter 12, Laws of 1961 as last amended by section 14, chapter 62, Laws of 1975 and by section 1, chapter 210, Laws of 1975 1st ex. sess. and RCW 46.52.020; and declaring an emergency.

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

Section 1. Section 46.52.020, chapter 12, Laws of 1961 as last amended by section 14, chapter 62, Laws of 1975 and by section 1, chapter 210, Laws of 1975 1st ex. sess. and RCW 46.52.020 are each reenacted 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) 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;

(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.

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.

EXPLANATORY NOTE

RCW 46.52.020 was amended twice during the 1975 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1975 c 62 § 14 added the phrase at the end of subsections (1) and (2) "every such stop shall be made without obstructing traffic more than is necessary". In subsection (2) the words "or damage to other property" was added in reference to when involved drivers should stop at the scene of an accident. The first sentence of subsection (3) was changed to begin "Unless otherwise provided in subsection (6) of this section", and also provides that involved drivers in an accident resulting in death, injury or vehicle damage . . . "or damage to other property" give name, address, etc. A new subsection (6) pertaining to reporting of accidents was added at the end of the section.

(2) 1975 1st ex.s. c 210 § 1 revised all of subsection (5) relating to revocation of vehicle drivers' licenses.

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Passed the House January 23, 1976.

Passed the Senate February 13, 1976.

Approved by the Governor February 18, 1976.

Filed in Office of Secretary of State February 18, 1976.

CHAPTER 19

[House Bill No. 1360]

INDUSTRIAL INSURANCE—CODE CORRECTION

AN ACT Relating to industrial insurance; reenacting section 17, chapter 289, Laws of 1971 ex. sess. as last amended by section 10, chapter 224, Laws of 1975 1st ex. sess. and by section 1, chapter 286, Laws of 1975 1st ex. sess. and RCW 51.32.073; and declaring an emergency.

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 10, chapter 224, Laws of 1975 1st ex. sess. and by section 1, chapter 286, Laws of 1975 1st ex. sess. and RCW 51.32.073 are each reenacted 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 this title and for the amount of any increase payable under the provisions of RCW 51.32.075 and shall be no more than necessary to make such payments on a current basis.

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.

EXPLANATORY NOTE

RCW 51.32.073 was amended twice during the 1975 first extraordinary session of the legislature, each without reference to the other.

(1) 1975 1st ex.s. c 224 § 10 changed the last sentence of the section to read "The moneys so collected shall be used exclusively for the additional payments from the supplemental pension fund prescribed in this title ..." (deleting a reference to RCW 51.32.070, which was repealed).

(2) 1975 1st ex.s. c 286 § 1 amended the same sentence by adding "and for the amount of any increase payable under the provisions of section 2 of this 1975 amendatory act". Said section 2 was codified as RCW 51.32.075.

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Passed the House January 23, 1976.

Passed by the Senate February 13, 1976.

Approved by the Governor February 18, 1976.

Filed in Office of Secretary of State February 18, 1976.

CHAPTER 20

[House Bill No. 1361]

ALCOHOLIC BEVERAGES—CODE CORRECTION

AN ACT Relating to alcoholic beverages; reenacting section 1, chapter 38, Laws of 1967 as amended by section 2, chapter 173, Laws of 1975 1st ex. sess. and by section 1, chapter 256, Laws of 1975 1st ex. sess. and RCW 66.12.110; and declaring an emergency.

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

Section 1. Section 1, chapter 38, Laws of 1967 as amended by section 2, chapter 173, Laws of 1975 1st ex. sess. and by section 1, chapter 256, Laws of 1975 1st ex. sess. and RCW 66.12.110 are each reenacted 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 nonprofit 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.

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.

EXPLANATORY NOTE

RCW 66.12.110 was amended twice during the 1975 first extraordinary session of the legislature, each without reference to the other.

(1) 1975 1st ex.s. c 173 § 2 added a second paragraph at the end of the section.

(2) 1975 1st ex.s. c 256 § 1 added the identical paragraph but also included the last sentence regarding the issuance of class H licenses to certain charitable or nonprofit corporations.

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Passed the House January 23, 1976.

Passed the Senate February 13, 1976.

Approved by the Governor February 18, 1976.

Filed in Office of Secretary of State February 18, 1976.

CHAPTER 21

[Engrossed Senate Bill No. 2060]

STATE PURCHASING AND
MATERIAL CONTROL

AN ACT Relating to purchasing and material control in state government; amending section 43.19.180, chapter 8, Laws of 1965 and RCW 43.19.180; amending section 3, chapter 32, Laws of 1969 as amended by section 110, chapter 81, Laws of 1971 and RCW 43.19.190; amending section 43.19.1902, chapter 8, Laws of 1965 as amended by section 3, chapter 104, Laws of 1967 ex. sess. and RCW 43.19.1902; amending section 43.19.1904, chapter 8, Laws of 1965 as amended by section 4, chapter 104, Laws of 1967 ex. sess. and RCW 43.19.1904; amending section 43.19.1906, chapter 8, Laws of 1965 and RCW 43.19.1906; amending section 43.19.1917, chapter 8, Laws of 1965 as amended by section 2, chapter 53, Laws of 1969 ex. sess. and RCW 43.19.1917; amending section 6, chapter 104, Laws of 1967 ex. sess. and RCW 43.19.1918; amending section 43.19.1919, chapter 8, Laws of 1965 and RCW 43.19.1919; amending section 43.19.1923, chapter 8, Laws of 1965 as amended by section 5, chapter 104, Laws of 1967 ex. sess. and RCW 43.19.1923; amending section 43.19.1937, chapter 8, Laws of 1965 and RCW 43.19.1937; creating new sections; providing penalties; and declaring an emergency.

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

Section 1. Section 43.19.180, chapter 8, Laws of 1965 and RCW 43.19.180 are each amended to read as follows:

The director of general administration shall appoint and deputize an assistant director to be known as the ~~((supervisor of purchasing))~~ state purchasing and material control director, who shall have charge and supervision of the division of purchasing. In this capacity he shall ensure that overall state purchasing and material control policy is implemented by state agencies, including educational institutions, within established time limits.

With the approval of the director of general administration, he may appoint and employ such assistants and personnel as may be necessary to carry on the work of the division.

Sec. 2. Section 3, chapter 32, Laws of 1969 as amended by section 110, chapter 81, Laws of 1971 and RCW 43.19.190 are each amended to read as follows:

The director of general administration, through the ~~((division of purchasing))~~ state purchasing and material control director, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies, services and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: PROVIDED, That the provisions of this act shall not apply in any manner to the operation of the state legislature except as requested by said legislature: PROVIDED, That primary authority for the purchase of specialized equipment, instructional and research material for their own use shall rest with the colleges, community colleges and universities: PROVIDED FURTHER, That primary authority for the purchase of materials, supplies and equipment for resale to other than ((state)) public agencies shall rest with the state agency concerned: PROVIDED FURTHER, That authority to purchase services as included herein does not apply to personal services authorized for direct acquisition from vendors by state organizations and filed under the provisions of RCW 39.29.010 through 39.29.030, unless such organization specifically requests assistance from the division of purchasing in obtaining personal services and resources are available within the division to provide such assistance;

(3) Provide the required staff assistance for the state (~~((purchasing advisory committee))~~) supply management advisory board through the division of purchasing;

(4) Have authority to delegate to state agencies (~~((a limited))~~) authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, services and supplies: PROVIDED, That acceptance of the ((limited)) purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939, as now or hereafter amended, or from policies established by the director after consultation with the state ((purchasing advisory committee)) supply management advisory board: PROVIDED FURTHER, That delegation of such authorization to a state agency, including an educational institution, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein;

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications after receiving the recommendation of the ~~((purchasing advisory committee))~~ supply management advisory board;

(10) Provide for the maintenance of inventory records of supplies, materials, equipment, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors;

(12) Publish procedures and guidelines for compliance by all state agencies, including educational institutions, which implement overall state purchasing and material control policies;

(13) Conduct periodic visits to state agencies, including educational institutions, to determine if statutory provisions and supporting purchasing and material control policies are being fully implemented, and based upon such visits, take corrective action to achieve compliance with established purchasing and material control policies under existing statutes when required.

Sec. 3. Section 43.19.1902, chapter 8, Laws of 1965 as amended by section 3, chapter 104, Laws of 1967 ex. sess. and RCW 43.19.1902 are each amended to read as follows:

There is hereby created a state ~~((purchasing advisory committee))~~ supply management advisory board which shall consist of ~~((seven))~~ twelve members as follows: The director of general administration as chairman, and a representative from each of the following ~~((six))~~ eight state agencies, who shall be appointed by the governor based upon recommendations of the head of the agency from which the selection is made; the department of highways, the department of ~~((institutions))~~ social and health services, the department of natural resources, the University of Washington, Washington State University, the state board for community college education, the superintendent of public instruction, and the ~~((central budget agency))~~ office of program planning and fiscal management. In addition, three members shall be appointed by the governor to the board from the private sector: PROVIDED, That special care shall be exercised to select private sector representatives without a conflict of interest involving sale, lease or rental of property, material, supplies, equipment, commodities, or services to the state of Washington. Members of the ~~((advisory committee))~~ board shall serve without additional compensation and at the pleasure of the governor, but shall be reimbursed for subsistence, lodging, and travel expenses as provided in chapter 43.03 RCW, as now or hereafter amended. Board members from the private sector shall be reimbursed from appropriated funds allocated to the division of purchasing. All other board members shall be reimbursed from funds appropriated for their respective agencies. ~~((Four))~~ Seven members of the ~~((advisory committee))~~ board shall constitute a quorum. The ~~((advisory committee))~~ board shall meet upon call of the chairman and shall adopt rules and regulations for the conduct of its business. The chairman may appoint special committees for the study of specific subjects, which special committees may include representatives of such other state agencies as may be deemed appropriate.

Sec. 4. Section 43.19.1904, chapter 8, Laws of 1965 as amended by section 4, chapter 104, Laws of 1967 ex. sess. and RCW 43.19.1904 are each amended to read as follows:

The state (~~((purchasing advisory committee))~~) supply management advisory board shall advise and give assistance to the director of general administration in planning and carrying out (~~((the most))~~) an efficient and economical purchasing and material control program.

The state (~~((purchasing advisory committee))~~) supply management advisory board shall review and make recommendations to the director with respect to:

(1) Standards and specifications for all items of material, supplies, and equipment of common usage in state agencies;

(2) Specifications for specific items of material, supplies, and equipment referred to it by the division of purchasing;

(3) Standards for the purchase, replacement, and repair of automotive equipment consistent with the needs and location of state agencies;

(4) A uniform system of inventory control for material, supplies, and equipment;

(5) All other matters referred to it by the director of general administration or by a member of the advisory (~~((committee))~~) board.

The state (~~((purchasing advisory committee))~~) supply management advisory board shall act as an appeals board to hear appeals on matters involving a state agency and the division of purchasing, and shall render its decision relating thereto within thirty days after filing of the appeal. The findings and actions of the (~~((advisory committee))~~) board shall be binding upon the respective state agencies including all offices, institutions, and departments.

Public funds shall not be expended by any agency for substitutions for material, supplies, and equipment for which standards have been established by the division of purchasing after consulting with and receiving the recommendations of the (~~((advisory committee))~~) board unless prior written approval is obtained from the (~~((division of))~~) state purchasing and material control director.

NEW SECTION. Sec. 5. There is added to chapter 43.19 RCW a new section to read as follows:

The director of general administration, after consultation with the supply management advisory board shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

(a) Development of a state commodity coding system, including common stock numbers for items maintained in stores for reissue;

(b) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;

(c) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;

(d) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;

(e) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including inter-agency supply support;

(f) Determination of what function data processing equipment, including remote terminals, shall perform in state-wide purchasing and material control for

improvement of service and promotion of economy, and the coordination of needs with the Washington state data processing authority;

(g) Standardization of records and forms used state-wide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions under the provisions of RCW 43.19.510;

(h) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;

(i) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;

(j) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;

(k) Formulation of criteria for determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;

(l) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;

(m) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;

(n) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;

(o) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;

(p) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;

(q) Establishment of a standard system for all state organizations to record and report dollar savings and cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures;

(r) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;

(s) Resolution of all other purchasing and material matters referred to him by a member of the advisory board which require the establishment of overall state-wide policy for effective and economical supply management.

NEW SECTION. Sec. 6. Initial policy determinations for the functions described in section 5 of this 1976 amendatory act shall be developed and published within the 1975-77 biennium by the director, after consultation with the supply management advisory board for guidance and compliance by all state agencies, including educational institutions, involved in purchasing and material control. Modifications to these initial supply management policies established during the 1975-77 biennium shall be instituted by the director, after consultation with the advisory board, in future biennia as required to maintain an efficient and up-to-date state supply management system. The director shall transmit to the governor

and the legislature in June 1976 and June 1977 a progress report which indicates the degree of accomplishment of each of these assigned duties, and which summarizes specific achievements obtained in increased effectiveness and dollar savings or cost avoidance within the overall state purchasing and material control system. The second progress report in June 1977 shall include a comprehensive supply management plan which includes the recommended organization of a state-wide purchasing and material control system and development of an orderly schedule for implementing such recommendation. In the interim between these annual progress reports, the director shall furnish periodic reports to the office of program planning and fiscal management and the legislative budget committee for review of progress being accomplished in achieving increased efficiencies and dollar savings or cost avoidance.

It is the intention of the legislature that measurable improvements in the effectiveness and economy of supply management in state government shall be achieved during the 1975-77 biennium, and each biennium thereafter. All agencies, departments, offices, divisions, boards, and commissions and educational, correctional, and other types of institutions are required to cooperate with and support the development and implementation of improved efficiency and economy in purchasing and material control. To effectuate this legislative intention, the director, in consultation with the supply management advisory board, and through the state purchasing and material control director, shall have the authority to direct and require the submittal of data from all state organizations concerning purchasing and material control matters.

NEW SECTION. Sec. 7. The provisions of section 5 of this 1976 amendatory act shall not apply to materials, supplies, and equipment purchased for resale to other than public agencies by state agencies, including educational institutions. In addition, section 5 of this 1976 amendatory act shall not apply to liquor purchased by the state for resale under the provisions of Title 66 RCW.

Sec. 8. Section 43.19.1906, chapter 8, Laws of 1965 and RCW 43.19.1906 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director (~~(of general administration through the division of purchasing)~~) and under the powers granted by RCW 43.19.190 through 43.19.1939(~~(: PROVIDED, That)~~), as now or hereafter amended. This requirement shall also apply to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190. However, formal sealed (~~(competitive)~~) bidding shall not be necessary for:

(1) Emergency purchases if such sealed bidding procedure would prevent or hinder the emergency from being met appropriately; (~~(and)~~)

(2) Purchases not exceeding ((five)) twenty-five hundred dollars: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the twenty-five hundred dollar bid limitation (~~(but in all such purchases quotations)~~): PROVIDED FURTHER, That the state purchasing and

material control director is authorized to reduce this formal sealed bid limit of twenty-five hundred dollars to a lower dollar amount for purchases by individual state agencies, including purchases of specialized equipment, instructional, and research materials by colleges and universities, if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from two hundred dollars to twenty-five hundred dollars shall be secured from enough vendors to assure establishment of a competitive price. A record of competition for all such purchases from two hundred dollars to twenty-five hundred dollars shall be documented for audit purposes on a standard state form approved by the forms management center under the provisions of RCW 43.19.510. Purchases up to two hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this two hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of four hundred dollars by unanimous vote by all members of the state supply management advisory board, if warranted by increases in purchasing costs due to inflationary trends; and

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation.

Sec. 9. Section 43.19.1917, chapter 8, Laws of 1965 as amended by section 2, chapter 53, Laws of 1969 ex. sess. and RCW 43.19.1917 are each amended to read as follows:

~~((The director of general administration, through the division of purchasing))~~
All state agencies, including educational institutions, shall maintain a perpetual record of ownership of state owned equipment, which shall be available ((in the division of purchasing)) for the inspection and check of those officers who are charged by law with the responsibility for auditing the records and accounts of the state ((agencies)) organizations owning the equipment, or to such other special investigators and others as the governor may direct. In addition, these records shall be made available to members of the legislature, the legislative committees, and legislative staff on request.

All state agencies, including educational institutions, shall account to the division of purchasing ((at any and all times)) upon request for state equipment owned by, assigned to, or otherwise possessed by them and maintain such records as the division of purchasing deems necessary to proper accountability therefor. The division of purchasing shall publish a procedural directive for compliance by all state agencies, including educational institutions, which establishes a standard method of maintaining records for state owned equipment, including the use of standard state forms approved by the forms management center under the provisions of RCW 43.19.510. This published directive also shall include instructions for reporting to the division of purchasing all state equipment which is excess to the needs of state organizations owning such equipment. The term "state equipment" means all items of machines, tools, furniture, or furnishings other than expendable supplies and materials as defined by the division of purchasing.

Sec. 10. Section 6, chapter 104, Laws of 1967 ex. sess. and RCW 43.19.1918 are each amended to read as follows:

All of the powers and duties relating to the maintenance of inventory records of supplies, materials, equipment, and other property including state equipment as provided in RCW 43.19.1917 shall be performed ~~((with the advice, cooperation and assistance of))~~ in coordination with the director of ~~((budget))~~ program planning and fiscal management to assure establishment of standard state-wide accounting policies and regulations for such records.

Sec. 11. Section 43.19.1919, chapter 8, Laws of 1965 and RCW 43.19.1919 are each amended to read as follows:

The division of purchasing shall sell or exchange personal property belonging to the state for which the agency, office, department, or educational institution having custody thereof has no further use, at public or private sale, and cause the moneys realized from the sale of any such property to be paid into the fund from which such property was purchased or, if such fund no longer exists, into the state general fund: PROVIDED, Sales of capital assets may be made by the division of purchasing and a credit established in central stores for future purchases of capital items as provided for in RCW 43.19.190 through 43.19.1939, as now or hereafter amended: PROVIDED FURTHER, That personal property, excess to a state agency, including educational institutions, shall not be sold or disposed of prior to reasonable efforts by the division of purchasing to determine if other state agencies have a requirement for such personal property. Such determination shall follow sufficient notice to all state agencies to allow adequate time for them to make their needs known: PROVIDED, FURTHER, That this section shall not apply to personal property acquired by a state organization under federal grants and contracts if in conflict with special title provisions contained in such grants or contracts.

Sec. 12. Section 43.19.1923, chapter 8, Laws of 1965 as amended by section 5, chapter 104, Laws of 1967 ex. sess. and RCW 43.19.1923 are each amended to read as follows:

There is created within the ~~((division of purchasing of the))~~ department of general administration a revolving fund to be known as the "central stores revolving fund", which shall be used for the purchase of supplies and equipment handled or rented through central stores, and the payment of salaries, wages, and other costs incidental to the acquisition, operation, and maintenance of the central stores, and other activities connected therewith, which shall include ~~((state telephone, data processing))~~ telecommunications and utilities services. The fund shall be credited with all receipts from the rental, sale or distribution of supplies, equipment, and services rendered to the various state agencies. The moneys held in the present central stores revolving fund created by section 4, chapter 160, Laws of 1943 are hereby transferred to the central stores revolving fund created by this section: PROVIDED, That central stores, telecommunications, utilities services, and other activities within the central stores revolving fund shall be treated as separate operating entities for financial and accounting control: PROVIDED FURTHER, That financial records involving the central stores revolving fund shall be designed to provide data for achieving maximum effectiveness and economy of each individual activity within the fund.

Sec. 13. Section 43.19.1937, chapter 8, Laws of 1965 and RCW 43.19.1937 are each amended to read as follows:

No member of the state (~~(purchasing committee and no)~~) supply management advisory board or state employee whose duties performed for the state include:

- (1) Advising on or drawing specifications for supplies, equipment, commodities, or services;
- (2) Suggesting or determining vendors to be placed upon a bid list;
- (3) Drawing requisitions for supplies, equipment, commodities, or services;
- (4) Evaluating specifications or bids and suggesting or determining awards; or
- (5) Accepting the receipt of supplies, equipment, and commodities or approving the performance of services or contracts; shall accept or receive, directly or indirectly, a personal financial benefit, or accept any gift, token, membership, or service, as a result of a purchase entered into by the state, from any person, firm, or corporation engaged in the sale, lease, or rental of property, material, supplies, equipment, commodities, or services to the state of Washington.

Violation of this section shall be considered a malfeasance and may cause loss of position, and the violator shall be liable to the state upon his official bond for all damages sustained by the state. Contracts involved may be canceled at the option of the state. Penalties provided in this section are not exclusive, and shall not bar action under any other statute penalizing the same act or omission.

NEW SECTION. Sec. 14. If any provision of this 1976 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. 15. This 1976 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 February 17, 1976.

Passed the House February 13, 1976.

Approved by the Governor February 20, 1976.

Filed in Office of Secretary of State February 20, 1976.

CHAPTER 22

[Engrossed Senate Bill No. 2660]
PROPERTY TAXATION—OPEN
SPACE—NONPROFIT NATURE
CONSERVANCY ORGANIZATIONS

AN ACT Relating to open space; amending section 2, chapter 243, Laws of 1971 ex. sess. and RCW 84.34.210; amending section 3, chapter 243, Laws of 1971 ex. sess. and RCW 84.34.220; amending section 43, chapter 149, Laws of 1967 ex. sess. as amended by section 1, chapter 112, Laws of 1973 and RCW 84.36.260; and adding a new section to chapter 84.34 RCW.

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

Section 1. Section 2, chapter 243, Laws of 1971 ex. sess. and RCW 84.34.210 are each amended to read as follows:

Any county, city ((or)), town, or metropolitan municipal corporation, or non-profit nature conservancy corporation or association, as such are defined in section 4 of this 1976 amendatory act, may acquire by purchase, gift, grant, bequest, devise, lease, or otherwise, except by eminent domain, the fee simple or any lesser interest, development right, easement, covenant, or other contractual right necessary to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve, selected open space land, farm and agricultural land, and timber land as such are defined in chapter 84.34 RCW for public use or enjoyment. Among interests that may be so acquired are mineral rights. Any county, city ((or)), town, ((or)) metropolitan municipal corporation, or nonprofit nature conservancy corporation or association, as such are defined in section 4 of this 1976 amendatory act, may acquire ~~((the fee to))~~ such property for the purpose of conveying or leasing the property back to its original owner or other person under such covenants or other contractual arrangements as will limit the future use of the property in accordance with the purposes of *this 1971 amendatory act.

Sec. 2. Section 3, chapter 243, Laws of 1971 ex. sess. and RCW 84.34.220 are each amended to read as follows:

In accordance with the authority granted in RCW 84.34.210, a county, city ((or)), town, ((or)) metropolitan municipal corporation, or nonprofit nature conservancy corporation or association, as such are defined in section 4 of this 1976 amendatory act, may specifically purchase or otherwise acquire, except by eminent domain, rights in perpetuity to future development of any open space land, farm and agricultural land, and timber land which are so designated under the provisions of chapter 84.34 RCW and taxed at current use assessment as provided by that chapter. For the purposes of *this 1971 amendatory act, such developmental rights shall be termed "conservation futures". The private owner may retain the right to continue any existing open space use of the land, and to develop any other open space use, but, under the terms of purchase of conservation futures, the county, city ((or)), town, ((or)) metropolitan municipal corporation, or nonprofit nature conservancy corporation or association, as such are defined in section 4 of this 1976 amendatory act, may forbid or restrict building thereon, or may require that improvements cannot be made without county, city ((or)), town, ((or)) metropolitan municipal corporation, or nonprofit nature conservancy corporation or association, as such are defined in section 4 of this 1976 amendatory act, permission. The land may be alienated or sold and used as formerly by the new owner, subject to the terms of the agreement made by the county, city ((or)), town, ((or)) metropolitan municipal corporation, or nonprofit nature conservancy corporation or association, as such are defined in section 4 of this 1976 amendatory act, with the original owner.

Sec. 3. Section 43, chapter 149, Laws of 1967 ex. sess. as amended by section 1, chapter 112, Laws of 1973 and RCW 84.36.260 are each amended to read as follows:

All real property ~~((or leaseholds thereof))~~ interests, including fee simple or any lesser interest, development rights, easements, covenants and conservation futures, as that latter term is defined in RCW 84.34.220 as now or hereafter amended, used exclusively for the conservation of ecological systems or natural resources,

~~((owned in fee or by contract purchase))~~ held by any nonprofit corporation or association the primary purpose of which is the conducting or facilitating of scientific research or the conserving of natural resources for the general public, shall be exempt from ad valorem taxation if either of the following conditions are met:

(1) ~~((Such))~~ To the extent feasible considering the nature of the property interest involved, such property interests shall be used and effectively dedicated primarily for the purpose of providing scientific research or educational opportunities for the general public or the preservation of native plants or animals, or biotic communities, or works of ancient man or geological or geographical formations, of distinct scientific and educational interest, and not for the pecuniary benefit of any person or company, as defined in RCW 82.04.030(†), and shall be open to the general public for educational and scientific research purposes subject to reasonable restrictions designed for its protection; or

(2) Such property interests shall be subject to an option, accepted in writing by the state, a city or a county, or department of the United States government, for the purchase thereof by the state, a city or a county, or the United States, at a price not exceeding the lesser of the following amounts: (a) the sum of the original purchase cost to such nonprofit corporation or association plus interest from the date of acquisition by such corporation or association at the rate of six percent per annum compounded annually to the date of the exercise of the option; or (b) the appraised value of the property at the time of the granting of the option, as determined by the department of revenue or when the option is held by the United States, or by an appropriate agency thereof.

NEW SECTION. Sec. 4. There is added to chapter 84.34 RCW a new section to read as follows:

As used in RCW 84.34.210, as now or hereafter amended, and RCW 84.34-.220, as now or hereafter amended, "nonprofit nature conservancy corporation or association" means an organization which qualifies as being tax exempt under 26 U.S.C. section 501 (c) (of the Internal Revenue Code) as it exists on the effective date of this 1976 amendatory act and one which has as one of its principal purposes the conducting or facilitating of scientific research; the conserving of natural resources, including but not limited to biological resources, for the general public; or the conserving of open spaces, including but not limited to wildlife habitat to be utilized as public access areas, for the use and enjoyment of the general public.

Passed the Senate February 17, 1976.

Passed the House February 13, 1976.

Approved by the Governor February 20, 1976.

Filed in Office of Secretary of State February 20, 1976.

 CHAPTER 23

[Engrossed Senate Bill No. 2994]

SCHOOLS—COOPERATIVE PURCHASING
ASSOCIATIONS—SECURITY INTERESTS

AN ACT Relating to associations established by school districts pursuant to the Interlocal Cooperation Act; and 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:

Any association established by school districts pursuant to the Interlocal Cooperation Act, chapter 39.34 RCW for the purpose of jointly and cooperatively purchasing school supplies, materials and equipment, if otherwise authorized for school district purposes to purchase personal or real property, is hereby authorized, subject to rules and regulations of the state board of education, to mortgage, or convey a purchase money security interest in real or personal property of such association of every kind, character or description whatsoever, or any interest in such personal or real property: PROVIDED, That any such association shall be prohibited from causing any creditor of the association to acquire any rights against the property, properties or assets of any of its constituent school districts and any creditor of such association shall be entitled to look for payment of any obligation incurred by such association solely to the assets and properties of such association.

Passed the Senate February 17, 1976.

Passed the House February 10, 1976.

Approved by the Governor February 20, 1976.

Filed in Office of Secretary of State February 20, 1976.

CHAPTER 24

[Engrossed Substitute Senate Bill No. 2996]

LEGAL HOLIDAYS AND SCHOOL HOLIDAYS

AN ACT Relating to holidays; amending section 1, chapter 51, Laws of 1927 as last amended by section 1, chapter 194, Laws of 1975 1st ex. sess. and RCW 1.16.050; and amending section 13, chapter 283, Laws of 1969 ex. sess. as amended by section 1, chapter 32, Laws of 1973 and RCW 28A.02.061; and declaring an emergency.

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 194, Laws of 1975 1st 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))~~ last Monday 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 day immediately following Thanksgiving Day; and 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~~)).

Employees of the state and its political subdivisions shall be entitled to one paid holiday per calendar year in addition to those specified in this section. Each employee of the state or its political subdivisions may select the day on which the employee desires to take the additional holiday provided for herein after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority.

Nothing in this section shall be construed to have the effect of adding or deleting the number of paid holidays provided for in an existing agreement between employees and employers of political subdivisions of the state.

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.

Sec. 2. Section 13, chapter 283, Laws of 1969 ex. sess. as amended by section 1, chapter 32, Laws of 1973 and RCW 28A.02.061 are each amended to read as follows:

The following are school holidays, and school shall not be taught on these days: Saturday; Sunday; the first day of January, commonly called New Year's Day; the third Monday in February, being the anniversary of the birth of George Washington; the last Monday in 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 Monday in October))~~ eleventh day of November, to be known as Veterans' Day, the fourth Thursday in November, commonly known as Thanksgiving Day; the day immediately following Thanksgiving Day; the twenty-fifth day of December, commonly called Christmas Day: PROVIDED, That no reduction from the teacher's time or salary shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught.

NEW SECTION. Sec. 3. This 1976 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 February 17, 1976.

Passed the House February 12, 1976.

Approved by the Governor February 20, 1976.

Filed in Office of Secretary of State February 20, 1976.

CHAPTER 25

[Senate Bill No. 3000]

REWARDS BY COUNTIES

AN ACT Relating to rewards by counties; and amending section 1, page 124, Laws of 1886 and RCW 10.85.030.

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

Section 1. Section 1, page 124, Laws of 1886 and RCW 10.85.030 are each amended to read as follows:

The ~~((county commissioners in))~~ legislative authorities of the several counties of the state, when in their opinion the public good requires it, are hereby authorized to offer and pay a suitable reward, not to exceed five hundred dollars in any one case, to any person or persons who, in consequence of such offer apprehends, brings back, and secures any person or persons, convicted of or charged with any criminal offense, if the offense be a felony.

In the event of crimes against county property, including but not limited to road signs, vehicles, buildings, or any other type of county property, the legislative authority of any county may offer and pay a suitable reward, not to exceed two hundred fifty dollars in any one case, to any person or persons who shall furnish information or testimony leading to the arrest and conviction of any person of any offense against such county property, including but not limited to those offenses set forth in RCW 9A.48.070 through 9A.48.090, whether or not the offense be a felony, gross misdemeanor, or misdemeanor.

Passed the Senate February 5, 1976.

Passed the House February 13, 1976.

Approved by the Governor February 20, 1976.

Filed in Office of Secretary of State February 20, 1976.

CHAPTER 26

[Engrossed Senate Bill No. 3009]

SCHOOLS—PURCHASING PROCEDURES

AN ACT Relating to education; and amending section 28A.58.135, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 49, Laws of 1969 ex. sess. and RCW 28A.58.135.

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

Section 1. Section 28A.58.135, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 49, Laws of 1969 ex. sess. and RCW 28A.58.135 are each amended to read as follows:

(1) When, in the opinion of the board of directors of any school district, the cost of any furniture, supplies, equipment, building, improvements, or repairs, or other work or purchases, except books, will equal or exceed the sum of ~~((twenty-five))~~ thirty-five hundred dollars, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids therefor and that specifications and other information may be examined at the office of the board or any other officially designated location: PROVIDED, That the board without giving such notice may make improvements or repairs to the property of the district through the shop and repair department of such district when the total of such improvements or repair ~~((do))~~ does not exceed the sum of ~~((twenty-five))~~ thirty-five hundred dollars. The cost of any public work, improvement or repair for the purposes of this section 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. The bids shall be in writing and shall be opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection.

(2) (a) In lieu of the procedure described in subsection (1) of this section, bids may be solicited by telephone from a list of bidders prequalified in accordance with rules adopted by the superintendent of public instruction. Telephone solicitation shall not be used for purchases costing more than seventy-five hundred dollars or for building improvements, repairs, or books. Telephone solicitation may be used for bids for all other materials, furniture, supplies, equipment, and other purchases up to a cost of seventy-five hundred dollars.

(b) If bids are solicited by telephone, no award shall be made until at least three competitive bids have been received. After an award is made, the three or more bids shall be posted or otherwise made available at the office of the board or any other officially designated location.

(c) All bidders shall confirm their telephone bids in writing to the board within seven days after bid date. Any bidder not making such written confirmation shall be subject to removal from the qualified bidders list at the discretion of the board.

(3) The contract for the work or purchase shall be awarded to the lowest responsible bidder as defined in RCW 43.19.1911: PROVIDED, That when bids have been solicited by telephone and there is reason to believe that the lowest acceptable bid is not the best obtainable, all bids may be rejected, and the board may call for new bids. Any or all bids may be rejected for good cause. On any work or purchase ~~((of more than five hundred dollars,))~~ the board shall provide bidding information to any qualified bidder or his agent, requesting it in person ~~((; and if more than one supplier is available, it shall seek competitive bidding in such manner as it deems in the best interests of the district))~~.

(4) In the event of any emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board declaring the existence of such an emergency and reciting the facts constituting the same, the board may waive the requirements of this section with reference to any purchase or contract: PROVIDED, That an "emergency", for the purposes of this section, means a condition likely to result in immediate physical

injury to persons or to property of the school district in the absence of prompt remedial action.

(5) The superintendent of public instruction, in accordance with the administrative procedure act, chapter 34.04 RCW, shall adopt rules and regulations to implement the provisions of this section.

Passed the Senate February 17, 1976.

Passed the House February 10, 1976.

Approved by the Governor February 20, 1976.

Filed in Office of Secretary of State February 20, 1976.

CHAPTER 27

[Senate Bill No. 3058]

NEW BORN INFANT HEALTH TESTS

AN ACT Relating to new born infants; and amending section 2, chapter 82, Laws of 1967 and RCW 70.83.020.

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

Section 1. Section 2, chapter 82, Laws of 1967 and RCW 70.83.020 are each amended to read as follows:

It shall be the duty of the (~~Washington state department of health to promote~~) department of social and health services to require screening tests of all newborn infants before they are discharged from the hospital for the detection of phenylketonuria and other heritable or metabolic disorders leading to mental retardation or physical defects (~~when such tests are available, practical, and indicated by sound medical practice~~) as defined by the state board of health: PROVIDED, That no such tests shall be given to any newborn infant whose parents or guardian object thereto on the grounds that such tests conflict with their religious tenets and practices.

Passed the Senate February 5, 1976.

Passed the House February 13, 1976.

Approved by the Governor February 20, 1976.

Filed in Office of Secretary of State February 20, 1976.

CHAPTER 28

[Engrossed Senate Bill No. 3066]

AUTOPSIES AND POST MORTEMS—DISPOSITION OF SPECIMENS AND ORGANS

AN ACT Relating to human remains; and amending section 10, chapter 188, Laws of 1953 and RCW 68.08.106.

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

Section 1. Section 10, chapter 188, Laws of 1953 and RCW 68.08.106 are each amended to read as follows:

In any case in which an autopsy or post mortem is performed, the coroner or medical examiner, upon his own authority or upon the request of the prosecuting attorney or other law enforcement agency having jurisdiction, may make or cause

to be made an analysis of the stomach contents, blood, or organs, or tissues of a deceased person and secure professional opinions thereon and retain or dispose of any specimens or organs of the deceased which in his discretion are desirable or needful for anatomic, bacteriological, chemical, or toxicological examination or upon lawful request are needed or desired for evidence to be presented in court. When the autopsy or post mortem requires examination in the region of the pituitary gland, that gland may be removed and utilized for any desirable or needful purpose: PROVIDED, That a reasonable effort to obtain consent as required under RCW 68.08.510 shall be made if that organ is to be so utilized. Costs shall be borne by the county.

Passed the Senate February 18, 1976.

Passed the House February 13, 1976.

Approved by the Governor February 20, 1976.

Filed in Office of Secretary of State February 20, 1976.

CHAPTER 29

[Senate Bill No. 3067]

MOTOR VEHICLES—DRIVING WITHOUT LICENSE OR IN SUSPENDED OR REVOKED STATUS

AN ACT Relating to motor vehicles; adding new sections to chapter 121, Laws of 1965 ex. sess. and to chapter 46.20 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. Any person who operates a motor vehicle on the public highways of this state without a driver's license or nonresident privilege to drive shall be subject to all of the provisions of Title 46 RCW to the same extent as a person who is licensed.

NEW SECTION. Sec. 2. The department is hereby authorized to place any unlicensed person into a suspended or revoked status under any circumstances which would have resulted in the suspension or revocation of the driver's license had that person been licensed.

NEW SECTION. Sec. 3. Any person who drives a motor vehicle on any public highway of this state while that person is in a suspended or revoked status shall be guilty of a misdemeanor. Upon a first conviction therefor, the person shall be punished by imprisonment of not less than ten days, nor more than six months. Upon the second such conviction therefor, the person shall be punished by imprisonment of not less than twenty days, nor more than one year. Upon the third such conviction therefor, the person shall be punished by imprisonment for one year. There may also be imposed in connection with each conviction a fine of not more than five hundred dollars.

NEW SECTION. Sec. 4. The department upon receiving a record of conviction of any person or upon receiving an order by the juvenile court or any duly authorized court officer of the conviction of any juvenile under sections 1 through 3 of this 1976 act upon a charge of driving a vehicle while such person or juvenile is in a suspended status, shall extend the period of such suspended status for an additional like period or if the conviction was upon a charge of driving while such

person or juvenile is in a revoked status, the department shall not issue a new license for an additional period of one year after the date such person or juvenile would have otherwise been entitled to apply for a new license.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall be added to chapter 121, Laws of 1965 and to chapter 46.20 RCW.

Passed the Senate February 5, 1976.

Passed the House February 13, 1976.

Approved by the Governor February 20, 1976.

Filed in Office of Secretary of State February 20, 1976.

CHAPTER 30

[Senate Bill No. 3076]

COSTS AND ATTORNEY'S FEES

AN ACT Relating to civil procedure; amending section 85, page 237, Laws of 1854 as last amended by section 1, chapter 43, Laws of 1915 and RCW 12.20.060; and amending section 374, page 202, Laws of 1854 as last amended by section 512, Code of 1881 and RCW 4.84.080.

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

Section 1. Section 85, page 237, Laws of 1854 as last amended by section 1, chapter 43, Laws of 1915 and RCW 12.20.060 are each amended to read as follows:

When the prevailing party is entitled to recover costs in a civil action before a justice of the peace, the justice shall add the amount thereof to the judgment; in case of failure of the plaintiff to recover or of dismissal of the action, the justice shall enter up a judgment in favor of the defendant for the amount of his costs; and in case any party so entitled to costs is represented in the action by an attorney, the justice shall include an attorney's fee of twenty-five dollars as part of the costs: PROVIDED, HOWEVER, That the plaintiff shall not be entitled to such attorney fee unless he obtain, exclusive of costs, a judgment in the sum of five dollars or more.

Sec. 2. Section 374, page 202, Laws of 1854 as last amended by section 512, Code of 1881 and RCW 4.84.080 are each amended to read as follows:

When allowed to either party, costs to be called the attorney fee, shall be as follows:

- (1) In all actions settled before issue is joined, thirty-five dollars.
- (2) In all actions where judgment is rendered without a jury, ~~((ten))~~ thirty-five dollars.
- (3) In all actions where judgment is rendered after impanelling a jury, ~~((fifteen))~~ thirty-five dollars.
- (4) In all actions removed to the supreme court and settled before argument, ~~((ten))~~ thirty-five dollars.

(5) In all actions where judgment is rendered in the supreme court, after argument, (~~fifteen~~) thirty-five dollars.

Passed the Senate February 6, 1976.

Passed the House February 13, 1976.

Approved by the Governor February 20, 1976.

Filed in Office of Secretary of State February 20, 1976.

CHAPTER 31

[Engrossed Senate Bill No. 3094]

WASHINGTON LIBRARY NETWORK

AN ACT Relating to libraries; and adding a new chapter to Title 27 RCW.

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

NEW SECTION. Section 1. There is hereby established the Washington library network, hereinafter called the network, which shall consist of the Washington library network computer system, telecommunications systems, inter-library systems, and reference and referral systems.

Responsibility for the network shall reside with the Washington state library commission, except for certain automated data processing components as provided for and defined in chapter 43.105 RCW: PROVIDED, That all components, systems and programs operated pursuant to this section shall be approved by the data processing authority created pursuant to chapter 43.105 RCW. The commission shall adopt and promulgate policies, rules, and regulations consistent with the purposes and provisions of this act pursuant to chapter 34.04 RCW, the administrative procedure act, except that nothing in this chapter shall abrogate the authority of a participating library, institution, or organization to establish its own policies for collection development and use of its library resources.

NEW SECTION. Sec. 2. As used in this chapter, unless otherwise required by the context, the following definitions shall apply:

(1) "Washington library network computer system" means the communication facilities, computers, and peripheral computer devices supporting the automated library system developed by the state of Washington;

(2) "Network" means the Washington library network which is an organization of autonomous, geographically dispersed participants using the Washington library network computer system, telecommunications systems, interlibrary systems, and reference and referral systems;

(3) "Resources" are library materials which include but are not limited to print, nonprint (e.g., audiovisual, realia, etc.), and microform formats; network resources such as software, hardware, and equipment; electronic and magnetic records; data bases; communication technology; facilities; and human expertise;

(4) "Telecommunications" includes any point to point transmission, emission, or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, microwave radio, optical, or other electromagnetic system, including any intervening processing and storage serving a point to point system;

(5) "Interlibrary loan system" means the accepted procedures among libraries by which library materials are made available in some format to users of another library;

(6) "Reference and referral system" pertains to procedures among libraries whereby subject or fact-oriented queries may be referred to another institution when the answering resource or subject expertise is unavailable in the institution originally queried.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act shall constitute a new chapter in Title 27 RCW.

Passed the Senate February 17, 1976.

Passed the House February 13, 1976.

Approved by the Governor February 20, 1976.

Filed in Office of Secretary of State February 20, 1976.

CHAPTER 32

[Senate Bill No. 3138]

INTERSCHOOL EXTRACURRICULAR ACTIVITIES—
REGULATION AND CONTROL

AN ACT Relating to education; and 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:

Each school district board of directors is hereby granted and shall exercise the authority to control, supervise and regulate the conduct of interschool athletic activities and other interschool extracurricular activities of an athletic, cultural, social or recreational nature for students of the district. A board of directors may delegate control, supervision and regulation of any such activity to the Washington Interscholastic Activities Association or any other voluntary nonprofit entity and compensate such entity for services provided, subject to the following conditions:

(1) The voluntary nonprofit entity shall submit an annual report to the state board of education of student appeal determinations, assets, and financial receipts and disbursements at such time and in such detail as the state board shall establish by rule;

(2) The voluntary nonprofit entity shall not discriminate in connection with employment or membership upon its governing board, or otherwise in connection with any function it performs, on the basis of race, creed, national origin, sex or marital status;

(3) Any rules and policies applied by the voluntary nonprofit entity which govern student participation in any interschool activity shall be written and subject to the annual review and approval of the state board of education at such time as it shall establish;

(4) All amendments and repeals of such rules and policies shall be subject to the review and approval of the state board; and

(5) Such rules and policies shall provide for notice of the reasons and a fair opportunity to contest such reasons prior to a final determination to reject a student's request to participate in or to continue in an interschool activity. Any such decision shall be considered a decision of the school district conducting the activity in which the student seeks to participate or was participating and may be appealed pursuant to RCW 28A.88.010 through 28A.88.015, as now or hereafter amended.

Passed the Senate February 5, 1976.

Passed the House February 13, 1976.

Approved by the Governor February 20, 1976.

Filed in Office of Secretary of State February 20, 1976.

CHAPTER 33

[House Bill No. 671]

TAX ON HARVESTERS OF TIMBER

AN ACT Relating to revenue and taxation; amending section 7, chapter 294, Laws of 1971 ex. sess. as last amended by section 1, chapter 187, Laws of 1974 ex. sess. and RCW 82.04.291; and declaring an emergency.

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

Section 1. Section 7, chapter 294, Laws of 1971 ex. sess. as last amended by section 1, chapter 187, Laws of 1974 ex. sess. and RCW 82.04.291 are each amended to read as follows:

(1) Upon every person engaging within this state in business as a harvester of timber; as to such persons the amount of tax with respect to such business shall be equal to the stumpage value of timber harvested for sale or for commercial or industrial use multiplied by the appropriate rate as follows:

(a) For timber harvested between October 1, 1972 and September 30, 1973 inclusive, the rate shall be one and three-tenths percent;

(b) For timber harvested between October 1, 1973 and September 30, 1974 inclusive, the rate shall be two and nine-tenths percent and between October 1, 1974 and December 31, 1978, inclusive, six and one-half percent.

(2) For purposes of this section:

(a) "Harvester" means every person who from his own privately owned land or from the privately owned land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services fells, cuts or takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(b) "Timber" means forest trees, standing or down on privately owned land, and except as provided in RCW 84.33.170 includes Christmas trees.

(c) "Stumpage value of timber" means the appropriate stumpage value shown on tables to be prepared by the department of revenue pursuant to subsection (3) of this section.

(d) Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or

other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(3) ~~((On or before July 1, 1972 and as necessary thereafter,))~~ The department of revenue shall designate areas containing timber having similar growing, harvesting and marketing conditions to be used as units for the preparation and application of stumpage values. ~~((Before September 1, 1972 for use during the fourth quarter of 1972 and all of 1973, and before December 1 of each year commencing with 1973, for use during the succeeding year))~~ Each year on or before December 31 for use the following January through June 30, and on or before June 30 for use the following July through December 31, the department shall prepare tables of stumpage values of each species or subclassification of timber within such units, which values shall be the amount that each such species or subclassification would sell for at a voluntary sale made in the ordinary course of business; for purposes of immediate harvest. Such stumpage values, expressed in terms of a dollar amount per thousand board feet or other unit measure, shall be determined from (a) gross proceeds from sales on the stump of similar timber of like quality and character at similar locations, and in similar quantities, or from (b) gross proceeds from sales of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest, or from a combination of (a) and (b), and shall be determined in a manner which makes reasonable and adequate allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions and all other relevant factors. ((If, on or before April 1 of any year commencing with 1975, the department shall determine that the stumpage value index as of January 1 of such year is greater or smaller, by ten percent or more, than the stumpage value index as of July 1 of the preceding year it shall, in the same manner prescribed for annual stumpage value determinations, prepare revised tables setting forth stumpage values. Such revised tables shall be applicable to timber harvested between July 1 and December 31 of such year, inclusive. The term stumpage value index as of any date shall mean a weighted average price of state and federal timber sales for all species during the twelve months prior to such date, such weighting to be based upon the actual volumes of the several species or subclassifications of timber harvested during the four most recent calendar quarters for which such information is available from tax returns filed by harvesters. Such index and the procedures to be followed in calculating it shall be further defined in regulations to be prepared by the department of revenue and reviewed by the ways and means committees of the house and senate prior to promulgation by the department.)) Upon application from any person who plans to harvest damaged timber, the stumpage values for which have been materially reduced from the values shown in the applicable tables due to damage resulting from fire, blow down, ice storm, flood or other sudden unforeseen cause, the department shall revise such tables for any area in which such timber is located and shall specify any additional accounting or other requirements to be complied with in reporting and paying such tax. The preliminary area designations and stumpage value tables and any revisions thereof shall be subject to review by the ways and means committees of the house and senate prior to finalization.

Tables of stumpage values shall be signed by the director or his designee and authenticated by the official seal of the department. A copy thereof shall be mailed to anyone who has submitted to the department a written request therefor.

(4) On or before the sixtieth day after the date of final adoption of any stumpage value tables, any harvester may appeal to the board of tax appeals for a revision of stumpage values for an area determined pursuant to subsection (3) of this section.

(5) There are hereby created in the state treasury a state timber tax fund A and a state timber tax fund B, separate and apart from the state general fund. The revenues from the tax imposed by subsection (1) of this section shall be deposited in state timber tax fund A and state timber tax fund B as follows:

YEAR OF COLLECTION	FUND A	FUND B
1973 through 1978	100%	0%
1979	75%	25%
1980	50%	50%
1981	25%	75%
1982 and thereafter	0%	100%

(6) In addition to the rates specified in subsection (1) of this section, there shall be imposed upon such persons a surtax at a rate of .5% of the stumpage value of timber as specified in such subsection (1) upon timber harvested between October 1, 1972 and September 30, 1974 inclusive. The revenues from such surtax shall be deposited in a separate fund designated the state timber reserve fund, which is hereby created in the state treasury separate and apart from the state general fund. Such surtax shall be reimposed for one year upon timber harvested in any calendar year following any fourth quarter during which transfers from such reserve fund pursuant to subsection (3) of RCW 84.33.080 reduce the balance in such fund to less than five hundred thousand dollars, but in no event shall such surtax be imposed in any year after 1980.

(7) The tax imposed under this section shall be computed with respect to timber harvested each calendar quarter and shall be due and payable in quarterly installments and remittance therefor shall be made on or before the last day of the month next succeeding the end of the quarterly period in which the tax accrued. The taxpayer on or before such date shall make out a return, upon such forms and setting forth such information as the department of revenue may require, showing the amount of the tax for which he is liable for the preceding quarterly period, and shall sign and transmit the same to the department of revenue, together with a remittance for such amount.

(8) The taxes imposed by this section shall be in addition to any taxes imposed upon the same persons pursuant to one or more of sections RCW 82.04.230 to 82.04.290, inclusive, and RCW 82.04.440, and none of such sections shall be construed to modify or interact with this section in any way, except RCW 82.04.450 and 82.04.490 shall not apply to the taxes imposed by this section.

(9) Any harvester incurring less than ten dollars tax liability under this section in any calendar quarter shall be excused from the payment of such tax, but may be required by the department of revenue to file a return even though no tax may be due.

NEW SECTION. Sec. 2. This 1976 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 31, 1976.

Passed the Senate February 12, 1976.

Approved by the Governor February 20, 1976.

Filed in Office of Secretary of State February 20, 1976.

CHAPTER 34

[Substitute House Bill No. 802]

STATE GOVERNMENT—TRAVEL EXPENSES

AN ACT Relating to state government; amending section 8, chapter 45, Laws of 1925 ex. sess. and RCW 2.52.080; amending section 6, chapter 259, Laws of 1957 and RCW 2.56.060; amending section 5, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.050; amending section 9, chapter 340, Laws of 1955 as last amended by section 9, chapter 98, Laws of 1969 and RCW 9.95.003; amending section 3, chapter 165, Laws of 1947 as amended by section 1, chapter 68, Laws of 1967 and RCW 14.04.030; amending section 4, chapter 165, Laws of 1947 as last amended by section 2, chapter 68, Laws of 1967 and RCW 14.04.040; amending section 15.04.040, chapter 11, Laws of 1961 and RCW 15.04.040; amending section 15.24.050, chapter 11, Laws of 1961 as amended by section 26, chapter 240, Laws of 1967 and RCW 15.24.050; amending section 10, chapter 129, Laws of 1969 and RCW 15.26.100; amending section 15.28.090, chapter 11, Laws of 1961 as amended by section 5, chapter 191, Laws of 1967 and RCW 15.28.090; amending section 15.44.038, chapter 11, Laws of 1961 as amended by section 12, chapter 7, Laws of 1975 1st ex. sess. and RCW 15.44.038; amending section 15.60.010, chapter 11, Laws of 1961 and RCW 15.60.010; amending section 15.60.020, chapter 11, Laws of 1961 and RCW 15.60.020; amending section 11, chapter 87, Laws of 1961 and RCW 15.63.110; amending section 27, chapter 256, Laws of 1961 and RCW 15.65.270; amending section 15.66.130, chapter 11, Laws of 1961 as last amended by section 10, chapter 7, Laws of 1975 1st ex. sess. and RCW 15.66.130; amending section 8, chapter 61, Laws of 1961 as amended by section 11, chapter 7, Laws of 1975 1st ex. sess. and RCW 15.76.170; amending section 6, chapter 133, Laws of 1969 and RCW 16.67.070; amending section 3, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.030.; amending section 27, chapter 249, Laws of 1961 and RCW 17.21.270; amending section 7, chapter 226, Laws of 1949 and RCW 18.04.080; amending section 22, chapter 226, Laws of 1949 and RCW 18.04.230; amending section 3, chapter 323, Laws of 1959 and RCW 18.08.120; amending section 11, chapter 101, Laws of 1957 as amended by section 1, chapter 188, Laws of 1967 and RCW 18.15.055; amending section 5, chapter 101, Laws of 1957 as amended by section 20, chapter 223, Laws of 1967 and RCW 18.15.140; amending section 2, chapter 168, Laws of 1953 as amended by section 8, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.104; amending section 14, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.251; amending section 2, chapter 53, Laws of 1959 as amended by section 8, chapter 97, Laws of 1974 ex. sess. and RCW 18.25.017; amending section 7, chapter 171, Laws of 1967 as amended by section 14, chapter 97, Laws of 1974 ex. sess. and RCW 18.26.070; amending section 3, chapter 93, Laws of 1953 as last amended by section 2, chapter 188, Laws of 1967 and RCW 18.32.050; amending section 15, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.150; amending section 10, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.100; amending section 3, chapter 283, Laws of 1947 and RCW 18.43.030; amending section 6, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.060; amending section 13, chapter 25, Laws of 1963 as amended by section 3, chapter 188, Laws of 1967 and RCW 18.54.130; amending section 2, chapter 98, Laws of 1935 as amended by section 17, chapter 38, Laws of 1963 and RCW 18.64.003; amending section 2, chapter 284, Laws of 1961 as amended by section 2, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.015; amending section 10, chapter 202, Laws of 1955 and RCW 18.72.100; amending section 4, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.040; amending section 2, chapter 239, Laws of 1949 and RCW 18.74.020; amending section 4, chapter 222, Laws of 1949 as amended by section 4, chapter 188, Laws of 1967 and RCW 18.78.040; amending section 12, chapter 222, Laws of 1949 and RCW 18.78.110; amending section 13, chapter 222, Laws of 1949 and RCW 18.78.120; amending section 21, chapter 70, Laws of 1965 as amended by section 19, chapter 199, Laws of 1969 ex. sess. and RCW 18.83.051; amending section 14, chapter 252, Laws of 1941 as last amended by section 4, chapter 235, Laws of 1953 and RCW 18.85.080; amending section 8, chapter 202, Laws of 1949 as last amended by section 7, chapter 133, Laws of 1973 and RCW 18.88.080; amending section 9, chapter 202, Laws of 1949 as last amended by section 8,

chapter 133, Laws of 1973 and RCW 18.88.090; amending section 2, chapter 200, Laws of 1959 as amended by section 5, chapter 188, Laws of 1967 and RCW 18.90.020; amending section 13, chapter 124, Laws of 1907 as last amended by section 3, chapter 44, Laws of 1974 ex. sess. and RCW 18.92.040; amending section 5, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.050; amending section 9, chapter 212, Laws of 1971 ex. sess. and RCW 18.104.090; amending section 11, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.110; amending section 2, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.020; amending section 22, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.310; amending section 7, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.070; amending section 5, chapter 207, Laws of 1963 as amended by section 1, chapter 71, Laws of 1969 ex. sess. and RCW 19.28.065; amending section 3, chapter 169, Laws of 1935 as amended by section 1, chapter 88, Laws of 1967 and RCW 19.28.070; amending section 2, chapter 188, Laws of 1974 ex. sess. as amended by section 2, chapter 195, Laws of 1975 1st ex. sess. and RCW 19.28.123; amending section 12, chapter 169, Laws of 1935 and RCW 19.28.270; amending section 47, chapter 282, Laws of 1959 and RCW 21.20.470; amending section 59, chapter 282, Laws of 1959 and RCW 21.20.590; amending section 1, chapter 5, Laws of 1941 as last amended by section 1, chapter 198, Laws of 1967 and RCW 27.04.020; amending section 28A.04.110, chapter 223, Laws of 1969 ex. sess. as amended by section 13, chapter 106, Laws of 1973 and RCW 28A.04.110; amending section 6, chapter 176, Laws of 1969 ex. sess. as last amended by section 13, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.060; amending section 13, chapter 176, Laws of 1969 ex. sess. as last amended by section 29, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.130; amending section 28A.91.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.91.050; amending section 28A.92.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.92.050; amending section 28B.10.525, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.525; amending section 6, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.060; amending section 28B.50.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 13, chapter 62, Laws of 1973 and RCW 28B.50.050; amending section 28B.50.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.50.060; amending section 52, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.245; amending section 12, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.110; amending section 9, chapter 263, Laws of 1969 ex. sess. and RCW 28B.81.090; amending section 8, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.070; amending section 8, chapter 120, Laws of 1965 ex. sess. as last amended by section 1, chapter 1, Laws of 1975 1st ex. sess. and RCW 36.78.080; amending section 43, chapter 130, Laws of 1943 as amended by section 1, chapter 46, Laws of 1974 ex. sess. and RCW 38.24.050; amending section 5, chapter 178, Laws of 1951 as amended by section 6, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.040; amending section 5, chapter 246, Laws of 1957 and RCW 40.14.050; amending section 1, chapter 274, Laws of 1975 1st ex. sess. and RCW 41.04.260; amending section 2, chapter 39, Laws of 1970 ex. sess. as amended by section 1, chapter 147, Laws of 1973 1st ex. sess. and RCW 41.05.020; amending section 11, chapter 1, Laws of 1961 and RCW 41.06.110; amending section 4, chapter 263, Laws of 1955 as amended by section 8, chapter 118, Laws of 1969 and RCW 41.24.270; amending section 8, chapter 263, Laws of 1955 as amended by section 10, chapter 118, Laws of 1969 and RCW 41.24.310; amending section 6, chapter 80, Laws of 1947 and RCW 41.32.060; amending section 5, chapter 274, Laws of 1947 and RCW 41.40.050; amending section 2, chapter 5, Laws of 1975 2nd ex. sess. and RCW 41.58.015; amending section 5, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.040; amending section 35, chapter 1, Laws of 1973 as amended by section 23, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.350; amending section 43.03.050, chapter 8, Laws of 1965 as last amended by section 1, chapter 34, Laws of 1970 ex. sess. and RCW 43.03.050; amending section 43.03.060, chapter 8, Laws of 1965 as last amended by section 1, chapter 157, Laws of 1974 ex. sess. and RCW 43.03.060; amending section 3, chapter 16, Laws of 1967 ex. sess. and RCW 43.03.130; amending section 2, chapter 41, Laws of 1967 ex. sess. as amended by section 1, chapter 17, Laws of 1973 2nd ex. sess. and RCW 43.06.130; amending section 2, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.360; amending section 15, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.380; amending section 18, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.180; amending section 35, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.050; amending section 3, chapter 44, Laws of 1975 1st ex. sess. and RCW 43.21E.030; amending section 3, chapter 229, Laws of 1969 ex. sess. as last amended by section 1, chapter 82, Laws of 1971 ex. sess. and RCW 43.22.420; amending section 6, chapter 44, Laws of 1970 ex. sess. as amended by section 4, chapter 22, Laws of 1973 1st ex. sess. and RCW 43.22.475; amending section 43.24.060, chapter 8, Laws of 1965 as amended by section 3, chapter 100, Laws of 1965 and RCW 43.24.060; amending section 43.24.110, chapter 8, Laws of 1965 as amended by section 5, chapter 100, Laws of 1965 and RCW 43.24.110; amending section 43.30.150, chapter 8, Laws of 1965 and RCW 43.30.150; amending section 43.31.090, chapter 8, Laws of 1965 as amended by section 1, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.090; amending section 43.31.110, chapter 8, Laws of 1965 and RCW 43.31.110; amending section 43.31.130, chapter 8, Laws of 1965 and RCW 43.31.130; amending section 2, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.020;

amending section 7, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.33.050; amending section 43.38.010, chapter 8, Laws of 1965 and RCW 43.38.010; amending section 12, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.120; amending section 5, chapter 202, Laws of 1973 1st ex. sess. and RCW 43.43.858; amending section 43.51.020, chapter 8, Laws of 1965 as last amended by section 1, chapter 31, Laws of 1969 ex. sess. and RCW 43.51.020; amending section 7, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.810; amending section 43.56.040, chapter 8, Laws of 1965 and RCW 43.56.040; amending section 43.57.020, chapter 8, Laws of 1965 as amended by section 1, chapter 164, Laws of 1965 ex. sess. and RCW 43.57.020; amending section 6, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.050; amending section 43.62.010, chapter 8, Laws of 1965 and RCW 43.62.010; amending section 12, chapter 74, Laws of 1967 and RCW 43.63A.120; amending section 43.74.015, chapter 8, Laws of 1965 as amended by section 6, chapter 188, Laws of 1967 and RCW 43.74.015; amending section 5, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.060; amending section 11, chapter 5, Laws of 1965 as last amended by section 1, chapter 60, Laws of 1971 and RCW 43.99.110; amending section 7, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.070; amending section 14, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.140; amending section 2, chapter 108, Laws of 1969 as amended by section 1, chapter 218, Laws of 1975 1st ex. sess. and RCW 43.110.010; amending section 5, chapter 219, Laws of 1973 1st ex. sess. and RCW 43.105.032; amending section 3, chapter 34, Laws of 1971 ex. sess. and RCW 43.115.030; amending section 4, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.040; amending section 1, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.010; amending section 7, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.070; amending section 14, chapter 43, Laws of 1951 and RCW 44.28.040; amending section 5, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.050; amending section 46.82.140, chapter 12, Laws of 1961 as amended by section 48, chapter 170, Laws of 1965 ex. sess. and RCW 46.82.140; amending section 3, chapter 106, Laws of 1963 as amended by section 113, chapter 32, Laws of 1967 and RCW 46.85.030; amending section 47.01.040, chapter 13, Laws of 1961 as amended by section 31, chapter 170, Laws of 1965 ex. sess. and RCW 47.01.040; amending section 19, chapter 83, Laws of 1967 ex. sess. as last amended by section 2, chapter 1, Laws of 1975 1st ex. sess. and RCW 47.26.130; amending section 20, chapter 83, Laws of 1967 ex. sess. as amended by section 3, chapter 171, Laws of 1969 ex. sess. and RCW 47.26.140; amending section 4, chapter 278, Laws of 1961 as amended by section 32, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.023; amending section 14, chapter 150, Laws of 1967 and RCW 48.17.135; amending section 1, chapter 231, Laws of 1941 as last amended by section 1, chapter 6, Laws of 1967 and RCW 49.04.010; amending section 4, chapter 58, Laws of 1903 and RCW 49.08.040; amending section 4, chapter 270, Laws of 1955 and RCW 49.60.070; amending section 9, chapter 270, Laws of 1955 as last amended by section 5, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.130; amending section 12, chapter 156, Laws of 1972 ex. sess. as amended by section 8, chapter 3, Laws of 1973 2nd ex. sess. and RCW 49.66.120; amending section 2, chapter 127, Laws of 1959 and RCW 50.12.031; amending section 59, chapter 35, Laws of 1945 as last amended by section 4, chapter 8, Laws of 1953 ex. sess. and RCW 50.12.200; amending section 67, chapter 289, Laws of 1971 ex. sess. as last amended by section 1, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.04.110; amending section 51.52.010, chapter 23, Laws of 1961 as last amended by section 68, chapter 289, Laws of 1971 ex. sess. and RCW 51.52.010; amending section 3, chapter 224, Laws of 1951 and RCW 58.24.020; amending section 2, chapter 184, Laws of 1933 as amended by section 1, chapter 305, Laws of 1959 and RCW 67.08.003; amending section 12, chapter 184, Laws of 1933 as amended by section 4, chapter 305, Laws of 1959 and RCW 67.08.060; amending section 2, chapter 233, Laws of 1969 ex. sess. and RCW 67.16.017; amending section 33, chapter 290, Laws of 1953 and RCW 68.05.060; amending section 3, chapter 147, Laws of 1974 ex. sess. and RCW 70.37.030; amending section 6, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.050; amending section 2, chapter 32, Laws of 1951 and RCW 70.79.020; amending section 4, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.040; amending section 7, chapter 139, Laws of 1973 and RCW 70.95B.070; amending section 7, chapter 207, Laws of 1961, as last amended by section 18, chapter 18, Laws of 1970 ex. sess. and RCW 70.98.070; amending section 13, chapter 49, Laws of 1974 ex. sess. and RCW 70.106.130; amending section 4, chapter 183, Laws of 1974 ex. sess. and RCW 70.107.040; amending section 19, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.190; amending section 72.01.180, chapter 28, Laws of 1959 and RCW 72.01.180; amending section 6, chapter 118, Laws of 1973 and RCW 72.41.060; amending section 6, chapter 96, Laws of 1972 ex. sess. and RCW 72.42.060; amending section 72.60.060, chapter 28, Laws of 1959 and RCW 72.60.060; amending section 3, chapter 203, Laws of 1969 ex. sess. and RCW 74.32.120; amending section 7, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.475; amending section 8, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.530; amending section 3, chapter 137, Laws of 1974 ex. sess. as amended by section 1, chapter 200, Laws of 1975 1st ex. sess. and RCW 76.09.030; amending section 22, chapter 137, Laws of 1974 ex. sess. as amended by section 10, chapter 200, Laws of 1975 1st ex. sess. and RCW 76.09.220; amending section 77.04.060, chapter 36, Laws of 1955 as last amended by section 9, chapter 307, Laws of 1961 and RCW 77.04.060; amending section 34, chapter 26, Laws of 1967 ex. sess. as amended by section 2,

chapter 65, Laws of 1970 ex. sess. and RCW 82.03.050; amending section 27, chapter 200, Laws of 1907 as amended by section 1, chapter 137, Laws of 1947 and RCW 88.04.020; amending section 2, chapter 18, Laws of 1935 as last amended by section 1, chapter 15, Laws of 1967 and RCW 88.16.020; amending section 4, chapter 304, Laws of 1955 as last amended by section 5, chapter 184, Laws of 1973 1st ex. sess. and RCW 89.08.040; amending section 2, chapter 162, Laws of 1925 ex. sess. as amended by section 1, chapter 123, Laws of 1947 and RCW 90.08.050; amending section 3, chapter 123, Laws of 1965 ex. sess. as amended by section 1, chapter 36, Laws of 1967 and RCW 91.12.030; adding a new section to chapter 2.08 RCW; adding a new section to chapter 2.28 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 41.40 RCW; declaring an emergency; 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 2.08 RCW a new section to read as follows:

Whenever a judge of the superior court shall serve a district comprising more than one county, such judge shall be reimbursed for travel expenses in connection with business of the court in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended for travel from his residence to the other county or counties in his district and return.

NEW SECTION. Sec. 2. There is added to chapter 2.28 RCW a new section to read as follows:

Whenever a judge serves as a judge pro tempore the payments for subsistence, lodging, and compensation pursuant to RCW 2.04.250 and 2.06.160 as now or hereafter amended shall be paid only for time actually spent away from the usual residence and abode of such pro tempore judge and only for time actually devoted to sitting on cases heard by such pro tempore judge and for time actually spent in research and preparation of a written opinion prepared and delivered by such pro tempore judge; which time spent shall be evidenced by an affidavit of such judge to be submitted by him to the court from which he is entitled to receive subsistence, lodging, and compensation for his services pursuant to RCW 2.04.250 and 2.06.160 as now or hereafter amended.

NEW SECTION. Sec. 3. There is added to chapter 41.04 RCW a new section to read as follows:

Except as otherwise provided by law the payment of travel expenses by the state to any appointive official or employee of any commission, agency, or other body of the executive, judicial, or legislative branches of state government shall be in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

NEW SECTION. Sec. 4. There is added to chapter 41.40 RCW a new section to read as follows:

No person appointed to membership on any committee, board, or commission on or after the effective date of this 1976 amendatory act, who is compensated for service on such committee, board, or commission for less than ten days or seventy hours in any month, whichever amount is less, shall receive service credit for such service for that month.

Sec. 5. Section 8, chapter 45, Laws of 1925 ex. sess. and RCW 2.52.080 are each amended to read as follows:

A member of the council shall not receive compensation for his services but shall be allowed (~~his actual necessary~~) travel expenses in accordance with RCW

43.03.050 and 43.03.060 as now existing or hereafter amended when traveling on business of the council.

Sec. 6. Section 6, chapter 259, Laws of 1957 and RCW 2.56.060 are each amended to read as follows:

The supreme court of this state may provide by rule or special order for the holding in this state of an annual conference of the judges of the courts of record of this state, and of invited members of the bar, for the consideration of matters relating to judicial business, the improvement of the judicial system and the administration of justice. Each judge attending such annual judicial conference shall be entitled to be reimbursed for ~~((his necessary))~~ transportation expenses in accordance with RCW 43.03.060 as now existing or hereafter amended and shall receive forty dollars per day for subsistence and lodging to be paid from state appropriations made for the purposes of this chapter.

Sec. 7. Section 5, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.050 are each amended to read as follows:

(1) Upon appointment of the initial membership the commission shall meet at a time and place designated by the governor and proceed to organize, electing one of such members as chairman of the commission who shall serve until July 1, 1974; thereafter a chairman shall be elected annually.

(2) A majority of the members shall constitute a quorum of the commission: PROVIDED, That all actions of the commission relating to the regulation of licensing under this chapter shall require an affirmative vote by three or more members of the commission.

(3) The principal office of the commission shall be at the state capitol and meetings shall be held at least quarterly and at such other times as may be called by the chairman or upon written request to the chairman of a majority of the commission.

(4) Members shall receive fifty dollars ~~((per diem))~~ for each day or major portion thereof spent in performance of their duties plus reimbursement for ~~((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 43.03.050 and 43.03.060 as now existing or hereafter amended.

(5) Before entering upon the duties of his office, each of said members of the commission shall enter into a surety bond executed by a surety company authorized to do business in this state, payable to the state of Washington, to be approved by the governor, in the penal sum of fifty thousand dollars, conditioned upon the faithful performance of his duties, and shall take and subscribe to the oath of office prescribed for elective state officers, which oath and bond shall be filed with the secretary of state. The premium for said bond shall be paid by the commission.

(6) Any member of the commission may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time of the hearing, which shall be public, and the procedure for the hearing, and the decision of such tribunal shall be final. Removal of

any member of the commission by the tribunal shall disqualify such member for reappointment.

Sec. 8. Section 9, chapter 340, Laws of 1955 as last amended by section 9, chapter 98, Laws of 1969 and RCW 9.95.003 are each amended to read as follows:

The board of prison terms and paroles shall consist of a chairman and six other members, each of whom shall be appointed by the governor with the consent of the senate. Each member shall hold office for a term of five years, and until his successor is appointed and qualified: PROVIDED, That the two additional members to be appointed to the board shall serve initial terms ending April 15, 1972 and 1974 respectively. The terms shall expire on April 15th of the expiration year. Vacancies in the membership of the board shall be filled in the same manner in which the original appointments are made. In the event of the inability of any member to act, the governor shall appoint some competent person to act in his stead during the continuance of such inability. The members shall not be removable during their respective terms except for cause determined by the superior court of Thurston county. The governor in appointing the members shall designate one of them to serve as chairman at the governor's pleasure.

The members of the board of prison terms and paroles and its officers and employees shall not engage in any other business or profession or hold any other public office; nor shall they, at the time of appointment or employment or during their incumbency, serve as the representative of any political party on an executive committee or other governing body thereof, or as an executive officer or employee of any political committee or association. The members of the board of prison terms and paroles shall each severally receive salaries, payable in monthly installments, as may be fixed by the governor in accordance with the provisions of RCW 43.03.040, and in addition thereto, ~~((their necessary))~~ travel expenses ((actually)) incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

The board may employ, and fix, with the approval of the governor, the compensation of and prescribe the duties of a secretary and such officers, employees, and assistants as may be necessary, and provide necessary quarters, supplies, and equipment.

Sec. 9. Section 3, chapter 165, Laws of 1947 as amended by section 1, chapter 68, Laws of 1967 and RCW 14.04.030 are each amended to read as follows:

There is hereby created the "Washington state aeronautics commission," to consist of one member from each congressional district, who shall be appointed by the governor, by and with the advice and consent of the senate, and who shall continue in office, as designated by the governor at the time of appointment, through the last day of the second, third, fourth, fifth, sixth and seventh calendar years, respectively, following the passage of this chapter: PROVIDED, That from and after July 1, 1967, in order that there may be one commissioner from each congressional district, an additional commissioner shall be appointed by the governor for a term commencing August 1, 1967, and expiring December 31, 1972, and the governor shall appoint one additional commissioner within thirty days following the creation of each additional congressional district for a term ending on the December 31st of the fifth year following such appointment. The successors of the members initially appointed shall be appointed for terms of five

years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his successor. No more than a simple majority of the members shall be appointed from the same political party. All members of the commission shall be citizens and bona fide residents of the state. No more than three members shall have any direct or indirect financial or pecuniary interest in civil aviation. ~~((No))~~ Each member shall receive ~~((any salary))~~ for his services~~((, but shall be reimbursed for actual and necessary expenses incurred by him in the performance of his duties and shall be paid))~~ the sum of twenty-five dollars ~~((per diem))~~ for each day actually spent in attending to his duties as a member of the commission, but no member shall receive more than five hundred dollars in any one year ~~((as per diem))~~. Each member shall also be reimbursed for travel expenses incurred by him in the performance of his duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The members of the commission may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office, in the manner provided by law for the removal of other public officials for like cause.

Sec. 10. Section 4, chapter 165, Laws of 1947 as last amended by section 2, chapter 68, Laws of 1967 and RCW 14.04.040 are each amended to read as follows:

A director of aeronautics shall be appointed by the commission and shall serve at the pleasure of the commission. He shall be appointed with due regard to his fitness, by aeronautical education and by knowledge of and recent practical experience in aeronautics, for the efficient dispatch of the powers and duties duly invested in and imposed upon him. He shall devote his entire time to the duties of his office and perform such services as the commission shall authorize and direct, and not be actively engaged or employed in any other business, vocation, or employment, nor shall he have any pecuniary interest in or any stock in or bonds of any civil aeronautics enterprise. He shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040, and shall be reimbursed for ~~((all traveling and other))~~ travel expenses incurred by him in the discharge of his official duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

He shall be the executive officer of the commission and under its supervision shall administer the provisions of this chapter and the rules, regulations and orders established thereunder and all other laws of the state relative to aeronautics. He shall attend, but not vote at, all meetings of the commission. He shall be in charge of the offices of the commission and responsible to the commission for the preparation of reports and the collection and dissemination of data and other public information relating to aeronautics. At the direction of the commission, he shall, together with the chairman of the commission, execute all contracts entered into by the commission.

The director shall appoint, in accordance with chapter 41.06 RCW subject to the approval of the commission such experts, field and office assistants, clerks, and other employees as may be required and authorized for the proper discharge of

the functions of the commission and for whose services funds have been appropriated.

The commission may, by written order filed in its office, delegate to the director any of the powers or duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised by the director in the name of the commission.

Sec. 11. Section 15.04.040, chapter 11, Laws of 1961 and RCW 15.04.040 are each amended to read as follows:

Inspectors-at-large shall pass such an examination by the director as will satisfy him they are qualified in knowledge and experience to carry on the work in the districts to which they are assigned. They shall be assigned to a horticultural inspection district and may be transferred from one district to another. Their salaries and ~~((necessary traveling))~~ travel expenses, as shown by vouchers verified by them and countersigned by the director, shall be paid by warrants drawn upon the state treasurer, horticultural inspection district funds, the horticultural inspection trust fund, or from county appropriations: PROVIDED, That, not less than twenty-five percent of their total salary shall be paid by warrants drawn upon the state treasurer. Such travel expenses shall be reimbursed in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 12. Section 15.24.050, chapter 11, Laws of 1961 as amended by section 26, chapter 240, Laws of 1967 and RCW 15.24.050 are each amended to read as follows:

In the event a position becomes vacant due to resignation, disqualification, death, or for any other reason, such position until the next annual meeting shall be filled by vote of the remaining members of the commission. At such annual meeting a commissioner shall be elected to fill the balance of the unexpired term.

A majority of the voting members shall constitute a quorum for the transaction of all business and the carrying out of the duties of said commission.

~~((No))~~ Each member of the commission shall receive ~~((any salary or other compensation, but each member shall receive))~~ a sum to be determined by the commission but not more than twenty dollars per day for each day spent in actual attendance on or traveling to and from meetings of the commission, or on special assignment for the commission, together with actual travel expenses incurred in carrying out the provisions of this chapter. Employees of the commission may also be reimbursed for actual travel expenses when out of state on official commission business.

Sec. 13. Section 10, chapter 129, Laws of 1969 and RCW 15.26.100 are each amended to read as follows:

~~((No))~~ Each member of the commission shall receive ~~((any salary or other compensation in the performance of his duties as a commission member, except a per diem))~~ payment to be determined by the commission not to exceed twenty dollars per day for each day spent in actual attendance at commission meetings, or on traveling to and from meetings of the commission, or on special assignments for the commission, together with actual travel expenses incurred in carrying out

the provisions of this chapter. Employees of the commission may also be reimbursed for actual travel expenses when out of state on official commission business.

Sec. 14. Section 15.28.090, chapter 11, Laws of 1961 as amended by section 5, chapter 191, Laws of 1967 and RCW 15.28.090 are each amended to read as follows:

~~((No))~~ Each member of the commission shall receive ~~((any salary or other compensation but each member shall receive))~~ the sum of twenty dollars per day for each day spent in actual attendance on or in traveling to and from meetings of the commission or on special assignment for the commission, together with actual travel expenses incurred in carrying out the provisions of this chapter. Employees of the commission may also be reimbursed for actual travel expenses when out of state on official commission business.

Sec. 15. Section 15.44.038, chapter 11, Laws of 1961 as amended by section 12, chapter 7, Laws of 1975 1st ex. sess. 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 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))~~ travel expenses at the rates allowed by RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 16. Section 15.60.010, chapter 11, Laws of 1961 and RCW 15.60.010 are each amended to read as follows:

There is hereby created a division of apiculture in the department of agriculture, which shall consist of the director of agriculture and of such apiary inspectors as he may appoint. The director shall receive no additional salary for performance of his duties under this chapter but shall be paid ~~((his actual traveling))~~ travel expenses incurred in performing such duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 17. Section 15.60.020, chapter 11, Laws of 1961 and RCW 15.60.020 are each amended to read as follows:

The director shall have authority to enter into reciprocal agreements with any and all states for the prevention or spread of diseases affecting bees or appliances. The director shall appoint one or more apiary inspectors as conditions may warrant, who shall, under his direction, have charge of the inspection of apiaries, and bees, the investigation of outbreaks of bee diseases, investigation of bee poisoning by agricultural insecticides and other chemicals, the enforcement of the provisions of this chapter in relation to the eradication and control of bee diseases, or any other such duties as the director may prescribe. Such apiary inspector, or inspectors, shall be paid such reasonable compensation as may be fixed by the director while so employed and ~~((his actual and necessary traveling))~~ travel expenses incurred in the performance of his duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 18. Section 11, chapter 87, Laws of 1961 and RCW 15.63.110 are each amended to read as follows:

Members of the commission shall receive ~~((no salary, but each member shall receive))~~ the sum of twenty dollars for each day actually spent in attendance at or in traveling to and from meetings of the commission, or on special assignment for the commission, together with ~~((subsistence and))~~ travel expenses ~~((at the rate allowed by law to state employees))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 19. Section 27, chapter 256, Laws of 1961 and RCW 15.65.270 are each amended to read as follows:

In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term. A majority of the voting members of the board shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board. ~~((No))~~ Each member of the board shall receive ~~((any salary or other compensation but each member shall receive))~~ a sum to be specified in the marketing agreement or order not in excess of thirty-five dollars per day for each day spent in actual attendance on or traveling to and from meetings of the board or on special assignment for the board, together with ~~((subsistence and traveling))~~ travel expenses at the rates allowed ((by law to)) state employees in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 20. Section 15.66.130, chapter 11, Laws of 1961 as last amended by section 10, chapter 7, Laws of 1975 1st 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))~~ Each 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 but not in excess of 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))~~ travel expenses ((at the rate allowed by law to state employees)) in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 21. Section 8, chapter 61, Laws of 1961 as amended by section 11, chapter 7, Laws of 1975 1st ex. sess. 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 serve 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 thirty-five dollars (~~per diem~~) for each day actually spent on commission business plus (~~actual~~) travel expenses, in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended 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. 22. Section 6, chapter 133, Laws of 1969 and RCW 16.67.070 are each amended to read as follows:

In the event a position on the commission becomes vacant due to resignation, disqualification, death, or for any other reason, the unexpired term of such position shall be filled by the governor forthwith.

~~(No)~~ Each member of the commission shall receive (~~any salary or other compensation, but each member shall receive~~) the sum of twenty-five dollars (~~per day~~) for each day spent in actual attendance on or traveling to and from meetings of the commission, or on special assignment for the commission, together with (~~subsistence and traveling~~) travel expenses (at the rate allowed by the law to state employees) in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 23. Section 3, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.030. are each amended to read as follows:

There is hereby created a state noxious weed control board which shall be comprised of six members, three to be elected by the members of the various activated county noxious weed control boards. Three of the members of such board shall be residents of a county in which a county noxious weed control board has been activated and a member of said board, and be engaged in primary agricultural production at the time of their election and such qualification shall continue through their term of office. One such primary agricultural producer shall be elected from the west side of the state, the crest of the Cascades being the dividing line, and two from the east side of the state. The director of agriculture shall be a member of the board, and the director of the agricultural extension service shall be a nonvoting member of the board. The elected members of the board shall appoint one member of the board who may be an expert in the field of weed control. The term of office for all elected members and the appointed members of the board shall be three years from their date of election or appointment.

The director of agriculture shall provide for an election of the first members of the state noxious weed control board. Such election shall not take place sooner than six months nor later than twelve months after one county noxious weed control board has been activated on the west side of the Cascade mountains and two such county noxious weed boards have been activated on the east side of the

Cascade mountains. The first board members elected to the state noxious weed control board shall serve staggered terms as follows:

(1) The board member representing the west side of the state on the activated county noxious weed control board as primary agricultural producer, shall be appointed for a term of one year and shall be designated "Position No. 1".

(2) The two board members representing the east side of the state shall be appointed to terms of two and three years and shall be designated respectively as positions "No. 2" and "No. 3".

(3) The member of the board subsequently appointed by the elected members shall be appointed for a three year term and shall be designated "Position No. 4".

(4) The director of agriculture and the director of agricultural extension service shall serve so long as they are vested with their respective titular positions, and their positions shall be "No. 5" and "No. 6" respectively.

Elections for the elected members of the board shall be held thirty days prior to the expiration date of their respective terms.

Nominations and elections shall be by mail and conducted by the director of agriculture.

The board shall conduct its first meeting within thirty days after all its members have been elected. The board shall elect from its members a chairman and such other officers as may be necessary. 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 members of the board shall serve without salary, but shall be ~~((compensated))~~ reimbursed for ~~((the actual and necessary))~~ travel expenses incurred in the performance of their duties under this chapter in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 24. Section 27, chapter 249, Laws of 1961 and RCW 17.21.270 are each amended to read as follows:

No person appointed to the board shall receive a salary or other compensation as a member of the board: PROVIDED, That each member of the board shall receive ~~((traveling))~~ travel expenses ~~((and per diem as prescribed by law for state employees))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended for each day spent in actual attendance at or traveling to and from meetings of the board or special assignments for the board.

Sec. 25. Section 7, chapter 226, Laws of 1949 and RCW 18.04.080 are each amended to read as follows:

Each member of the board shall be paid twenty-five dollars for each day or portion thereof spent in the discharge of his official duties and shall be reimbursed for ~~((his actual and necessary))~~ travel expenses incurred in the discharge of such duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 26. Section 22, chapter 226, Laws of 1949 and RCW 18.04.230 are each amended to read as follows:

The board shall appoint three persons who shall constitute the public accountants' registration committee. One of these members shall be a public accountant in practice in this state who does not hold a license to practice as a

licensed public accountant or a certificate to practice as a certified public accountant, one member shall be a person holding a valid license to practice as a licensed public accountant and one member shall be a person holding a valid certificate to practice as a certified public accountant. Each of the members must be and have been continuously during the five years preceding his appointment, in active practice as a public accountant in this state.

The committee may adopt, and amend from time to time, rules and regulations for the orderly conduct of its affairs and for the administration of this chapter. Each member of the committee shall be paid twenty-five dollars for each day or portion thereof spent in the discharge of his official duties and shall be reimbursed for ~~((his actual and necessary))~~ travel expenses incurred in the discharge of such duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 27. Section 3, chapter 323, Laws of 1959 and RCW 18.08.120 are each amended to read as follows:

There is hereby created a state board of registration for architects, to consist of five members who shall be appointed by the governor, each of whom shall have been a resident of this state for at least eight years and shall have at least eight years' experience in the practice of architecture as a licensed or registered architect in responsible charge of architectural work or responsible charge of architectural teaching immediately preceding appointment.

The members of the first board shall serve for 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. Every member of the board shall receive a certificate of his appointment from the governor and before beginning his term of office shall file with the secretary of state his written oath or affirmation for the faithful discharge of his official duties. On the expiration of the term of each member, the governor shall appoint a successor to serve for a term of five years or until his successor has been appointed and qualified.

The governor may remove any member of the board for cause. Vacancies in the board for any reason shall be filled by appointment for the unexpired term.

Members shall receive twenty-five dollars ~~((per diem white))~~ for each day actually performing board duties or traveling on board business and shall be reimbursed for their ~~((necessary))~~ travel ~~((and other))~~ expenses incurred in carrying out the provisions of this chapter in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 28. Section 11, chapter 101, Laws of 1957 as amended by section 1, chapter 188, Laws of 1967 and RCW 18.15.055 are each amended to read as follows:

The secretary shall have a full time position with a salary to conform with standards set by the department of licenses for similar positions.

Each member of the examining committee shall receive as compensation twenty-five dollars for each day's attendance at meetings of the committee. Members including the secretary shall be reimbursed for ~~((necessary traveling))~~ travel expenses incurred in the actual performance of their duties ~~((as provided for~~

state officials and employees generally in chapter 43.03 RCW)) in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 29. Section 5, chapter 101, Laws of 1957 as amended by section 20, chapter 223, Laws of 1967 and RCW 18.15.140 are each amended to read as follows:

A hearing board is hereby established for the purpose of hearing all charges of violations of any of the provisions of this chapter. The hearing board shall consist of three members to be appointed by the governor in the following manner: Two members, who meet the same requirements as members of the board of examiners, and one member unaffiliated with the barber profession. The first term shall be: One for six years, one for four years, and one for two years; thereafter, the terms shall be for six years and until a successor is appointed and qualified. The governor shall fill any vacancy within ninety days after it occurs by an appointment for the remainder of the unexpired term.

The hearing board shall select one of its members as its chairman and meetings shall be held as often as shall be deemed necessary to perform its duties. All members shall be present before business may be transacted.

Each member of the board shall receive as compensation for this attendance at hearings or other proper meetings twenty-five dollars for each day or part day in attendance, and shall be reimbursed for ((necessary)) travel expenses incurred in the performance of duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

The director of licenses shall exercise direct supervision over the hearing board, and the board shall file a report to the director immediately after each session, outlining the action taken by said board.

Before any license is revoked, or suspended, or any fines levied, the licensee must be given notice in writing of the charge or charges against him. At a day specified in said notice, at least twenty days after the service thereof, he must be afforded a fair hearing by the hearing board, and given full opportunity to produce testimony in his behalf and to confront the witnesses against him. Such charges shall be verified with the oath of the person making same, and a copy thereof shall be served in the manner provided by law for service of summons in civil actions.

The hearing shall be conducted by the hearing board at a date, time, and place as designated by the director. The hearing board shall be the sole judge of the charge or charges and the evidence produced, and the decision of any two members of the board shall be the decision of the board. If the charges are sustained in the judgment of the board, it may direct the revocation or suspension of such license, or a fine, or both as provided by this law.

The director of licenses is hereby granted the right of subpoena to require the attendance of witnesses and the production of pertinent records; such witnesses shall be entitled to fees and mileage as provided by law.

Any person feeling himself aggrieved by the fine, revocation, or suspension under this chapter, shall have the right to appeal from the decision of the hearing board to the superior court of the county in which he maintains his place of business.

Sec. 30. Section 2, chapter 168, Laws of 1953 as amended by section 8, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.104 are each amended to read as follows:

The secretary of the examining committee shall keep a record of all the proceedings of the committee. The committee shall meet in order to hold examinations and to conduct any other proper business. The committee shall set a schedule for such meetings a year in advance. The principal office of the committee shall be and is hereby established in Olympia, Washington. A majority of the committee in meeting duly assembled may exercise all the powers devolving upon the committee. For any urgent purpose a special meeting may be called. Notice from the secretary signed by three members of the committee may convene the committee for a special meeting. Only business specified in the notice shall be transacted. The secretary shall arrange for and conduct all examinations called for under the provisions of this chapter. The secretary shall deliver all records and findings of the examining committee as a result of examinations and hearings to the director. The secretary shall have a full time position with a salary to conform with standards set by the department of licenses for similar positions. The secretary shall be reimbursed for ~~((necessary traveling))~~ travel expenses incurred in the actual performance of his duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Each member of the committee shall receive as compensation for attendance at proper meetings of the committee thirty-five dollars for each day's attendance and shall be reimbursed for ~~((necessary traveling))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. PROVIDED, HOWEVER, That all salaries, compensation, and travel expenses shall come from the license and application fees collected pursuant to this chapter.

Sec. 31. Section 14, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.251 are each amended to read as follows:

A hearing board is hereby established and shall consist of three members to be appointed by the governor in the following manner: One member qualified by at least six years' experience in the cosmetology industry for a six year term; one member from licensed Washington state cosmetology schools for a four year term; and one member who is unaffiliated with any of the foregoing associations for a two year term. Thereafter the terms of the members shall be for six years and until their successors are appointed and qualified. The governor shall fill any vacancy on the board within ninety days after it occurs by an appointment for the remainder of the unexpired term.

The board shall select one of its members as its chairman. Meetings shall be held as often as shall be necessary for the board to perform its duties. All members shall be present before business may be transacted. The director of licenses shall exercise direct supervision over the board's activities and the board shall file quarterly reports with the director outlining its activities for the preceding period.

Each member of the board shall receive as compensation for his attendance at hearings or other proper meetings thirty-five dollars for each day or part of a day's attendance and shall be reimbursed for ~~((necessary traveling))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. PROVIDED, HOWEVER, That all compensation and travel

expenses shall come from the license and application fees collected pursuant to this chapter.

Sec. 32. Section 2, chapter 53, Laws of 1959 as amended by section 8, chapter 97, Laws of 1974 ex. sess. and RCW 18.25.017 are each amended to read as follows:

The board shall meet as soon as practicable after appointment, and shall elect a chairman and a secretary from its members. Meetings shall be held at least once a year at such place as the director of licenses shall determine, and at such other times and places as he deems necessary.

The board may make such rules and regulations, not inconsistent with this chapter, as it deems necessary to carry out the provisions of this chapter.

Each member shall receive thirty-five dollars a day for each day actually engaged in conducting examinations or in the preparation of examination questions or the grading of examination papers, together with ~~((his actual))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, all to be paid out of the general fund on vouchers approved by the director, but not to exceed in the aggregate the amount of fees collected as provided in this chapter.

Members of the board shall be immune from suit in any action, civil or criminal, based upon their duties or other official acts performed in good faith as members of such board.

Sec. 33. Section 7, chapter 171, Laws of 1967 as amended by section 14, chapter 97, Laws of 1974 ex. sess. and RCW 18.26.070 are each amended to read as follows:

Members of the board may be paid thirty-five dollars ~~((per diem))~~ for ~~((time))~~ each day spent in performing their duties as members of the board and may be ~~((repaid))~~ paid their ~~((necessary traveling and other))~~ travel expenses while engaged in the business of the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, with such ~~((per diem and))~~ reimbursement ~~((for expenses))~~ to be paid out of the general fund on vouchers approved by the budget director and signed by the director of motor vehicles ~~((: PROVIDED, That the amount for expense will not be more than thirty-five dollars per day, except for traveling expense which shall not be more than ten cents per mile))~~.

Sec. 34. Section 3, chapter 93, Laws of 1953 as last amended by section 2, chapter 188, Laws of 1967 and RCW 18.32.050 are each amended to read as follows:

The members of the board shall each receive as compensation the sum of twenty-five dollars for each day actually engaged in the duties of the office, and ~~((all legitimate and necessary))~~ travel expenses incurred in attending the meetings of the board ~~((as provided for state officials and employees generally in chapter 43.03 RCW))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 35. Section 15, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.150 are each amended to read as follows:

(1) There is created hereby the council on hearing aids. The council shall consist of seven members to be appointed by the governor.

(2) Members of the council shall be residents of this state. Four members shall be persons experienced in the fitting of hearing aids who shall hold valid licenses under this chapter. One member shall be a medical doctor specializing in otolaryngology. One member shall be a clinical audiologist. One member shall represent the public.

(3) The term of office of a member is three years, except that on the first council three members shall serve for two years and four members shall serve for three years. A member shall continue to serve until a successor has been appointed and qualifies. Before a member's term expires, the governor shall appoint a successor to assume his duties at the expiration of his predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

(4) The chairman of the council shall be elected from the membership of the council at the beginning of each year.

(5) The council shall meet at least once each year, at a place, day and hour determined by the council, unless otherwise directed by a majority of council members. The council shall also meet at such other times and places as are requested by the department or by three members of the council.

(6) Members of the council shall not be compensated for their services, but shall be reimbursed for their ~~((traveling))~~ travel expenses ~~((and receive a per diem in the manner provided for state employees under chapter 43.03 RCW))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 36. Section 10, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.100 are each amended to read as follows:

(1) There is created a state advisory board of electricians, to be composed of three members appointed by the governor. One member shall be a journeyman electrician, one member shall be a person conducting an electrical installation business, and one member from the general public who is familiar with the business and trade of electrical installations.

(2) The initial terms of the members of the advisory board shall be one, two, and three years respectively as set forth in subsection (1) of this section. Upon the expiration of said terms, the governor shall appoint a new member to serve for a period of three years. In the case of any vacancy on the board for any reason, the governor shall appoint a new member to serve out the term of the person whose position has become vacant. This shall not be construed to mean the governor cannot reappoint a member.

(3) The advisory board shall carry out all the functions and duties enumerated in this chapter, as well as generally advise the department on all matters relative to this chapter.

(4) Each member of the advisory board shall receive ~~((compensation and))~~ travel expenses in accordance with the provisions of RCW 43.03.050 and 43.03-.060 as now existing or hereafter amended for each day in which such member is actually engaged in attendance upon the meetings of the advisory board.

Sec. 37. Section 3, chapter 283, Laws of 1947 and RCW 18.43.030 are each amended to read as follows:

A state board of registration for professional engineers and land surveyors is hereby created which shall exercise all of the powers and perform all of the duties conferred upon it by this chapter. The board shall consist of five registered professional engineers, who shall be appointed by the governor and shall have the qualifications as hereinafter required. The members of the first board shall be appointed within thirty days after the effective date of this act, to serve for 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. Every member of the board shall receive a certificate of his appointment from the governor and before beginning his term of office shall file with the secretary of state his written oath or affirmation for the faithful discharge of his official duty. On the expiration of the term of any member, the governor shall in the manner hereinbefore provided appoint for a term of five years a registered professional engineer having the qualifications as hereinafter required, to take the place of the member whose term on said board is about to expire. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified.

Each member of the board shall be a citizen of the United States and shall have been a resident of this state for at least five years immediately preceding his appointment, and shall have been engaged in the practice of the profession of engineering for at least twelve years, and shall have been in responsible charge of important engineering work for at least five years. Responsible charge of engineering teaching may be construed as responsible charge of important engineering work.

Each member of the board shall receive the sum of twenty-five dollars (~~per diem~~) each day 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~~) travel expenses (~~necessarity~~) incurred in carrying out the provisions of this chapter in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

The governor may remove any member of the board for misconduct, incompetency, or neglect of duty. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor as hereinabove provided.

Sec. 38. Section 6, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.060 are each amended to read as follows:

The board shall elect from its membership a chairman, vice chairman, and secretary-treasurer, and shall adopt rules and regulations to govern its proceedings. The chairman or four board members by signed written request may call board meetings upon reasonable written notice to each member. Each member shall receive twenty-five dollars (~~per diem~~) for each day or major portion thereof actually spent on official business, plus travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. A full time or part

time executive secretary for the board may be employed by the director through the department of motor vehicles, and the director through the department of motor vehicles shall provide the executive secretary and the board with such secretarial, administrative, and other assistance as may be required to carry out the purposes of this chapter. Employment of an executive secretary shall be subject to confirmation by the board. The position of executive secretary shall be exempt from the requirements of chapter 41.06 RCW.

Sec. 39. Section 13, chapter 25, Laws of 1963 as amended by section 3, chapter 188, Laws of 1967 and RCW 18.54.130 are each amended to read as follows:

Members of the board are entitled to receive their (~~(actual and necessary)~~) travel expenses ((as provided for state officials and employees generally in chapter 43.03 RCW)) in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Each member of the board will also be paid twenty-five dollars for each day or portion thereof spent in discharge of his official duties.

Sec. 40. Section 2, chapter 98, Laws of 1935 as amended by section 17, chapter 38, Laws of 1963 and RCW 18.64.003 are each amended to read as follows:

Members of the board shall meet at such places and times as it shall determine and as often as necessary to discharge the duties imposed upon it. The board shall elect a chairman from among its members. Each member shall receive twenty-five dollars a day for each day actually spent in the performance of his official duties and in going to and returning from the place of such performance, together with (~~(his actual and necessary traveling)~~) travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 41. Section 2, chapter 284, Laws of 1961 as amended by section 2, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.015 are each amended to read as follows:

There is hereby created a board of medical examiners consisting of six individuals licensed to practice medicine 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 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 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 forty dollars (~~(per diem when)~~) for each day 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)~~) travel expenses (~~(necessarity)~~) incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Any such expenses shall be paid from funds appropriated to the department of 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. 42. Section 10, chapter 202, Laws of 1955 and RCW 18.72.100 are each amended to read as follows:

Members of the board shall be paid twenty-five dollars (~~(per diem)~~) for (~~(time)~~) each day spent in performing their duties as members of the board and shall be repaid their (~~(necessary traveling and other)~~) travel expenses while engaged in business of the board (~~(with)~~) in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Such (~~(per diem)~~) compensation and reimbursement for expenses (~~(to)~~) shall be paid out of the general fund on vouchers approved by the director of licenses (~~(- PROVIDED, That the amount for expense will not be more than fifteen dollars per day, except for traveling expense which shall not be more than eight cents per mile)~~).

Sec. 43. Section 4, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.040 are each amended to read as follows:

There is created an emergency medical and ambulance review committee of nine members to be appointed by the governor with the advice and consent of the senate. Members of the committee shall be persons knowledgeable in specific and general aspects of emergency medical services. Members shall be appointed for a period of three years; except, that the first appointees shall serve for terms as follows: Five for three years, two for two years, and two for one year. Further, the terms of those members representing the same field shall not expire at the same time.

The committee shall elect a chairman and a vice chairman whose terms of office shall be for one year each. The chairman shall be ineligible for reelection after serving two consecutive terms.

The committee shall meet on call by the governor, the secretary or the chairman.

All appointive members of the committee, in the performance of their duties, may be entitled to receive (~~(per diem)~~) travel expenses as provided in RCW 43.03.050 and (~~(travel expenses as provided in RCW)~~) 43.03.060 as now existing or hereafter amended.

Sec. 44. Section 2, chapter 239, Laws of 1949 and RCW 18.74.020 are each amended to read as follows:

The state examining committee of physical therapists is hereby created. The examining committee shall consist of not less than three members who shall be appointed by the governor from a list submitted to him by the Washington state chapter of the American Physical Therapy Association for a term of three years each. Each member of said examining committee shall be a registered physical therapist, a resident of this state, and shall have not less than five years' experience in the practice of physical therapy immediately preceding his appointment and shall be actively engaged in the practice of physical therapy during his incumbency. On or before July 1, 1949, three members shall be appointed by the governor, one member to serve for one, two and three years respectively. On the first day of January of each succeeding year one member shall be appointed for three years. In the event that a member of the examining committee for any reason cannot complete his term of office, another appointment shall be made by the governor in accordance with the procedure stated above to fill the remainder of the term. No member may serve for more than two successive three-year terms.

The examining committee shall have the power to make such rules not inconsistent with the law which may be necessary for the performance of its duties. The director of licenses shall furnish such secretarial, clerical and other assistance as the board may require. Each member of the examining committee shall, in addition to ~~((necessary))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, receive compensation in an amount for each day actually engaged in the discharge of his duties: PROVIDED, HOWEVER, That such compensation shall not exceed twenty-five dollars per ~~((diem))~~ day.

It shall be the duty of the examining committee to pass upon the qualifications of applicants for registration, prepare the necessary lists of examination questions, conduct all examinations, determine the applicants who successfully pass examination and notify the director of licenses to that effect.

Sec. 45. Section 4, chapter 222, Laws of 1949 as amended by section 4, chapter 188, Laws of 1967 and RCW 18.78.040 are each amended to read as follows:

The board shall have jurisdiction over the practical nurses of the state of Washington as distinguished from the registered professional nurses in all matters relating to practical nursing. Each board member shall receive twenty-five dollars ~~((per day))~~ for each day engaged in the discharge of his or her duties as a member of the board, and shall be paid ~~((necessary traveling))~~ travel expenses while away from home ((as provided for state officials and employees generally in chapter 43-03-RCW)) in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The members of the board shall appoint a chairman and a secretary from among its entire members, who shall serve until his or her successor is appointed by the board.

Sec. 46. Section 12, chapter 222, Laws of 1949 and RCW 18.78.110 are each amended to read as follows:

The director shall fix the compensation and provide for ~~((the necessary))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or

hereafter amended for said supervisor of practical nurse education and shall provide such clerical assistance as said director may deem necessary.

Sec. 47. Section 13, chapter 222, Laws of 1949 and RCW 18.78.120 are each amended to read as follows:

The director shall provide each member of the board with ~~((necessary travel-
ing))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended and shall pay to the board members the compensation as provided herein.

Sec. 48. Section 21, chapter 70, Laws of 1965 as amended by section 19, chapter 199, Laws of 1969 ex. sess. and RCW 18.83.051 are each amended to read as follows:

There is hereby created the "state board of psychological examiners' account" within the state general fund. All moneys received under chapter 18.83 RCW by the state treasurer shall be deposited in the "state board of psychological examiners' account" within the state general fund: 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.

Each member of the board shall receive the sum of twenty-five dollars ~~((per diem when))~~ for each day 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))~~ travel expenses ~~((necessarity))~~ incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Any such expenses shall be paid from the "state board of psychological examiners' account" within the general fund, to the extent that the moneys are available therein.

Sec. 49. Section 14, chapter 252, Laws of 1941 as last amended by section 4, chapter 235, Laws of 1953 and RCW 18.85.080 are each amended to read as follows:

The six board members of the commission shall receive as compensation twenty-five dollars for each day actually spent on official business, plus ~~((traveling, hotel and meal))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended when they shall be called into session by the director or when presiding at examinations for applicants for licenses or when otherwise engaged in the business of the commission.

Sec. 50. Section 8, chapter 202, Laws of 1949 as last amended by section 7, chapter 133, Laws of 1973 and RCW 18.88.080 are each amended to read as follows:

The board may adopt such rules and regulations not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this chapter. The board shall approve curricula and shall establish criteria for minimum standards for schools preparing persons for licensure under this chapter. It shall keep a record of all its proceedings and make an annual report to the governor. The board shall define by regulation what constitutes specialized and advanced levels of nursing practice as recognized by the medical and nursing professions. The board may adopt regulations in response to questions put to it by professional

health associations, nursing practitioners and consumers in this state concerning the authority of various categories of nursing practitioners to perform particular acts.

The board shall approve such schools of nursing as meet the requirements of this chapter and the board, and the board shall approve establishment of basic nursing education programs and shall establish criteria as to the need for and the size of a program and the type of program and the geographical location. The board shall establish criteria for proof of reasonable currency of knowledge and skill as a basis for safe practice after three years nonpracticing status. The board shall establish criteria for licensure by endorsement. The board shall examine all applications for registration under this chapter, and shall certify to the director for licensing duly qualified applicants.

The department shall furnish to the board such secretarial, clerical and other assistance as may be necessary to effectively administer the provisions of this chapter. Each member of the board shall, in addition to ~~((necessary traveling and incidental))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended while away from home, receive twenty-five dollars compensation for each and every day engaged in the discharge of his or her duties.

Sec. 51. Section 9, chapter 202, Laws of 1949 as last amended by section 8, chapter 133, Laws of 1973 and RCW 18.88.090 are each amended to read as follows:

The director shall appoint, after consultation with the board, an executive secretary who shall act to carry out the provisions of this chapter. The director shall also employ such assistants licensed under the provisions of this chapter as shall be necessary to carry out the provisions of this chapter. The director shall fix the compensation and provide for ~~((necessary))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended for such appointee and all such employees.

Sec. 52. Section 2, chapter 200, Laws of 1959 as amended by section 5, chapter 188, Laws of 1967 and RCW 18.90.020 are each amended to read as follows:

(1) The governor of the state of Washington shall appoint an examining board, which shall be known as the "Washington state board of registered sanitarians", consisting of three members, all of whom shall be sanitarians qualified for registration under this chapter, each of whom shall be a citizen of the United States. The initial appointments shall be made by July 1, 1959, from a list of not less than six names submitted to the governor by the Washington state association of sanitarians. The members of the first board shall serve for the following terms: One member for a period of three years, one member for a period of two years, and one member for a period of one year. Thereafter as the term of each member expires all appointments shall be for a period of three years or until their successors are appointed. These appointments shall be made from a list broadly representative of the sanitarians in the state and shall be certified to the governor by the Washington state association of sanitarians. A member of the examining board may be removed by the governor for any of the causes specified in RCW 18.90.060.

(2) The examining board shall conduct examinations in the state for the purpose of determining the qualifications of persons who apply for registration under this chapter. The board may adopt, amend or rescind such rules and regulations as it may deem necessary to carry out the provisions of this chapter.

(3) Each member of the board shall receive as compensation twenty-five dollars for each day or portion thereof in which he is actually engaged in the business and duties of the board, and ~~((all legitimate and necessary))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended incurred in the business of the board and in attending meetings thereof. ~~((Compensation for such necessary expenses shall not exceed that authorized for state employees.))~~

Sec. 53. Section 13, chapter 124, Laws of 1907 as last amended by section 3, chapter 44, Laws of 1974 ex. sess. and RCW 18.92.040 are each amended to read as follows:

Each member of the board and secretary shall receive twenty-five dollars per day as compensation for each day spent upon official business of the board, and ~~((necessary))~~ travel expenses ((as provided for state officials and employees generally in chapter 43.03 RCW: PROVIDED, That)) in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. No expense may be incurred by members of the board or secretary except in connection with board meetings without prior approval of the director.

Sec. 54. Section 5, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.050 are each amended to read as follows:

The members of the first board shall serve for the following terms:

One member for one year, one member for two years, one member for three years, one member for four years, and one member for five years from the date of appointment or until successors are duly appointed and qualified. Every member of the board shall receive a certificate of his appointment from the governor and before beginning his term of office shall file with the secretary of state his written oath or affirmation for the faithful discharge of his official duties. On the expiration of the term of each member, the governor shall appoint a successor to serve for a term of five years, or until his successor has been appointed and qualified: PROVIDED, That no member shall serve more than ten consecutive years.

The governor may remove any member of the board for cause. Vacancies in the board for any reason shall be filled by appointment for the unexpired term. In carrying out the provisions of this chapter, the members of the board shall receive twenty-five dollars per day as compensation and shall be reimbursed for travel expenses according to the provisions of RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, such funds to be provided from the landscape architects' account in the state general fund.

Sec. 55. Section 9, chapter 212, Laws of 1971 ex. sess. and RCW 18.104.090 are each amended to read as follows:

Examinations hereunder shall be prepared, administered and evaluated by a three member examining board. The director shall accept the examining board's determination with regard to examination results and shall not substitute his judgment in such matter for that of the examining board. The examining board

shall be appointed as follows: One member shall be named from the department by the director, one member from the department of social and health services by the secretary, and one member shall be appointed by the governor for a term of two years, expiring on June 30 of each odd-numbered year; the latter being a person other than one employed by the state, actively engaged in water well drilling activities at the time of his appointment. The member appointed by the governor shall serve without compensation, but shall be reimbursed (~~((twenty-five dollars per diem))~~) for (~~((each day or portion thereof he performs services as a board member, and shall be paid his necessary traveling))~~) travel expenses while engaged in the business of the board as prescribed in ((chapter 43.03 RCW)) RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 56. Section 11, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106-.110 are each amended to read as follows:

(1) There is created a state advisory board of plumbers, to be composed of three members appointed by the governor. One member shall be a journeyman plumber, one member shall be a person conducting a plumbing business, and one member from the general public who is familiar with the business and trade of plumbing.

(2) The initial terms of the members of the advisory board shall be one, two, and three years respectively as set forth in subsection (1) of this section. Upon the expiration of said terms, the governor shall appoint a new member to serve for a period of three years. In the case of any vacancy on the board for any reason, the governor shall appoint a new member to serve out the term of the person whose position has become vacant.

(3) The advisory board shall carry out all the functions and duties enumerated in this chapter, as well as generally advise the department on all matters relative to this chapter.

(4) Each member of the advisory board shall receive (~~((compensation and))~~) travel expenses in accordance with the provisions of RCW 43.03.050 and 43.03-.060 as now existing or hereafter amended for each day in which such member is actually engaged in attendance upon the meetings of the advisory board.

Sec. 57. Section 2, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.020 are each amended 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 September 8, 1975, 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, chapter 280, Laws of 1975 1st ex. sess. 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))~~ travel expenses incurred in the actual performance of their duties, as provided ~~((for state officials and employees generally))~~ in ~~((chapter 43.03))~~ RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 58. Section 22, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.310 are each amended to read as follows:

Each member of the board appointed by the governor shall receive as compensation twenty-five dollars for each day, or portion thereof, in which he is actually engaged in the official business and duties of the board and in addition thereto shall be reimbursed for ~~((necessary))~~ travel expenses incurred while on official business of the board and in attending meetings thereof, in accordance with the provisions of RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 59. Section 7, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.070 are each amended to read as follows:

There is hereby established a state building code advisory council to be appointed by the governor.

(1) The state building code advisory council shall consist of the director of the department of labor and industries, or his designee, and the insurance commissioner, or his designee, and thirteen additional members who shall be broadly representative of the general public, local government, and of the industries and professions concerned with building design and construction. The council may include state officials as ex officio, nonvoting members. The board shall report annually to the governor and the legislature on the operation and administration of this chapter.

(2) Members shall receive ~~((per diem for each day or major portion thereof spent in performance of their duties plus))~~ reimbursement for ~~((actual))~~ travel expenses ~~((incurred in the performance of their duties))~~ in ~~((the same manner as provided for in chapter 43.03 RCW))~~ accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 60. Section 5, chapter 207, Laws of 1963 as amended by section 1, chapter 71, Laws of 1969 ex. sess. and RCW 19.28.065 are each amended to read as follows:

There is hereby created an electrical advisory board, consisting of seven members to be appointed by the governor with the advice of the director of labor and industries as herein provided. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including, but not limited to standards of electrical installation, minimum inspection procedures, the adoption of rules and regulations pertaining to the electrical

inspection division: PROVIDED, HOWEVER, That no rules or regulations shall be amended or repealed until the electrical advisory board has first had an opportunity to consider any proposed amendments or repeals and had an opportunity to make recommendations to the director relative thereto. The members of the electrical advisory board shall be selected and appointed as follows: One member shall be an employee or officer of a corporation or public agency generating or distributing electric power; one member shall be an employee or officer of a corporation or firm engaged in the business of making electrical installations; one member shall be an employee, or officer, or representative of a corporation or firm engaged in the business of manufacturing or distributing electrical materials, equipment or devices; one member shall be a person not related to the electrical industry to represent the public; one member shall be a recognized electrician; one member shall be a licensed professional engineer qualified to do business in the state of Washington; and one member shall be the state chief electrical inspector. Each of the members except the public member and the chief electrical inspector shall be appointed by the governor from among a list of individuals nominated by nonprofit organizations or associations representing individuals, corporations, or firms engaged in the business classification from which such member shall be selected. The regular term of each member shall be four years: PROVIDED, HOWEVER, The original board shall be appointed for the following terms: The first term of the member representing a corporation or public agency generating or distributing electric power shall serve four years; the member representing the installer of electrical equipment or appliances shall serve three years; the member representing a manufacturer or distributor of electrical equipment or devices shall serve three years; the member representing the public shall serve two years; the member selected as the recognized electrician shall serve for two years; the member selected as the licensed professional electrical engineer shall serve for one year. Thereafter, the governor shall appoint or reappoint board members for terms of four years and to fill vacancies created by the completion of the terms of the original members. The governor shall also fill vacancies caused by death, resignation, or otherwise for the unexpired term of such members by appointing their successors from the same business classification. The same procedure shall be followed in making such subsequent appointments as is provided for the original appointments. The board, at this first meeting shall elect one of its members to serve as chairman. Any person acting as the chief electrical inspector shall serve as secretary of the board during his tenure as chief state inspector. Meetings of the board shall be called at the discretion of the director of labor and industries. 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))~~ travel expenses ~~((recognized by the state of Washington))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended which shall be paid out of the electrical license fund, upon vouchers approved by the director of labor and industries.

Sec. 61. Section 3, chapter 169, Laws of 1935 as amended by section 1, chapter 88, Laws of 1967 and RCW 19.28.070 are each amended to read as follows:

The director of labor and industries of the state of Washington and the officials of all incorporated cities and towns where electrical inspections are required by local ordinances shall have power and it shall be their duty to enforce the provisions of this chapter in their respective jurisdictions. The director of labor and industries shall have power to appoint an electrical inspector, and such assistant inspectors as he shall deem necessary to assist him in the performance of his duties. All electrical inspectors appointed by the director of labor and industries shall be electricians of not less than four years experience in installing and maintaining electrical equipment, or four years experience as electrical inspectors for a municipality, or two years electrical training in a college of electrical engineering of recognized standing, and two years continuous practical electrical experience in installation work or four years of electrical training in a college of electrical engineering of recognized standing. Such state inspectors shall be paid such salary ~~((or per diem))~~ as the director of labor and industries shall determine, together with their ~~((necessary traveling))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The expenses of the director of labor and industries and the salaries and expenses of state inspectors incurred in carrying out the provisions of this chapter shall be paid entirely out of the electrical license fund, upon vouchers approved by the director of labor and industries.

Sec. 62. Section 2, chapter 188, Laws of 1974 ex. sess. as amended by section 2, chapter 195, Laws of 1975 1st 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 nine members to be appointed by the governor. It shall be the purpose and function of this board to establish 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. 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 also receive ((in addition thereto his necessary and reasonable transportation and other)) travel expenses as provided in ((chapter 43.03)) RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, which shall be paid out of the electrical license fund, upon vouchers approved by the director of labor and industries.

Sec. 63. Section 12, chapter 169, Laws of 1935 and RCW 19.28.270 are each amended to read as follows:

In case any decision under this chapter is required by an electrical board of appeals, the director of labor and industries shall designate and appoint such board, which shall consist of five qualified electricians of not less than four years experience, one of the members thereof shall be an employee or officer of a corporation generating and selling electrical power; one member thereof shall be a person, a member of a firm, or an officer of a corporation engaged in installing electrical wiring appliances or equipment as a contractor; one member thereof shall be a journeyman wireman; one member thereof shall be an electrical engineer regularly employed as such by some person, firm or corporation; and these four members shall elect the fifth member. No two members of said board shall be appointed from the same firm or officer or employee of the same person, firm, or corporation; and no member of said board shall be either a person or a member of any firm, or an officer of any corporation, or an employee of any person, firm or corporation interested in the matter which said board, when appointed, may be called upon to consider or decide. In case of inability of any member appointed to act in any matter the director of labor and industries shall appoint some other person qualified under this chapter in the place of such person. A majority of the members of such board shall constitute a quorum to transact any business or decide any matter submitted to such board; and decisions and rulings of the board shall be made by majority vote of the entire board. The decision of the board in all matters submitted to it shall be final, conclusive, and binding on all parties. Each member of the board shall be paid while in session (~~(a per diem of)~~) five dollars each day and shall receive in addition thereto (~~(necessary traveling)~~) travel expenses, all of which (~~(per diem and expenses)~~) shall be paid out of the deposit required in case of an appeal, or if such deposit be returned to the appellant as herein provided, or be insufficient for that purpose, such (~~(per diem and expenses)~~) amounts shall be paid out of the electrical license fund, upon vouchers approved by the director of labor and industries.

Sec. 64. Section 47, chapter 282, Laws of 1959 and RCW 21.20.470 are each amended to read as follows:

The administrator, and any person employed by him, shall be paid, in addition to regular compensation, (~~(transportation, fare, board, lodging and other traveling)~~) travel expenses (~~(necessary and actually)~~) incurred by each of them in the performance of their duties under this chapter (~~(: PROVIDED, That such sum shall not exceed the amount set by RCW 43.03.050)~~) in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 65. Section 59, chapter 282, Laws of 1959 and RCW 21.20.590 are each amended to read as follows:

The advisory committee (~~(shall receive no compensation, but)~~) shall be reimbursed (~~(as provided by law)~~) for their (~~(transportation, lodging and other)~~) travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended: PROVIDED, That members acting as an examining committee shall be paid in addition to expenses allowed twenty-five dollars per day for conducting examinations provided for herein.

Sec. 66. Section 1, chapter 5, Laws of 1941 as last amended by section 1, chapter 198, Laws of 1967 and RCW 27.04.020 are each amended to read as follows:

A state library commission is hereby created which shall consist of the superintendent of public instruction, who shall be ex officio chairman of said commission and four commissioners appointed by the governor, one of whom shall be a library trustee at the time of appointment and one a certified librarian actually engaged in library work at the time of appointment. The first appointments shall be for terms of one, two, three and four years respectively, and thereafter one commissioner shall be appointed each year to serve for a four year term. Vacancies shall be filled by appointments for the unexpired terms. Each commissioner shall serve without salary or other compensation for his services, but shall be reimbursed for ~~((necessary))~~ travel expenses incurred in the actual performance of their duties ~~((as provided for state officials and employees generally in chapter 43.03 RCW now or hereafter amended))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 67. Section 28A.04.110, chapter 223, Laws of 1969 ex. sess. as amended by section 13, chapter 106, Laws of 1973 and RCW 28A.04.110 are each amended to read as follows:

The state board of education shall hold an annual meeting and such other regular meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business, such special meetings to be called by the superintendent of public instruction, or by a majority of the board. The persons serving as members of the state board of education shall be reimbursed by the superintendent of public instruction for ~~((the actual))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended incurred in the performance of their duties which expenses shall be paid by the state treasurer on warrants out of funds ~~((not otherwise))~~ appropriated or otherwise available, upon the order of the superintendent.

Sec. 68. Section 6, chapter 176, Laws of 1969 ex. sess. as last amended by section 13, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.060 are each amended to read as follows:

The ~~((actual))~~ expenses of 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 existing or hereafter amended; all such claims shall be approved by the educational service district board and paid from the budget of the educational service district.

Sec. 69. Section 13, chapter 176, Laws of 1969 ex. sess. as last amended by section 29, chapter 275, Laws of 1975 1st 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 educational service district superintendent and employee shall be reimbursed for their ~~((actual traveling))~~

travel expenses ((and subsistence up to)) in the amounts provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. All claims shall be approved by the educational service district board and paid from the funds budgeted by the district. Each 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. 70. Section 28A.91.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.91.050 are each amended to read as follows:

The commission shall be housed in the office of the state superintendent of public instruction. Members of the commission shall not receive compensation for their service, but shall be reimbursed for their travel expenses while attending meetings and other activities of the commission in ((the same manner as state officials and employees generally under chapter 43.03 RCW)) accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 71. Section 28A.92.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.92.050 are each amended to read as follows:

Each member of the commission from the state of Washington shall be paid, from funds appropriated by the legislature of the state of Washington for that purpose, the sum of twenty-five dollars per day for each day or major part thereof devoted to the business of the commission, together with ((his traveling and other necessary)) travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. In no event shall such commissioner's ((per diem)) payments for other than travel expenses exceed fifteen hundred dollars in any one year. Such member may, regardless of any charter or statutory provision to the contrary, be an officer or employee holding another public position((; and if he be such other public officer or employee, his per diem payment as hereinabove in this section provided shall only be such an amount as would, together with the compensation for such other public position, not exceed the sum of twenty-five dollars per day)).

Sec. 72. Section 28B.10.525, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.525 are each amended to read as follows:

Each member of a university board of regents or college board of trustees of a state institution of higher education, shall be entitled to receive((; in lieu of per diem or any other payment;)) travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended for each day or major portion thereof in which he is actually engaged in business of the board((; notwithstanding any laws to the contrary, twenty-five dollars per day, plus mileage allowance at the rate of ten cents per mile)).

Sec. 73. Section 6, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.060 are each amended to read as follows:

(1) There is hereby created a state higher education personnel board composed of three members appointed by the governor, subject to confirmation by the senate: PROVIDED, That no member appointed when the legislature was not in session shall continue to be a member of the board after the thirtieth day of the

next legislative session unless his appointment shall have been approved by the senate. The first such board shall be appointed within thirty days after the effective date of this chapter for terms of two, four, and six years. Each odd-numbered year thereafter the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.

(2) Each member of the board shall be paid fifty dollars for each day in which he has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board 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 accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board.

(4) The board shall appoint a personnel director who shall be the chief staff officer for the board. In preparing matters for consideration by the board and in coordinating the implementation of the board's rules and regulations, the personnel director shall work in conjunction with the campus personnel officers and their staffs at each institution of higher education, and in the case of community colleges, with the state board for community college education. When necessary, the personnel director may request the creation of task forces drawn from the four-year institutions of higher education, and representatives of the various state community colleges through the state board for community college education, for the accomplishment of any projects undertaken by the board. The director may employ necessary personnel for the board, and the board may appoint and compensate hearing officers to hear and conduct appeals. The board shall establish an office for the conduct of its business.

Sec. 74. Section 28B.50.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 13, chapter 62, Laws of 1973 and RCW 28B.50.050 are each amended to read as follows:

There is hereby created the "state board for community college education", to consist of seven members, one from each congressional district, who shall be appointed by the governor, with the consent of the senate. The successors of the members initially appointed shall be appointed for terms of four years except that any persons appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his successor. All members shall be citizens and bona fide residents of the state. No member of the college board shall be, during his term of office, also a member of the state board of education,

a member of a K-12 board, a member of the governing board of any public or private educational institution, a member of a community college board of trustees, or an employee of any of the above boards, or have any direct pecuniary interest in education within this state.

No member of the college board shall receive any salary for his services, but shall receive ~~((the sum of twenty-five dollars per diem))~~ reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended for each day actually spent in attending to his duties as a member of the college board ~~((, and mileage at the rate of ten cents per mile))~~.

The members of the college board may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office, in the manner provided by RCW 28B.10.500.

Sec. 75. Section 28B.50.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.50.060 are each amended to read as follows:

A director of the state system of community colleges shall be appointed by the college board and shall serve at the pleasure of the college board. He shall be appointed with due regard to his fitness and background in education, by his knowledge of and recent practical experience in the field of educational administration particularly in institutions beyond the high school level. The college board may also take into consideration an applicant's proven management background even though not particularly in the field of education.

The director shall devote his time to the duties of his office and shall not have any direct pecuniary interest in or any stock or bonds of any business connected with or selling supplies to the field of education within this state, in keeping with chapter 42.18 RCW, the executive conflict of interest act.

He shall receive a salary to be fixed by the college board and shall be reimbursed for ~~((all traveling and other))~~ travel expenses incurred by him in the discharge of his official duties in accordance with RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

He shall be the executive officer of the college board and serve as its secretary and under its supervision shall administer the provisions of this chapter and the rules, regulations and orders established thereunder and all other laws of the state. He shall attend, but not vote at, all meetings of the college board. He shall be in charge of offices of the college board and responsible to the college board for the preparation of reports and the collection and dissemination of data and other public information relating to the state system of community colleges. At the direction of the college board, he shall, together with the chairman of the college board, execute all contracts entered into by the college board.

The director shall, with the approval of the college board: (1) Employ necessary assistant directors of major staff divisions who shall serve at his pleasure on such terms and conditions as he determines, and (2) subject to the provisions of chapter 28B.16 RCW, the higher education personnel law, the director shall, with the approval of the college board, appoint and employ such field and office assistants, clerks and other employees as may be required and authorized for the proper discharge of the functions of the college board and for whose services funds have been appropriated.

The board may, by written order filed in its office, delegate to the director any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised by the director in the name of the college board.

Sec. 76. Section 52, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.245 are each amended to read as follows:

(1) There is hereby created a state advisory council on vocational education, hereinafter referred to as the "advisory council", consisting of not less than thirteen members appointed by the governor, without regard to the civil service laws, for terms of three years, except that in the case of the initial members, at least four shall be appointed for terms of one year each and at least four shall be appointed for terms of two years each, and appointments to fill vacancies shall be only for such terms as remain unexpired. The advisory council shall include persons who are:

(a) Familiar with the vocational needs and the problems of management and labor in the state, and a person or persons representing state industrial and economic development agencies;

(b) Representative of community colleges and other institutions of higher learning, area vocational schools, technical institutes, and postsecondary or adult education agencies or institutions, which may provide programs of vocational or technical education and training;

(c) Familiar with the administration of state and local vocational education programs, and a person or persons having special knowledge, experience, or qualifications with respect to vocational education and who are not involved in the administration of state or local vocational education programs;

(d) Familiar with programs of technical and vocational education, including programs in comprehensive secondary schools;

(e) Representative of local educational agencies, and a person or persons who are representative of school boards;

(f) Representative of manpower and vocational education agencies in the state, including a person or persons from the comprehensive area manpower planning system of the state;

(g) Representing school systems with large concentrations of academically, socially, economically, and culturally disadvantaged students;

(h) Possessed of special knowledge, experience, or qualifications, with respect to the special educational needs of physically or mentally handicapped persons; and

(i) Representative of the general public, including a person or persons representative of and knowledgeable about the poor and disadvantaged, who are not qualified for membership under any of the preceding clauses of this paragraph.

The advisory council shall meet at the call of the chairman, who shall be selected by vote of the members, but not less than four times a year.

(2) Members of the advisory council shall receive ~~((no compensation for their services thereon, but shall be reimbursed))~~ twenty-five dollars ~~((per diem))~~ for each day or portion thereof spent in serving as a member of the advisory council and ~~((shall be paid))~~ their ~~((necessary traveling))~~ travel expenses while engaged in the business of the advisory council ~~((as prescribed in chapter 43.03 RCW))~~ in

accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 77. Section 12, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.110 are each amended to read as follows:

Members of the council will receive ~~((per diem in lieu of compensation, and)) travel ((expenditures in accordance with standard rates for part time boards, councils and commissions as certified by the state budget director))~~ expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 78. Section 9, chapter 263, Laws of 1969 ex. sess. and RCW 28B.81.090 are each amended to read as follows:

Members of the commission will receive ~~((per diem in lieu of compensation, and)) travel ((expenditures in accordance with standard rates for part time boards, councils and commissions as certified by the state budget director))~~ expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 79. Section 8, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.070 are each amended to read as follows:

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))~~ RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 80. Section 8, chapter 120, Laws of 1965 ex. sess. as last amended by section 1, chapter 1, Laws of 1975 1st 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 the mileage rate authorized in RCW 43.03.060 or actual necessary transportation expenses))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 81. Section 43, chapter 130, Laws of 1943 as amended by section 1, chapter 46, Laws of 1974 ex. sess. and RCW 38.24.050 are each amended to read as follows:

Commissioned officers, warrant officers, and enlisted men of the organized militia of Washington, while in active service, during encampment or other periods of field training, or on any ordered state duty, or on any active duty, shall be entitled to and shall receive the pay and allowances provided by federal laws and regulations for commissioned officers, warrant officers and enlisted men of the United States army: PROVIDED, That ~~((for travel,))~~ officers shall receive ~~((only their actual necessary))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended: PROVIDED, FURTHER, That for periods of active state service other than for annual field training, commissioned officers, warrant officers and enlisted men of the organized militia of

Washington shall receive either such pay and allowances or twenty-five dollars per day, whichever is greater.

Extra duty pay or allowances to enlisted men rated as cooks, may be authorized by the commander-in-chief during periods of field service or any other duty for which pay is authorized, but in no case shall such additional extra duty pay or allowances exceed two dollars per day.

The value of articles issued to any enlisted man and not returned in good order on demand, and legal fines or forfeitures, may be deducted from such enlisted man's pay.

All officers not regular state employees detailed to serve on any board or commission ordered by the governor, or on any court of inquiry or court martial ordered by proper authority, shall be paid a sum equal to one days active duty for each day actually employed on such board or court or engaged in the business thereof, or in traveling to and from the same; and in addition thereto ~~((all necessary traveling))~~ travel expenses ((and subsistence)) in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended when such duty shall be at a place other than the city or town of his residence.

Sec. 82. Section 5, chapter 178, Laws of 1951 as amended by section 6, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.040 are each amended to read as follows:

There is hereby created an emergency services council (hereinafter called the council), to consist of not less than seven nor more than fifteen members who shall be appointed by the governor. The council shall advise the governor and the director on all matters pertaining to emergency services. The governor shall serve as chairman of the council, and the members thereof shall serve without compensation, but may be reimbursed for their ~~((reasonable and necessary))~~ travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 83. Section 5, chapter 246, Laws of 1957 and RCW 40.14.050 are each amended to read as follows:

There is created a committee, to be known as the records committee, composed of the archivist, an appointee of the state auditor, and an appointee of the attorney general. Committee members shall serve without additional salary, but shall be entitled to ~~((traveling))~~ travel expenses incurred ((incident to committee records)) in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Such expenses shall be paid from the appropriations made for operation of their respective departments or offices.

The records committee shall meet at least once every quarter or oftener as business dictates. Action by the committee shall be by majority vote and records shall be kept of all committee business.

It shall be the duty of the records committee to approve, modify or disapprove the recommendations on retention schedules of all files of public records and to act upon requests to destroy any public records: PROVIDED, That any modification of a request or recommendation must be approved by the head of the agency originating the request or recommendation.

The division of archives and records management shall provide forms, approved by the records committee, upon which it shall prepare recommendations

to the committee in cooperation with the records officer of the department or other agency whose records are involved.

Sec. 84. Section 1, chapter 274, Laws of 1975 1st ex. sess. and RCW 41.04.260 are each amended 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))~~ travel expenses as provided for in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. 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. 85. Section 2, chapter 39, Laws of 1970 ex. sess. as amended by section 1, chapter 147, Laws of 1973 1st ex. sess. and RCW 41.05.020 are each amended to read as follows:

(1) There is hereby created a state employees' insurance board to be composed as follows: The governor or his designee; one administrative officer representing all of higher education to be appointed by the governor; two higher education faculty members to be appointed by the governor; the director of the department of personnel who shall act as trustee; one representative of an employee association certified as an exclusive representative of at least one bargaining unit of classified employees and one representative of an employee union certified as exclusive representative of at least one bargaining unit of classified employees, both to be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be appointed by the speaker of the house. The senate and house members of the board shall serve in ex officio capacity only. All appointments shall be made effective immediately. The terms of office of the administrative officer representing higher education, the two higher education faculty members, the representative of an employee association, and the representative of an employee union shall be for four years: PROVIDED, That the first term of one faculty member and one employee association or union representative member shall be for three years. The first meeting of the board shall be held as soon as

possible thereafter at the call of the director of personnel. The board shall prescribe rules for the conduct of its business and shall elect a chairman and vice chairman at its first meeting and annually thereafter. Members of the board shall receive no compensation for their services, but shall be paid for their (~~necessary and actual~~) travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, and legislative members shall receive allowances provided for in RCW 44.04.120.

(2) The board shall study all matters connected with the providing of adequate health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any one of, or a combination of, the enumerated types of insurance and health care plans for state employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state: PROVIDED, That liability insurance shall not be made available to dependents. The board shall design benefits, devise specifications, analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board: PROVIDED, That all contracts for insurance, health care plans or protection applying to employees covered by *this 1973 amendatory act shall provide that the beneficiaries of such insurance, health care plans or protection may utilize on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW: PROVIDED FURTHER, That the boards of trustees and boards of regents of the several institutions of higher education shall retain sole authority to provide liability insurance as provided in RCW 28B.10.660. The board shall from time to time review and amend such plans. Contracts for all plans shall be rebid and awarded at least every five years.

(3) The board shall develop and provide employee health care benefit plans; at least one plan will provide major medical benefits as its primary feature, at least one plan will provide basic first-dollar benefits as its primary feature plus major medical, either or all of which may be provided through a contract or contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and another plan to be provided by a panel medicine plan in its service area only when approved by the board. Except for panel medicine plans, no more than one insurance carrier or health care service contractor shall be contracted with to provide the same plan of benefits: PROVIDED, That employees may choose participation in only one of the health care benefit plans sponsored by the board: PROVIDED FURTHER, That employees of the institutions of higher education shall be retained as a separate actuarial and experience group and the board shall report its recommendation on such retention to the legislative budget committee by November 1, 1974.

Sec. 86. Section 11, chapter 1, Laws of 1961 and RCW 41.06.110 are each amended to read as follows:

(1) There is hereby created a state personnel board composed of three members appointed by the governor, subject to confirmation by the senate: PROVIDED, That no member appointed when the legislature was not in session shall continue to be a member of the board after the thirtieth day of the next legislative

session unless his appointment shall have been approved by the senate. The first such board shall be appointed within thirty days after December 8, 1960 for terms of two, four, and six years. Each odd numbered year thereafter the governor shall appoint a member for a six year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

(2) Each member of the board shall be paid fifty dollars for each day in which he has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board, actually attended: PROVIDED, That after July 1, 1962, no one board member shall receive more than one thousand five hundred dollars in any fiscal year for this purpose: PROVIDED, FURTHER, That such limitation shall not apply to daily payments for the hearing of employee appeals. Members of the board 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 accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board. The director of personnel shall serve as secretary.

Sec. 87. Section 4, chapter 263, Laws of 1955 as amended by section 8, chapter 118, Laws of 1969 and RCW 41.24.270 are each amended to read as follows:

Each member of the state board shall receive twenty-five dollars per day for each day actually spent in attending meetings of the state board. Each member shall also receive ~~((his actual and necessary traveling and other))~~ travel expenses, including going to and from meetings of the state board or other authorized business of the state board, ~~((at the same rate as other state officers and employees, but not to exceed the per diem allowance provided by law))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 88. Section 8, chapter 263, Laws of 1955 as amended by section 10, chapter 118, Laws of 1969 and RCW 41.24.310 are each amended to read as follows:

The secretary shall maintain an office at Olympia at a place to be provided, wherein he shall

(1) keep a record of all proceedings of the state board, which shall be public,

(2) maintain a record of all members of the pension fund, including such pertinent information relative thereto as may be required by law or regulation of the state board,

(3) receive and promptly remit to the state treasurer all moneys received for the volunteer firemen's relief and pension fund,

(4) transmit periodically to the proper state agency for payment all claims payable from the volunteer firemen's relief and pension fund, stating the amount and purpose of such payment,

(5) certify monthly for payment a list of all persons approved for pensions and the amount to which each is entitled,

(6) perform such other and further duties as shall be prescribed by the state board.

The secretary shall receive such compensation as shall be fixed by the state board, together with ~~((his necessary traveling and other))~~ travel expenses in carrying out his duties authorized by the state board in accordance with RCW 43.03-.050 and 43.03.060 as now existing or hereafter amended.

Sec. 89. Section 6, chapter 80, Laws of 1947 and RCW 41.32.060 are each amended to read as follows:

The members of the board of trustees shall serve without compensation but they shall be reimbursed from the expense fund for ~~((all necessary))~~ travel expenses which they may incur through service on the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 90. Section 5, chapter 274, Laws of 1947 and RCW 41.40.050 are each amended to read as follows:

(1) BOARD—OATH OF OFFICE—QUORUM. Each member of the retirement board, created by this chapter, upon his election or appointment, shall take an oath of office which shall be immediately filed in the office of the secretary of state. A majority of the retirement board shall constitute a quorum for the transaction of any business at any meetings of the board.

(2) BOARD MEMBERS SERVE WITHOUT COMPENSATION. The members of the retirement board shall serve without compensation, but shall suffer no loss because of absence from their regular employment, and shall be reimbursed for ~~((all actual necessary))~~ travel expenses incurred in performance of their duties in accordance with ~~((the statutes of the state of Washington))~~ RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 91. Section 2, chapter 5, Laws of 1975 2nd ex. sess. and RCW 41.58.015 are each amended to read as follows:

(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 43.03.050 and 43.03-.060 as now existing or hereafter amended.

(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 issuance 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) The payment of all of the expenses of the commission, including ~~((all necessary traveling and subsistence))~~ travel expenses ~~((outside the city of Olympia))~~ incurred by the members or employees of the commission under its orders, shall be subject to the ~~((presentation of itemized vouchers therefor approved by the commission or by any individual it designates for that purpose and to the applicable))~~ provisions of ~~((chapter 43.03))~~ RCW 43.03.050 and 43.03.060 as now existing or hereafter amended ~~((and the regulations promulgated thereunder))~~.

Sec. 92. Section 5, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.040 are each amended to read as follows:

(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 43.03.050 and 43.03.060 as now existing or hereafter amended.

(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 chapter, 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))~~ travel 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. Such travel expenses

shall be reimbursed in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 93. Section 35, chapter 1, Laws of 1973 as amended by section 23, chapter 294, Laws of 1975 1st ex. sess. 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.

Each member shall receive (~~(per diem in the amount of forty)~~) fifteen 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 travel expenses (~~(actually)~~) incurred while engaged in the business of the commission as provided in (~~(chapter 43.03)~~) RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. 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 42.30.040) 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. 94. Section 43.03.050, chapter 8, Laws of 1965 as last amended by section 1, chapter 34, Laws of 1970 ex. sess. and RCW 43.03.050 are each amended to read as follows:

(1) The director of the office of program planning and fiscal management shall prescribe for all state agencies per diem rates of allowance, not exceeding twenty-five dollars in lieu of subsistence and lodging to elective and appointive officials

and state employees while engaged on official business away from their designated posts of duty, but within the state of Washington, and not exceeding thirty-five dollars per day while engaged on official business elsewhere. The director of the office of program planning and fiscal management may within the limits established herein prescribe and regulate the per diem rates to be allowed in lieu of subsistence and lodging expenses and may prescribe the conditions under which reimbursement for subsistence and lodging may be allowed.

(2) Those persons appointed to serve without compensation on any state board, commission, or committee, if entitled to reimbursement of travel expenses, shall be reimbursed pursuant to a special schedule at the daily per diem rate prescribed in accordance with subsection (1) of this section by the office of program planning and fiscal management, for each day or portion thereof spent on official business of the board, commission, or committee.

Sec. 95. Section 43.03.060, chapter 8, Laws of 1965 as last amended by section 1, chapter 157, Laws of 1974 ex. sess. and RCW 43.03.060 are each amended to read as follows:

Whenever it becomes necessary for an elective or appointive official or employee of the state to travel away from his designated post of duty while engaged on official business, and it is found to be more advantageous and economical to the state that ~~((he))~~ travel be by a privately-owned ~~((automobile))~~ vehicle rather than a common carrier or a state-owned or operated vehicle, ~~((he shall be allowed))~~ a mileage rate not to exceed thirteen cents a mile shall be allowed.

The director of the office of program planning and fiscal management may within the limits established in this section prescribe and regulate the specific mileage rate or other allowance for the use of privately-owned vehicles or common carriers on official business and the conditions under which reimbursement of transportation costs may be allowed: PROVIDED, That reimbursement or other payment for transportation expenses of any employee or appointive official of the state shall be based on the method deemed most advantageous and economical to the state.

Sec. 96. Section 3, chapter 16, Laws of 1967 ex. sess. and RCW 43.03.130 are each amended to read as follows:

Any state office, commission, department or institution may agree to pay the ~~((necessary))~~ travel expenses of a prospective employee as an inducement for such applicant to travel to a designated place to be interviewed by and for the convenience of such agency: PROVIDED, That if such employment is to be in the classified service, such offer may be made only on the express authorization of the state department of personnel, or other corresponding personnel agency as provided by chapter 41.06 RCW, to applicants reporting for a merit system examination or to applicants from an eligible register reporting for a pre-employment interview. Travel expenses authorized for prospective employees called for interviews shall be payable at ~~((the))~~ rates ~~((prescribed by law for state employees))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. When an applicant is called to be interviewed by or on behalf of more than one agency, the authorized travel expenses may be paid directly by the authorizing personnel department or agency, subject to reimbursement from the interviewing agencies on a pro rata basis.

In the case of both classified and exempt positions, such travel expenses will be paid only for applicants being considered for the positions of director, deputy director, assistant director, or supervisor of state departments, boards or commissions; or equivalent or higher positions; or engineers, or other personnel having both executive and professional status. In the case of institutions of higher education, such travel expenses will be paid only for applicants being considered for academic positions above the rank of instructor or professional or administrative employees in supervisory positions.

Sec. 97. Section 2, chapter 41, Laws of 1967 ex. sess. as amended by section 1, chapter 17, Laws of 1973 2nd ex. sess. and RCW 43.06.130 are each amended to read as follows:

Members of advisory committees, councils, or other bodies established to meet requirements of acts of congress may be paid (~~(actual)~~) travel expenses incurred (~~((for travel, subsistence, and lodging))~~) pursuant to RCW 43.03.050 and 43.03.060 as now existing or hereafter amended from such funds as may be available by legislative appropriation or as may otherwise be available as provided by law.

Sec. 98. Section 2, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.360 are each amended to read as follows:

The secretary is hereby authorized to appoint such advisory committees or councils as may be required by any federal legislation as a condition to the receipt of federal funds by the department. The secretary may appoint state-wide committees or councils in the following subject areas: (1) Health facilities; (2) radiation control; (3) veteran's affairs; (4) children and youth services; (5) blind services; (6) services to the aging; (7) medical and health care; (8) drug abuse and alcoholism; (9) social services; (10) economic services; (11) vocational services; (12) rehabilitative services; (13) public health services; and on such other subject matters as are or come within the department's responsibilities. The secretary shall appoint committees or councils advisory to the department in each service delivery region to be designated by the secretary. The state-wide and the regional councils shall have representation from both major political parties and shall have substantial consumer representation. Such committees or councils shall be constituted as required by federal law or as the secretary in his discretion may determine. The members of the committees or councils shall hold office as follows: one-third to serve one year; one-third to serve two years; and one-third to serve three years. Upon expiration of said original terms, subsequent appointments shall be for ~~((two))~~ three years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

Members of such state advisory committees or councils may be paid ~~((twenty= five dollars per diem in the performance of their duties and mileage allowances at ten cents per mile))~~ their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Members of regional advisory committees may, in the discretion of the secretary, be paid the same ~~((subsistence and mileage allowances))~~ travel expenses as set forth above.

The secretary shall report to the next ensuing session of the legislature concerning the actions taken pursuant to *this 1971 amendatory act and relating to advisory committees and councils generally, and the effectiveness of same, and

shall make such recommendations for further legislative action as he deems appropriate.

Sec. 99. Section 15, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.380 are each amended to read as follows:

Members of the state advisory committee shall be ~~((paid twenty-five dollars per diem))~~ reimbursed for travel expenses in the performance of their duties ~~((and mileage allowance at ten cents per mile))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 100. Section 18, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.180 are each amended to read as follows:

The commission shall meet quarterly at a date and place of its choice, and at such other times as shall be designated by the director or upon the written request of a majority of the commission. Members of the commission shall receive ~~((twenty-five dollars per diem for each day or major portion thereof actually spent in attending to their duties as commission members; and, in addition, they shall be entitled to))~~ reimbursement ~~((and))~~ for their travel expenses as provided in RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

Sec. 101. Section 35, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.050 are each amended to read as follows:

The hearings board shall operate on either a part time or a full time basis, as determined by the governor. If it is determined that the hearings board shall operate on a full time basis, each member of the hearings board shall receive an annual salary to be determined by the governor pursuant to RCW 43.03.040. If it is determined the hearings board shall operate on a part time basis, each member of the hearings board shall receive compensation on the basis of seventy-five dollars ~~((per diem))~~ for each day spent in performance of his duties ~~((PROVIDED; That))~~ but such compensation shall not exceed ten thousand dollars in a ~~((calendar))~~ fiscal year. Each hearings board member shall receive reimbursement for travel ~~((and other))~~ expenses incurred in the discharge of his duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 102. Section 3, chapter 44, Laws of 1975 1st ex. sess. and RCW 43.21E-.030 are each amended to read as follows:

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))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended upon vouchers approved by said director and paid from funds budgeted for operation purposes of the state department of ecology.

Sec. 103. Section 3, chapter 229, Laws of 1969 ex. sess. as last amended by section 1, chapter 82, Laws of 1971 ex. sess. and RCW 43.22.420 are each amended to read as follows:

There is hereby created a mobile home and recreational vehicle advisory board consisting of eight members to be appointed by the governor with the advice of the director of labor and industries as herein provided. It shall be the purpose and function of the board to advise the director on all matters pertaining to

the enforcement of this chapter including but not limited to standards of body and frame design, construction and plumbing, heating and electrical installations, minimum inspection procedures, the adoption of rules and regulations pertaining to the manufacture of mobile homes, commercial coaches and recreational vehicles. The members of the mobile home and recreational vehicle advisory board shall be selected and appointed as follows: One member shall be an employee or officer of a mobile home manufacturing company; one member shall be an employee or officer of a travel trailer manufacturing company; one member shall be an employee, officer or distributor of a company engaged in the manufacture of component parts affecting the plumbing apparatus and equipment; one member shall be an employee, officer or distributor of a company engaged in the manufacture of electrical material, equipment or appliances; one member shall be a distributor or manufacturer of heating equipment, material or devices; one member shall be an employee, officer, owner, or operator of a mobile home park; and one member shall represent that segment of the general public owning or leasing mobile homes, commercial coaches and/or recreational vehicles. The chief supervisor for the mobile home, commercial coach and recreational vehicle section within the department of labor and industries shall be a member of the advisory board and shall act as secretary. The regular term of each member shall be four years: PROVIDED, HOWEVER, The original board shall be appointed for the following terms: The first term of the member representing a manufacturer of mobile homes and of the member representing the general public shall be four years; the member representing the manufacturer of travel trailers shall serve three years; the member representing the manufacturer or distributor of plumbing component parts shall serve three years; the member representing the manufacturer or distributor of electrical apparatus and equipment shall serve two years; the manufacturer or distributor of heating equipment and appliances shall serve one year. The governor shall fill vacancies caused by death, resignation, or otherwise for the unexpired term of such members by appointing their successors from the same business classification. The same procedure shall be followed in making such subsequent appointments as is provided for the original appointments. The board, at this first meeting shall elect one of its members to serve as chairman. The chief supervisor or any person acting as chief supervisor for the mobile home, commercial coach and recreational vehicle section shall serve as secretary of the board during his tenure as chief. Meetings of the board shall be called at the discretion of the director of labor and industries. Each member of the board shall be paid ~~((per diem))~~ travel expenses in accordance with RCW 43.03.050 and ~~((mileage in accordance with RCW))~~ 43.03.060 as now existing or hereafter amended which shall be paid out of the appropriation to the department of labor and industries, upon vouchers approved by the director of labor and industries.

Sec. 104. Section 6, chapter 44, Laws of 1970 ex. sess. as amended by section 4, chapter 22, Laws of 1973 1st ex. sess. and RCW 43.22.475 are each amended to read as follows:

The governor shall appoint a factory built housing and factory built commercial structures advisory board consisting of eleven members. Members appointed shall be broadly representative of the industries and professions involved in the development and construction of factory built housing or factory built commercial

structures and shall include representation from building code enforcement agencies, architectural and engineering associations, building construction trades, the contracting and manufacturing industries, legislative bodies of local government and the general public. The factory built housing and factory built commercial structures advisory board shall periodically review the rules promulgated under RCW 43.22.450 through 43.22.490 and shall recommend changes of such rules to the department when it deems changes advisable. Members ~~((shall))~~ may receive ~~((a compensatory per diem of))~~ up to twenty-five dollars for each day or portion thereof actually spent in attending upon the duties of the board, the rate to be determined by the board, and in addition thereto, shall be entitled to reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

Sec. 105. Section 43.24.060, chapter 8, Laws of 1965 as amended by section 3, chapter 100, Laws of 1965 and RCW 43.24.060 are each amended to read as follows:

The director of motor vehicles shall, from time to time, fix such times and places for holding examinations of applicants as may be convenient, and adopt general rules and regulations prescribing the method of conducting examinations.

The governor, from time to time, upon the request of the director of motor vehicles, shall appoint examining committees, composed of three persons possessing the qualifications provided by law to conduct examinations of applicants for licenses to practice the respective professions or callings for which licenses are required.

The committees shall prepare the necessary lists of examination questions, conduct the examinations, which may be either oral or written, or partly oral and partly written, and shall make and file with the director of motor vehicles lists, signed by all the members conducting the examination, showing the names and addresses of all applicants for licenses who have successfully passed the examination, and showing separately the names and addresses of the applicants who have failed to pass the examination, together with all examination questions and the written answers thereto submitted by the applicants.

Each member of a committee shall receive twenty-five dollars per day for each day spent in conducting the examination and in going to and returning from the place of examination, and ~~((his actual and necessary traveling))~~ travel expenses, ((as provided for state officials and employees generally in chapter 43.03 RCW)) in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 106. Section 43.24.110, chapter 8, Laws of 1965 as amended by section 5, chapter 100, Laws of 1965 and RCW 43.24.110 are each amended to read as follows:

Whenever there is filed with the director of motor vehicles any complaint charging that the holder of a license has been guilty of any act or omission which by the provisions of the law under which the license was issued would warrant the revocation thereof, verified in the manner provided by law, the director of motor vehicles shall request the governor to appoint, and the governor shall appoint, two qualified practitioners of the profession or calling of the person charged, who, with the director or his duly appointed representative, shall constitute a committee

to hear and determine the charges and, in case the charges are sustained, impose the penalty provided by law. The decision of any two members of such committee shall be the decision of the committee.

The appointed members of the committee shall receive twenty-five dollars per day for each day spent in the performance of their duties and in going to and returning from the place of hearing, and their ~~((actual and necessary traveling))~~ travel expenses, ~~((as provided for state officials and employees generally in chapter 43.03 RCW))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 107. Section 43.30.150, chapter 8, Laws of 1965 and RCW 43.30.150 are each amended to read as follows:

The board shall:

(1) Perform all the duties relating to appraisal, appeal, approval and hearing functions heretofore performed by the board of state land commissioners, the state forest board and the capitol committee to the extent such functions are transferred to the department;

(2) Establish policies to insure that the acquisition, management and disposition of all lands and resources within the department's jurisdiction are based on sound principles designed to achieve the maximum effective development and use of such lands and resources consistent with laws applicable thereto;

(3) Constitute the board of appraisers provided for in article 16, section 2 of the state Constitution;

(4) Constitute the commission on harbor lines provided for in article 15, section 1 of the state Constitution as amended;

(5) Hold regular monthly meetings at such times as it may determine, and such special meetings as may be called by the chairman or majority of the board membership upon written notice to all members thereof: PROVIDED, That the board may dispense with any regular meetings, except that the board shall not dispense with two consecutive regular meetings;

(6) Adopt and enforce such rules and regulations as may be deemed necessary and proper for carrying out the powers, duties and functions imposed upon it by this chapter;

(7) Employ and fix the compensation of such technical, clerical and other personnel as may be deemed necessary for the performance of its duties;

(8) Appoint such advisory committees as it may deem appropriate to advise and assist it to more effectively discharge its responsibilities. The members of such committees shall receive no compensation, but shall be entitled to reimbursement for ~~((actual and necessary))~~ travel expenses in attending committee meetings ~~((on the same basis as state officers and employees generally))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended;

(9) Meet and organize within thirty days after March 6, 1957 and on the third Monday of each January following a state general election at which the elected ex officio members of the board are elected. The board shall select its own chairman. The commissioner of public lands shall be the secretary of the board. The board may select a vice chairman from among its members. In the absence of the chairman and vice chairman at a meeting of the board, the members shall elect a chairman pro tem. No action shall be taken by the board except by the agreement

of at least three members. The department and the board shall maintain its principal office at the capital;

(10) Be entitled to reimbursement individually for ~~((necessary))~~ travel ~~((and other))~~ expenses incurred in the discharge of their official duties ~~((on the same basis as is provided by law for state officers and employees generally))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 108. Section 43.31.090, chapter 8, Laws of 1965 as amended by section 1, chapter 292, Laws of 1975 1st ex. sess. 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))~~ travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

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. 109. Section 43.31.110, chapter 8, Laws of 1965 and RCW 43.31.110 are each amended to read as follows:

The director may from time to time establish such additional advisory groups as in his discretion are necessary for the carrying out of this chapter. Members of and vacancies in, such advisory groups, shall be filled by appointments by the director. Members shall receive ~~((no per diem but shall receive))~~ reimbursement for ~~((actual subsistence and traveling))~~ travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 110. Section 43.31.130, chapter 8, Laws of 1965 and RCW 43.31.130 are each amended to read as follows:

The director and the supervisor of any division may travel throughout the state or other states and may contact other states and agencies in the performance of their duties. The director and supervisors shall receive ~~((no per diem, but shall receive))~~ reimbursement for ~~((subsistence and traveling))~~ travel expenses incurred while away from their respective places of abode, ~~((in lieu of other provisions made by law for reimbursement of their expenses as such state employees, not to exceed twenty-five dollars per day))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The director is authorized to delegate similar authority to other members of his staff who shall then be reimbursed for their expenses in the same manner as herein provided for the director and division supervisors.

Sec. 111. Section 2, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.020 are each amended to read as follows:

The economic assistance authority of the state, hereafter designated "authority", is hereby created to exercise those powers granted by this chapter.

The authority shall consist of eight members appointed by the governor, the director of the department of commerce and economic development, and two ex officio members as provided for herein. Of the appointive members two shall be city officials or representatives of cities, two shall be county officials or representatives of counties, and four shall be citizen members from the public. The appointive members shall be broadly representative of geographic areas of this state. These members shall initially be appointed as follows: Two members for one-year terms, two members for two-year terms, two members for three-year terms, and two members for four-year terms. Each succeeding term shall be for four years. The two ex officio members shall be the directors of the planning and community affairs agency, the department of ecology, or their designees. The director of the department of commerce and economic development shall serve as chairman of the authority. Staff support shall be provided by the department of commerce and economic development.

All appointive members of the authority in the performance of their duties shall receive ~~((per diem))~~ travel expenses as provided in RCW 43.03.050 and ((travel expenses as provided in RCW)) 43.03.060 as now existing or hereafter amended.

The authority shall adopt, promulgate, amend, or rescind suitable rules and regulations to carry out the provisions of this chapter, and the policies and practices of the authority in connection therewith.

Sec. 112. Section 7, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.33.050 are each amended to read as follows:

There is hereby created the investment advisory committee to consist of seven members to be appointed as hereinafter provided:

(1) One person shall be appointed annually by the Washington public employees' retirement board. One person shall be appointed annually by the board of trustees of the Washington state teachers' retirement system. The original members appointed pursuant to this subsection shall serve for one year, measured from July 1 of the year in which the appointment is made.

(2) Four persons shall be appointed by the state finance committee, who shall be considered experienced and qualified in the field of investments and shall not

during the term of their appointment have a financial interest in or be employed by any investment brokerage or mortgage servicing firm doing business with the state finance committee or retirement board. The original members appointed by the state finance committee shall serve as follows: One member shall serve a one-year term; one member shall serve for a term of two years; one member shall serve for a term of three years; and one member shall serve for a term of four years. All subsequent state finance committee appointees shall serve for terms of four years. All such appointive terms shall commence on July 1 of the year in which appointment is made.

(3) One member of the public pension commission or its successor who shall be one of the members appointed by the governor and who shall be appointed to the investment advisory committee by the members of the public pension commission for a two-year term from July 1 of each odd-numbered year.

All vacancies shall be filled for the unexpired term. Each member shall hold office until his successor has been appointed and any member may be reappointed for additional terms.

The investment advisory committee shall meet at least quarterly at such times as it may fix.

Each member shall receive fifty dollars for each day or portion thereof spent discharging his official duties as a member of the advisory committee and ~~((necessary))~~ travel expenses ((and other actual mileage or transportation costs)) as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 113. Section 43.38.010, chapter 8, Laws of 1965 and RCW 43.38.010 are each amended to read as follows:

There is hereby created a tax advisory council to consist of fifteen members to be appointed by the governor. Members shall be chosen who represent the major segments of the state's economy, and at least one member shall be chosen from each congressional district of the state. Members shall serve without pay at the pleasure of the governor but shall be paid ~~((necessary traveling))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended incurred in their travel to and from meetings of the council and ((shall receive fifteen dollars per day as subsistence)) while attending all meetings of the council.

Sec. 114. Section 12, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.120 are each amended to read as follows:

The director or the governor may establish such additional advisory or coordinating councils as may be necessary to carry out the purposes of this chapter. Members of such councils shall serve at the pleasure of the governor. They shall receive no compensation for their services, but shall be reimbursed ~~((twenty-five dollars per diem for each day or portion thereof spent in serving as members of the councils, and shall be paid their necessary traveling))~~ for travel expenses while engaged in business of the councils ((as prescribed in chapter 43.03 RCW)) in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 115. Section 5, chapter 202, Laws of 1973 1st ex. sess. and RCW 43.43.858 are each amended to read as follows:

There is hereby created the organized crime intelligence advisory board of the legislature of the state of Washington. The board shall consist of eight members.

The lieutenant governor shall appoint four members of the senate to the board. Two members shall be from the senate ways and means committee. Two members shall be from the senate judiciary committee. The appointments shall include one member of each major political party represented on each committee.

The speaker of the house shall appoint four members of the house to the board. Two members shall be from the house ways and means committee. Two members shall be from the house judiciary committee. The appointments shall include one member of each major political party represented on each committee.

The members of the board shall be qualified on the basis of knowledge and experience in matters relating to crime prevention and security or with such other abilities as may be expected to contribute to the effective performance of the board's duties. The members of the board shall meet with the chief of the Washington state patrol at least twice a year to perform the duties enumerated in RCW 43.43.862 and to discuss any other matters related to organized crime. Members shall receive ~~((twenty-five dollars per diem for each day or major portion thereof plus))~~ reimbursement for ~~((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))~~ accordance with RCW 44.04.120 as now existing or hereafter amended.

Sec. 116. Section 43.51.020, chapter 8, Laws of 1965 as last amended by section 1, chapter 31, Laws of 1969 ex. sess. and RCW 43.51.020 are each amended to read as follows:

There is hereby created a "state parks and recreation commission" consisting of seven electors of the state. The members of the commission shall be appointed by the governor by and with the advice and consent of the senate and shall serve for a term of six years, expiring on December 31st of even-numbered years, and until their successors are appointed. In case of a vacancy, the governor shall fill the vacancy for the unexpired term of the commissioner whose office has become vacant.

The commissioners incumbent as of August 11, 1969 shall serve as follows: Those commissioners whose terms expire December 31, 1970, shall serve until December 31, 1970; the elector appointed to succeed to the office, the term for which expired December 31, 1968, shall serve until December 31, 1974; the terms of three of the four remaining commissioners shall each expire on December 31, 1972.

To assure that no more than the terms of three members will expire simultaneously on December 31st in any one even-numbered year, the term of not more than one commissioner incumbent on August 11, 1969, as designated by the governor, who was either appointed or reappointed to serve until December 31, 1972, shall be increased by the governor by two years, and said term shall expire December 31, 1974.

In making the appointments to the commission, the governor shall choose electors who understand park and recreation needs and interests. No person shall serve if he holds any elective or full time appointive state, county, or municipal office. Members of the commission shall be entitled to be paid ~~((a per diem of))~~

twenty-five dollars for each day actually spent on duties pertaining to the commission, and in addition shall be allowed their travel expenses incurred while absent from their usual places of residence (~~upon the same basis as expenses are payable to state officials and employees~~) in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Payment of (~~per diem and expenses, and all other~~) expenses pertaining to the operation of the commission, shall be made upon vouchers certified to by such persons as shall be designated by the commission.

Sec. 117. Section 7, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.810 are each amended to read as follows:

The members of the council specified in paragraphs (a) through (e) of RCW 43.51.790(1) shall serve without additional compensation. The members of the council appointed under paragraph (f) of RCW 43.51.790(1) shall receive reimbursement for (~~necessary traveling and subsistence~~) travel expenses incurred by them in the performance of the duties of the council ((as provided for state officials and employees generally in chapter 43.03 RCW)) in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 118. Section 43.56.040, chapter 8, Laws of 1965 and RCW 43.56.040 are each amended to read as follows:

No member of the board shall receive any compensation for his services, but each member shall be (~~repaid from the state treasury the amount of his actual traveling and other necessary~~) paid travel expenses incurred in the discharge of ((his)) official duty in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, after the account thereof has been audited by the board.

The board shall keep a full account of its expenditures and shall report it in each report. There shall be allowed such expenses for only one annual meeting of the board within this state, and for the members in attendance, not oftener than once in each year, at any conference of commissioners outside of this state.

Sec. 119. Section 43.57.020, chapter 8, Laws of 1965 as amended by section 1, chapter 164, Laws of 1965 ex. sess. and RCW 43.57.020 are each amended to read as follows:

The commission representing the state on said joint commission shall have full authority to consider and carry on negotiations for such agreement or compact, to attend meetings of the joint commission convening in or out of the state, to employ clerical, legal and engineering assistance and generally to perform such duties as shall be required of the members thereof in carrying out the purpose and intent of this chapter; the term of office of said commissioners shall be from June 11, 1953, until an agreement or compact binding on the state of Washington under the provisions of RCW 43.57.030 has been entered into: PROVIDED, HOWEVER, That when a member of the commission is a member of the house of representatives, his term on the commission shall expire when he ceases to be a member of the house, and when a member of the commission is a member of the senate, his term on the commission shall expire when he ceases to be a member of the senate. Any vacancies occurring in the membership of said commission shall be filled by the appointive power shown in RCW 43.57.010. Members of the

commission representing the state who are not in the regular employ of the state shall receive ~~((a per diem of))~~ fifteen dollars per day for the time actually spent on the work of the commission, and reimbursement for ~~((subsistence and traveling))~~ travel expenses incurred while away from their respective places of abode in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Members of the commission who are in the regular employ of the state shall receive ~~((no per diem, but shall receive))~~ reimbursement for ~~((subsistence and traveling))~~ travel expenses incurred while away from their respective places of abode ~~((, in lieu of other provisions made by law for reimbursement of their expenses as such state employees))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Payment of all expenses incurred by the interstate compact commission, including the ~~((per diem and))~~ expenses of its members, shall be made on vouchers approved by its chairman.

Sec. 120. Section 6, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.050 are each amended to read as follows:

The commission shall meet at least quarterly and shall have such special meetings as may be required. Members of the commission shall receive no additional compensation for their services except that which shall be allowed as ~~((actual and necessary))~~ travel expenses ~~((as limited by chapter 43.03 RCW in the performance of their official duties))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 121. Section 43.62.010, chapter 8, Laws of 1965 and RCW 43.62.010 are each amended to read as follows:

~~((There is hereby created a state census board hereinafter referred to as the board, which shall consist of three members, one of whom shall be a member of the faculty of the University of Washington, appointed by the president thereof; one a member of the faculty of Washington State University, appointed by the president thereof, and one member appointed by the governor, all of whom serve at the pleasure of the appointing authority. If a member of said board declines to act, resigns, or is unable to act, his successor shall be named as in the original case. The board shall elect a chairman and shall purchase such equipment and supplies and shall employ such assistance and clerical help as is necessary in the performance of its duties. Each member of the board and any assistants or employees of the board when authorized to make expenditures in behalf of the board shall be reimbursed for necessary traveling and other expenses. In addition, the per diem for each member of the board shall be twenty-five dollars for attendance at board meetings, which shall not exceed three meetings per year.))~~ If the state or any of its political subdivisions, or other agencies, use the services of the board or the successor thereto, the state, its political subdivision, or other agencies utilizing such services shall pay for the cost of rendering such services. ~~((Per diem and))~~ Expenditures ~~((herein authorized shall be approved by the chairman or the executive secretary of the board, and))~~ shall be paid out of funds allocated to cities and towns under RCW 82.44.150, as derived from section 5, chapter 152, Laws of 1945, and shall be paid from said fund before any allocations or payments are made to cities and towns under said act.

Sec. 122. Section 12, chapter 74, Laws of 1967 and RCW 43.63A.120 are each amended to read as follows:

A state planning advisory council of not to exceed fifteen members shall be appointed by the governor to advise the director and the governor on policy matters as specified in this chapter. The council shall be composed of residents of the state from such geographical areas as the governor shall determine will best further the purposes of this chapter: PROVIDED, That there shall be at least one member from each congressional district. Members shall serve at the pleasure of the governor and shall receive ~~((twenty-five dollars per diem for each day or major portion thereof plus))~~ reimbursement for ~~((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 now or hereafter amended))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 123. Section 43.74.015, chapter 8, Laws of 1965 as amended by section 6, chapter 188, Laws of 1967 and RCW 43.74.015 are each amended to read as follows:

(1) The committee shall meet and organize as soon as practicable after appointment.

(2) It shall elect a chairman, and vice chairman from its members, and elect or appoint a secretary-treasurer, who need not be a member.

(3) It may adopt a seal.

(4) It may make such rules and regulations, not inconsistent with this chapter, as it deems expedient to carry this chapter into effect.

(5) A majority of the committee shall constitute a quorum for the transaction of business.

(6) The committee shall keep a record of all its business and proceedings.

(7) Each member shall receive twenty-five dollars a day for each day actually engaged in conducting examinations or in the preparation of examination questions or the grading of examination papers, together with ~~((his necessary traveling))~~ travel expenses, ((as provided for state officials and employees generally in chapter 43.03 RCW;)) in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended to be paid out of the general fund on vouchers approved by the director.

(8) The director may provide reasonable compensation together with ~~((necessary traveling))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended for the secretary-treasurer of the committee if he is not a member thereof, to be paid out of the general fund on vouchers approved by the director.

Sec. 124. Section 5, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.060 are each amended to read as follows:

Members of the commission shall receive reimbursement for ~~((necessary traveling and subsistence))~~ travel 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 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 125. Section 11, chapter 5, Laws of 1965 as last amended by section 1, chapter 60, Laws of 1971 and RCW 43.99.110 are each amended to read as follows:

There is created the interagency committee for outdoor recreation consisting of the commissioner of public lands, the director of parks and recreation, the director of game, the director of fisheries, the director of highways, and the director of commerce and economic development, the director of the department of ecology, and, by appointment of the governor, five members from the public at large who have a demonstrated interest in and a general knowledge of outdoor recreation in the state. The terms of members appointed from the public at large shall commence on January 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term; provided the first such members shall be appointed for terms as follows: One member for one year, two members for two years, and two members for three years. The governor shall appoint one of the members from the public at large to serve as chairman of the committee for the duration of the member's term. Members employed by the state shall serve without additional pay and participation in the work of the committee shall be deemed performance of their employment. Members from the public at large shall serve without pay, but shall be entitled to reimbursement individually for ~~((necessary))~~ travel ~~((and other))~~ expenses incurred in performance of their duties as members of the committee ~~((on the same basis as is provided by law for state officials and employees generally))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 126. Section 7, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.070 are each amended to read as follows:

Members of the commission shall be reimbursed for their ~~((actual and necessary))~~ travel expenses incurred in the performance of their duties ~~((and shall receive a per diem allowance as provided by chapter 43.03 RCW))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Attendance at meetings of the commission shall be deemed performance by a member of the duties of his employment.

Sec. 127. Section 14, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.140 are each amended to read as follows:

Members of the training standards and education boards shall receive ~~((a per diem allowance as provided by chapter 43.03 RCW and))~~ reimbursement for ~~((actual and necessary))~~ travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Attendance at meetings of a training standards and education board shall be deemed performance by a member of the duties of his employment.

Sec. 128. Section 5, chapter 219, Laws of 1973 1st ex. sess. and RCW 43.105-.032 are each amended to read as follows:

There is hereby created the Washington state data processing authority consisting of eleven members appointed by the governor, and serving at his pleasure. The governor shall make such appointments within thirty days after April 25, 1973.

Members of the authority shall not be compensated for service on the authority but shall be reimbursed for ~~((subsistence, lodging, and))~~ travel expenses as provided in ~~((chapter 43.03))~~ RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

The authority shall elect a chairman from among its members and shall appoint an executive director within sixty days after April 25, 1973, subject to confirmation by a majority vote of the senate.

Sec. 129. Section 2, chapter 108, Laws of 1969 as amended by section 1, chapter 218, Laws of 1975 1st ex. sess. 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 eighteen members. Four members shall be appointed by the president of the senate, with equal representation from each of the two major political parties; four members shall be appointed by the speaker of the house of representatives, with equal representation from each of the two major political parties; one member shall be appointed by the governor, and the other 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 expenses (~~and subsistence~~) at rates ~~((provided by law for state officials generally; PROVIDED;))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, except 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.

Sec. 130. Section 3, chapter 34, Laws of 1971 ex. sess. and RCW 43.115.030 are each amended to read as follows:

(1) The commission shall consist of eleven members appointed by the governor with the advice and consent of the senate. The membership shall include:

- (a) Two members from workers in the agricultural field;
- (b) Two members from the general populace of the Spanish speaking population;
- (c) One member from the field of education;
- (d) One member from professional services; and
- (e) One member from among elected trade union officials;
- (f) Four members from the Mexican-American community in the state.

(2) The members shall hold office commencing July 1, 1971 for four years and until their successors are chosen and qualified. Four of the initial appointees shall be appointed for two-year terms and three shall be appointed for four-year terms. Vacancies shall be filled in the same manner as the original appointments.

(3) Members shall receive ~~((twenty-five dollars per diem for each day or major portion thereof plus))~~ reimbursement for ~~((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))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(4) Six members of the commission shall constitute a quorum for the purpose of conducting business.

Sec. 131. Section 4, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.040 are each amended to read as follows:

(1) The commission shall consist of twenty-four members appointed by the governor with the advice and consent of the senate. In making such appointments, the governor shall give due consideration to recommendations submitted to him by the commission. The governor may also consider nominations of members made by the various Asian-American organizations in the state. The governor shall consider nominations for membership based upon maintaining a balanced distribution of Asian-ethnic, geographic, sex, age, and occupational representation, where practicable.

(2) The currently serving Asian-American advisory council members shall serve out their original terms which commenced on July 1, 1972, as follows: Seven to serve one year; seven to serve two years; and six to serve three years. Upon expiration of said original terms, subsequent appointments shall be for three years except in case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. Vacancies shall be filled in the same manner as the original appointments.

(3) Members shall receive twenty-five dollars (~~per diem~~) for each day or major portion thereof plus reimbursement for (~~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~~) accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(4) Sixty percent of the membership plus one shall constitute a quorum for the purpose of conducting business.

(5) The governor shall appoint an executive director based upon recommendations made by the council.

Sec. 132. Section 1, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.010 are each amended to read as follows:

(1) There is hereby created the American revolution bicentennial commission composed of:

(a) The director of the Washington state historical society or his designee, who shall serve as chairman of the commission;

(b) The director of the department of commerce and economic development or his designee;

(c) The secretary of state or his designee;

(d) The director of the state parks and recreation commission or his designee;

(e) The state librarian or his designee;

(f) The executive coordinator of the council on higher education or his designee;

(g) The superintendent of public instruction or his designee;

(h) Two members of the senate, not of the same political party, appointed by the president of the senate;

(i) Two members of the house of representatives, not of the same political party, to be selected by the speaker of the house;

(j) Fourteen citizens of the state, to be appointed by the governor; and

(k) Any additional persons recommended by the commission to assist in its work and appointed by the governor, and any others he deems necessary, to serve as honorary members.

(2) The members of the commission shall serve without compensation: **PROVIDED**, That each member designated in subsection (1)(j) may receive as compensation twenty-five dollars for each day or portion thereof that he is engaged in official business of the commission, and in addition thereto may be reimbursed for (~~necessary~~) travel expenses incurred while on official business of the commission in accordance with the provisions of RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 133. Section 7, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.070 are each amended to read as follows:

Each member of the board, not otherwise a public employee, shall receive (~~actual necessary traveling and other~~) travel expenses incurred in the discharge of their duties, in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, which shall be paid by the agency that each member represents and, for the two members of the general public, by the department of natural resources. In no event shall a member's payments exceed five hundred dollars in any one fiscal year.

Sec. 134. Section 14, chapter 43, Laws of 1951 and RCW 44.28.040 are each amended to read as follows:

The members of the committee shall serve without additional compensation, but shall be reimbursed for their travel expenses, in accordance with RCW 44.04.120 as now existing or hereafter amended, incurred while attending sessions of the committee or meetings of any subcommittee of the committee, ~~((or))~~ while engaged on other committee business authorized by the committee ~~((to the extent of fifteen dollars per day, plus eight cents per mile in))~~, and while going to and coming from committee sessions or committee meetings ~~((or for travel on other committee business when authorized by the committee))~~.

Sec. 135. Section 5, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.050 are each amended to read as follows:

The boards may meet as frequently as they deem necessary, whether or not the legislature is in session. For attendance at meetings during the interim or in attending to other business of his board during the interim, each legislative member shall be entitled to the allowances provided for in RCW 44.04.120, and each lay member shall be entitled to ~~((twenty-five dollars per diem and a))~~ travel ~~((allow-
ance of ten cents per mile))~~ expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended from funds appropriated for that purpose.

All expenses incurred by a board or any member thereof shall be paid upon voucher forms as provided by the budget director and signed by the chairman of the board or his designee: PROVIDED, That vouchers for the expenses of the joint board shall be signed ~~((by the chairman of the legislative council))~~ and attested by the chairman of the joint board.

A majority of a board shall constitute a quorum.

Sec. 136. Section 46.82.140, chapter 12, Laws of 1961 as amended by section 48, chapter 170, Laws of 1965 ex. sess. and RCW 46.82.140 are each amended to read as follows:

Examinations for a driving instructor's certificate shall be prepared and conducted by a driving instructor's examination committee to be composed of a representative from the Washington state department of education, a representative of the department of motor vehicles and a representative of the commercial driving schools. Members shall be appointed by the governor for a one year term ~~((and))~~. The commercial driving school representative shall receive compensation not to exceed twenty-five dollars for each day spent on official committee business and ((necessary)) all committee members shall be reimbursed for travel expenses~~((: PROVIDED, That any member who is receiving a salary from the state of Washington shall not receive compensation for such services but shall receive any travel and other expenses incurred in such service))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The director shall arrange for the examination of each applicant for an instructor's certificate and furnish the necessary clerical help to the examining committee.

Sec. 137. Section 3, chapter 106, Laws of 1963 as amended by section 113, chapter 32, Laws of 1967 and RCW 46.85.030 are each amended to read as follows:

The reciprocity commission, hereby created, shall consist of the director of motor vehicles, the chief of the Washington state patrol, a designee of the state highway commission and, ex officio, the chairman and vice chairman of the legislative transportation committee, or their duly designated representatives. Members of the western interstate highway policy committee from the state of Washington shall be advisory members of the reciprocity commission, and may attend meetings and conferences of the commission in such capacity, but shall not vote as members thereof. The department shall provide such assistance and facilities to the commission as it may require. The members of the commission shall receive no additional compensation for their services except that they shall be allowed ~~((their actual and necessary))~~ reimbursement for travel expenses incurred in the performance of their official duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended to be paid from funds made available for the use of the commission. The commission shall have the authority to execute agreements, arrangements or declarations to carry out the provisions of this chapter.

Sec. 138. Section 47.01.040, chapter 13, Laws of 1961 as amended by section 31, chapter 170, Laws of 1965 ex. sess. and RCW 47.01.040 are each amended to read as follows:

Each member of the state highway commission shall receive forty dollars ~~((per diem))~~ for each day actually spent in the performance of his duties and ~~((his actual necessary traveling and other))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended in going to, attending and returning from meetings of the commission, and ~~((his actual and necessary traveling and other expenses incurred))~~ in the discharge of such duties as may be requested of him by a majority vote of the commission, but in no event shall a commissioner be paid ~~((per diem))~~ in any one fiscal year ~~((in excess of))~~ for more than one hundred twenty days, except the chairman of the commission who may be paid ~~((per diem))~~ for not more than one hundred fifty days.

Sec. 139. Section 19, chapter 83, Laws of 1967 ex. sess. as last amended by section 2, chapter 1, Laws of 1975 1st 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 the mileage rate authorized in RCW 43.03.060 or actual necessary transportation expenses))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 140. Section 20, chapter 83, Laws of 1967 ex. sess. as amended by section 3, chapter 171, Laws of 1969 ex. sess. and RCW 47.26.140 are each amended to read as follows:

The assistant director of highways for state aid shall furnish necessary staff services and facilities required by the urban arterial board. The cost of such services, together with travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended of the members and all other lawful

expenses of the board, shall be paid from the urban arterial trust account in the motor vehicle fund. The urban arterial board may appoint an executive secretary who shall serve at its pleasure and whose salary shall be set by the board and paid from the urban arterial trust account in the motor vehicle fund.

Sec. 141. Section 4, chapter 278, Laws of 1961 as amended by section 32, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.023 are each amended to read as follows:

The appointive members and the highway commission members of the Washington toll bridge authority shall receive forty dollars (~~per diem~~) for each day actually spent in performance of his duties, but in no event shall (~~such a member's per diem~~) payment to a member exceed three thousand dollars in any one fiscal year; nor shall a highway commission member's total (~~per diem~~) pay for serving on the highway commission and on the authority exceed the maximum (~~per diem~~) payments specified in RCW 47.01.040 as now or hereafter amended in any one year. Each member of the authority shall receive (~~his actual necessary traveling and other~~) travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended in going to, attending, and returning from meetings of the authority, and (~~his actual and necessary traveling and other expenses incurred~~) in the discharge of such duties as may be requested of him by a majority vote of the authority.

Sec. 142. Section 14, chapter 150, Laws of 1967 and RCW 48.17.135 are each amended to read as follows:

(1) There is hereby created an insurance advisory examining board, hereafter referred to as the examining board or the board.

(2) The examining board shall consist of seven members, the commissioner who shall serve ex officio as a member and shall act as chairman, and six members appointed by the commissioner. Appointments shall be made within thirty days after June 8, 1967.

(3) The insurance commissioner as chairman shall keep a record of all proceedings of the board, send out notices of meetings of the board, draft rules and regulations of the board, and perform such other duties as may be required.

(4) The members of the board appointed by the commissioner shall have been licensed insurance agents or brokers of this state for at least five years prior to their appointments, three of whom shall have been engaged in the life or disability fields and the remaining three in other insurance fields. Consistent with the representation on the board, it may function as two separate committees, at which meetings the commissioner shall also preside.

(5) The first terms for members of the examining board appointed by the commissioner shall be as follows: Two members for one year; two members for two years; two members for three years. Thereafter, the terms shall be for (~~two~~) three years and until their successors are appointed and qualified.

(6) The examining board, or any committee of the board, shall meet at the call of the commissioner. A majority of the members of the board or of a committee shall constitute a quorum for the transaction of business by the board or a committee of the board.

(7) The board shall have the advisory power:

(a) To recommend general policy concerning the scope, contents, procedure and conduct of examinations to be given for respective licenses as agent, broker and solicitor.

(b) To recommend the questions comprising each particular such examination and from time to time to change such questions as the board deems advisable, and where examinations are composed by the board results of these examinations shall be evaluated by the board.

(c) To review other state insurance examination papers and the grading thereof.

(d) To recommend the scope and contents of material furnished agent, broker or solicitor examination applicants by the commissioner under RCW 48.17.120 for the purpose of preparing for any such examination.

(e) To recommend rules and regulations for the procedure to be followed in the conduct of such examinations, including, but not limited to, application for examination, frequency and place of examinations, minimum waiting period before reexamination, monitoring, and the safeguarding of examination questions and papers. The board shall file copies of all such rules and regulations, and of all amendments or modifications thereof, with the commissioner and with the code reviser for public inspection and information.

(f) To make such recommendations to the commissioner in regard to the administration of the examination requirement as the board from time to time deems appropriate.

(8) Members may be removed by the commissioner for any cause which unreasonably interferes with the proper discharge of the responsibilities of the board or any member thereof. Any vacancy shall be filled by the commissioner within ninety days after it occurs by appointment for the remainder of the unexpired term.

(9) Appointed members of the examining board shall receive compensation from the appropriation to the insurance commissioner at the rate of twenty-five dollars per day while discharging their duties as directed and approved by the commissioner, and shall be reimbursed for their ~~((necessary))~~ travel expenses incurred in the actual performance of their duties ~~((at the rate provided by statute for state employees. PROVIDED, HOWEVER, That))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(10) The powers and recommendations of the examining board shall be advisory only.

Sec. 143. Section 1, chapter 231, Laws of 1941 as last amended by section 1, chapter 6, Laws of 1967 and RCW 49.04.010 are each amended to read as follows:

The director of labor and industries shall appoint an apprenticeship council, composed of three representatives each from employer and employee organizations, respectively. The terms of office of the members of the apprenticeship council first appointed by the director of labor and industries shall be as follows: One representative each of employers and employees shall be appointed for one year, two years, and three years, respectively. Thereafter, each member shall be appointed for a term of three years. Each member shall hold office until his successor is appointed and has qualified and any vacancy shall be filled by appointment for the unexpired portion of the term. The state official who has been

designated by the state board for vocational education as being in charge of trade and industrial education and the state official who has immediate charge of the state public employment service shall ex officio be members of said council, without vote. Each member of the council, not otherwise compensated by public moneys, shall be reimbursed for ~~((transportation and))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended and shall be paid not more than twenty-five dollars for each day spent in attendance at meetings of the council. The apprenticeship council with the consent of employee and employer groups shall: (1) Establish standards for apprenticeship agreements in conformity with the provisions of this chapter; (2) issue such rules and regulations as may be necessary to carry out the intent and purposes of this chapter; and (3) perform such other duties as are hereinafter imposed. Not less than once a year the apprenticeship council shall make a report through the director of labor and industries on November 1, of its activities and findings to the legislature which shall be made available to the public.

Sec. 144. Section 4, chapter 58, Laws of 1903 and RCW 49.08.040 are each amended to read as follows:

Such arbitrators shall receive five dollars per day for each day actually engaged in such arbitration and ~~((the necessary traveling))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended to be paid upon certificates of the director of labor and industries out of the fund appropriated for the purpose or at the disposal of the department of labor and industries applicable to such expenditure.

Sec. 145. Section 4, chapter 270, Laws of 1955 and RCW 49.60.070 are each amended to read as follows:

Each member of the board while in session or on official business shall receive ~~((twenty dollars per day in lieu of subsistence and shall receive))~~ reimbursement for ~~((actual and necessary traveling))~~ travel expenses incurred during such time in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. ~~((Such reimbursement shall be made in the manner provided by law for similar reimbursements for state employees:))~~

Sec. 146. Section 9, chapter 270, Laws of 1955 as last amended by section 5, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.130 are each amended to read as follows:

The board has power to create such advisory agencies and conciliation councils, local, regional, or state-wide, as in its judgment will aid in effectuating the purposes of this chapter. The board may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of sex, race, creed, color, national origin, marital status, or the presence of any sensory, mental, or physical handicap; to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population of the state, and to make recommendations to the board for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the board may recommend to the appropriate state agency.

Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for ~~((actual and necessary traveling))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, and the board may make provision for technical and clerical assistance to such agencies and councils and for the expenses of such assistance. The board may use organizations specifically experienced in dealing with questions of discrimination.

Sec. 147. Section 12, chapter 156, Laws of 1972 ex. sess. as amended by section 8, chapter 3, Laws of 1973 2nd ex. sess. and RCW 49.66.120 are each amended to read as follows:

The arbitrator so selected by the parties shall be paid at the daily rate or rates not to exceed the usual or customary rates paid to arbitrators in addition to travel expenses ~~((and subsistence))~~ at the rates ~~((by law))~~ provided ~~((for state employees generally))~~ in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Such sums together with all expenses of the hearing shall be borne equally by the parties to the arbitration proceedings.

Sec. 148. Section 2, chapter 127, Laws of 1959 and RCW 50.12.031 are each amended to read as follows:

Members of the board shall be allowed ~~((traveling))~~ travel expenses ((of not to exceed ten cents per mile and twenty-five dollars per diem for expenses)) in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended while traveling to and from and attending regularly called meetings.

Sec. 149. Section 59, chapter 35, Laws of 1945 as last amended by section 4, chapter 8, Laws of 1953 ex. sess. and RCW 50.12.200 are each amended to read as follows:

The commissioner shall appoint a state advisory council composed of not more than nine members, of which three shall be representatives of employers, three shall be representatives of employees, and three shall be representatives of the general public who are not entitled to benefits under this title. Such council shall aid the commissioner in formulating policies and discussing problems related to the administration of this title and of assuring impartiality and freedom from political influence in the solution of such problems. The council shall serve without compensation. The commissioner may also appoint committees, and industrial or other special councils, to perform appropriate services. Members shall be reimbursed for ~~((any))~~ travel expenses incurred in accordance with ((the travel regulations applicable to employees of the employment security department)) RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 150. Section 67, chapter 289, Laws of 1971 ex. sess. as last amended by section 1, chapter 224, Laws of 1975 1st 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, 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 travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. 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. 151. Section 51.52.010, chapter 23, Laws of 1961 as last amended by section 68, chapter 289, Laws of 1971 ex. sess. and RCW 51.52.010 are each amended to read as follows:

There shall be a "board of industrial insurance appeals," hereinafter called the "board," consisting of three members appointed by the governor as hereinafter provided. One shall be a representative of the public and a lawyer, appointed from a mutually agreed to list of not less than three active members of the Washington state bar association, submitted to the governor by the two organizations defined below, and such member shall be the chairman of said board. The second member shall be a representative of the majority of workmen engaged in employment under this title and selected from a list of not less than three names submitted to the governor by an organization, state-wide in scope, which through its affiliates embraces a cross section and a majority of the organized labor of the state. The third member shall be a representative of employers under this title, and appointed from a list of at least three names submitted to the governor by a recognized state-wide organization of employers, representing a majority of employers. The initial terms of office of the members of the board shall be for six, four, and two years respectively. Thereafter all terms shall be for a period of six years. Each member of the board shall be eligible for reappointment and shall hold office until his successor is appointed and qualified. In the event of a vacancy the governor is authorized to appoint a successor to fill the unexpired term of his predecessor. All appointments to the board shall be made in conformity with the foregoing plan. Whenever the workload of the board and its orderly and expeditious disposition shall necessitate, the governor may appoint two additional pro-tem members in addition to the regular members. Such appointments shall be for a definite period of time, and shall be made from lists submitted respectively by labor and industry as in the case of regular members. One pro-tem member shall

be a representative of labor and one shall be a representative of industry. Members shall devote their entire time to the duties of the board and shall receive for their services a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 which shall be in addition to ~~((reasonable))~~ travel ~~((allowance))~~ expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Headquarters for the board shall be located in Olympia. The board shall adopt a seal which shall be judicially recognized.

Sec. 152. Section 3, chapter 224, Laws of 1951 and RCW 58.24.020 are each amended to read as follows:

The engineering department of the department of public lands is hereby designated as the official agency for surveys and maps. The commissioner of public lands shall appoint an advisory board of five members, the majority of whom shall be registered professional engineers or land surveyors, who shall serve at the pleasure of the commissioner. Members of the board shall serve without salary but are to receive ~~((actual))~~ travel expenses ~~((not to exceed fifteen dollars per diem))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended while actively engaged in the discharge of their duties.

Sec. 153. Section 2, chapter 184, Laws of 1933 as amended by section 1, chapter 305, Laws of 1959 and RCW 67.08.003 are each amended to read as follows:

Before entering upon the duties of his office, each commissioner shall enter into a surety bond, executed by a surety company authorized to do business in this state, payable to the state, and approved by the attorney general, in the penal sum of two thousand dollars conditioned upon the faithful performance of his duties, which bond shall be filed with the secretary of state. Each member of the commission shall be reimbursed for the cost of his bond and receive twenty-five dollars per day and ~~((reimbursable))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended while in the performance of his duties.

Sec. 154. Section 12, chapter 184, Laws of 1933 as amended by section 4, chapter 305, Laws of 1959 and RCW 67.08.060 are each amended to read as follows:

The commission may appoint official inspectors at least one of which, in the absence of a member of the commission, shall be present at any boxing contest or sparring and/or wrestling match or exhibition held under the provisions of this chapter. Such inspectors shall carry a card signed by the chairman of the commission evidencing their authority. It shall be their duty to see that all rules and regulations of the commission and the provisions of this chapter are strictly complied with and to be present at the accounting of the gross receipts of any contest, and such inspector is authorized to receive from the licensee conducting the contest the statement of receipts herein provided for and to immediately transmit such reports to the commission. Each inspector shall receive a fee from the licensee to be set by the athletic commission for each contest officially attended. Each inspector shall also receive from the state ~~((reimbursable))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 155. Section 2, chapter 233, Laws of 1969 ex. sess. and RCW 67.16.017 are each amended to read as follows:

Each member of the Washington horse racing commission shall receive forty dollars (~~(per diem)~~) for each day actually spent in the performance of his duties and (~~(his actual necessary traveling and other)~~) travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended in going to, attending and returning from meetings of the commission, and (~~(his actual and necessary traveling and other)~~) travel expenses incurred in the discharge of such duties as may be requested of him by a majority vote of the commission, but in no event shall a commissioner be paid (~~(per diem)~~) in any one fiscal year in excess of one hundred twenty days, except the chairman of the commission who may be paid (~~(per diem)~~) for not more than one hundred fifty days.

Sec. 156. Section 33, chapter 290, Laws of 1953 and RCW 68.05.060 are each amended to read as follows:

Each member of the board shall receive no compensation for his services, but shall receive (~~(his necessary traveling and other)~~) travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 157. Section 3, chapter 147, Laws of 1974 ex. sess. and RCW 70.37.030 are each amended to read as follows:

There is hereby established a public body corporate and politic, with perpetual corporate succession, to be known as the Washington health care facilities authority. The authority shall constitute a political subdivision of the state established as an instrumentality exercising essential governmental functions. The authority is a "public body" within the meaning of RCW 39.53.010, as now or hereafter amended. The authority shall consist of the governor who shall serve as chairman, the lieutenant governor, the insurance commissioner, the chairman of the Washington state hospital commission, and one member of the public who shall be appointed by the governor, subject to confirmation by the senate, for terms of four years each on the basis of their interest or expertise in health care delivery, the first appointees to be appointed for terms expiring on the second and fourth March 1st, respectively, following enactment of this chapter. In the event that any of the offices referred to shall be abolished the resulting vacancy on the authority shall be filled by the officer who shall succeed substantially to the powers and duties thereof. The members of the authority shall serve without compensation, but shall be entitled to reimbursement, solely from the funds of the authority, (~~(of necessary)~~) for travel expenses incurred in the discharge of their duties under this chapter, subject to the provisions of (~~(chapter 43.03)~~) RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. A majority shall constitute a quorum.

Sec. 158. Section 6, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.050 are each amended to read as follows:

(~~(Except for state employees who shall receive their usual per diem pursuant to RCW 43.03.050;)~~) Members of the council and advisory or consultant members of any committee shall (~~(receive twenty-five dollars per diem spent in performing their duties and in addition all members shall)~~) be entitled to reimbursement for (~~(actual)~~) travel expenses incurred in the performance of their duties (~~(pursuant to~~

RCW 43.03.060)) in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 159. Section 2, chapter 32, Laws of 1951 and RCW 70.79.020 are each amended to read as follows:

The members of the board shall serve without salary and shall receive ~~((their actual and necessary))~~ travel expenses incurred while in the performance of their duties as members of the board, ~~((to be paid in the same manner as in the case of other state officers))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 160. Section 4, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.040 are each amended to read as follows:

There is created a solid waste advisory committee to provide consultation to the department of environmental quality concerning matters covered by this chapter. The committee shall advise on the development of programs and regulations for solid waste management, and shall supply recommendations concerning methods by which existing solid waste management practices and the laws authorizing them may be supplemented and improved.

The committee shall consist of seven members, including the assistant director for the division of solid waste management within the department. The remaining six members shall be appointed by the director with due regard to the interests of the public, local government, agriculture, industry, public health, and the refuse removal industry. The term of appointment shall be determined by the director. The committee shall elect its own chairman and meet at least four times a year, in accordance with such rules of procedure as it shall establish. Members shall receive no compensation for their services but shall be reimbursed ~~((twenty-five dollars per diem for each day or portion thereof spent serving as members of the committee and shall be paid their necessary traveling expenses))~~ their travel expenses while engaged in business of the committee ((as prescribed in chapter 43.03 RCW, as now or hereafter amended)) in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 161. Section 7, chapter 139, Laws of 1973 and RCW 70.95B.070 are each amended to read as follows:

For the purpose of carrying out the provisions of this chapter, a board of examiners for wastewater operator certification shall be appointed. This board may serve in a common capacity for the certification of both water and wastewater plant and system operators. One member shall be named from the department of ecology, by its director to serve at his pleasure, and one member from the department of social and health services by its secretary, to serve at his pleasure, and one member who is required to employ a certified operator and who holds the position of city manager, city engineer, director of public works, superintendent of utilities, or an equivalent position who will be appointed by the governor. The governor shall also appoint two members who are operators holding a certificate of at least the second highest operator classification for wastewater plant operators

established by regulation of the director, and if authorized in a water supply system operator certification act, two members who are operators holding a certificate of at least the second highest classification for waterworks operators established pursuant to such act.

The employer representative shall be appointed for an initial one-year term and the operators for initial terms of two and three years respectively. Thereafter, the members appointed by the governor shall serve for a three-year period. Vacancies shall be filled for the remainder for an unexpired term by the appointing authorities.

This board shall assist in the development of rules and regulations, shall prepare, administer and evaluate examinations of operator competency as required in this chapter, and shall recommend the issuance ~~((of for))~~ or revocation of certificates. The board shall determine when and where the examinations shall be held. The examination shall be held at least three times annually.

Each member appointed by the governor shall serve without compensation, but shall be reimbursed ~~((twenty-five dollars per diem))~~ for ~~((each day or portion thereof he performs assigned services as a board member, and shall be paid his necessary traveling))~~ travel expenses while engaged in the business of the board as prescribed in ~~((chapter 43.03))~~ RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 162. Section 7, chapter 207, Laws of 1961, as last amended by section 18, chapter 18, Laws of 1970 ex. sess. and RCW 70.98.070 are each amended to read as follows:

(1) There is created an advisory council on nuclear energy and radiation, hereinafter referred to as the council, consisting of seven members appointed by the governor and serving at his pleasure. Membership on the advisory council shall include, but not be limited to, representatives from industry, labor, the healing arts, research and education. In addition the secretary of social and health services and the directors of the department of labor and industries, department of agriculture, department of commerce and economic development, and the chairman of the interagency committee for outdoor recreation, or their successors, shall serve as ex officio members of the council. The governor shall designate from his appointees a member to serve as chairman of the council.

Members shall receive ~~((a compensatory per diem of twenty-five dollars for each day or portion thereof actually spent in))~~ travel expenses while attending to their duties as members of the board ~~((and, in addition, they shall receive reimbursement for travel expenses))~~ as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) The council shall:

(a) Review and evaluate policies and programs of the state relating to ionizing radiation.

(b) Make recommendations to the governor and furnish such advice as may be required on matters relating to development, utilization, and regulation of sources of ionizing radiation.

(c) Make an annual report to the governor.

(d) Review, after any agency, agencies, board or commission has held any public hearing required by this chapter or chapter 34.04 RCW prior to promulgation and filing with the code reviser, the proposed rules and regulations of the state radiation control agency and all other boards, agencies, and commissions of this state relating to use and control of sources of ionizing radiation to determine that such rules and regulations are consistent with rules and regulations of other agencies, boards, and commissions of the state. Proposed rules and regulations shall not be filed with the code reviser until sixty days after submission to the council unless the council waives all or any part of such sixty day period.

(e) When the council determines that any proposed rules or regulations or parts thereof are inconsistent with rules and regulations of other agencies, boards, or commissions of the state, the council will so advise the governor and the appropriate agency, agencies, boards or commissions, and consult with them in an effort to resolve any such inconsistencies.

(f) Have the power to employ, compensate, and prescribe the powers and duties of such individuals as may be necessary to properly carry out the duties of the council from whatever funds which may be made available to the council for such purpose, including the power to employ an executive secretary to perform the administrative functions of the council.

Sec. 163. Section 13, chapter 49, Laws of 1974 ex. sess. and RCW 70.106.130 are each amended to read as follows:

For the purpose of carrying out the provisions of this chapter the director shall, within one hundred eighty days of July 24, 1974, appoint a technical advisory committee and appoint a chairman thereof, said committee to consist of one representative from each of the following:

- (1) The secretary of the department of social and health services;
- (2) The pharmacy board;
- (3) A hospital specializing in child welfare and poison care;
- (4) The packaging closures industry;
- (5) University of Washington medical school;
- (6) University of Washington school of pharmacy;
- (7) A specialist in pesticide and chemical handling and control from Washington State University;
- (8) The public;
- (9) The dairy and food division of the department of agriculture; and
- (10) A member of the Washington state society of pediatrics or its designee.

Members of the technical advisory committee who are not regular full time employees of a public agency or institution shall receive twenty-five dollars (~~per diem~~) for each day or major portion thereof plus reimbursement for (~~actual~~) travel expenses incurred in the performance of their duties in (~~the same manner as provided for state officials generally in chapter 43.03~~) accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 164. Section 4, chapter 183, Laws of 1974 ex. sess. and RCW 70.107.040 are each amended to read as follows:

The director shall name a technical advisory committee to assist the department in the implementation of this chapter. Committee members shall be entitled

to reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03-.060, as now existing or hereafter amended.

Sec. 165. Section 19, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.190 are each amended to read as follows:

The department shall promulgate rules and regulations to effectuate the purposes of this chapter, the form, manner and time for the submission of proposed plans for approval as submitted by the county commissioners, and the form, manner and time for the submission of claims for state reimbursement. Reimbursement may be made for ~~((the expenses of per diem and))~~ travel expenses to meetings by members of the community mental health program administrative board, and for ~~((per diem and))~~ travel expenses of supervisors of community mental health services to conferences which may from time to time be called by the director. Such ~~((per diem and))~~ travel expenses may be paid ~~((in amounts prescribed by RCW 36.17.030))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 166. Section 72.01.180, chapter 28, Laws of 1959 and RCW 72.01.180 are each amended to read as follows:

The director shall have the power to select a member of the faculty of the University of Washington, or the ~~((State College of))~~ Washington State University, skilled in scientific food analysis and dietetics, to be known as the state dietitian, who shall make and furnish to the department food analyses showing the relative food value, in respect to cost, of food products, and advise the department as to the quantity, comparative cost, and food values, of proper diets for the inmates of the state institutions under the control of the department. The state dietitian shall receive ~~((his actual and necessary traveling))~~ travel expenses while engaged in the performance of his duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 167. Section 6, chapter 118, Laws of 1973 and RCW 72.41.060 are each amended to read as follows:

Each member of the board of trustees shall receive ~~((per diem))~~ travel expenses as provided in RCW 43.03.050~~((, and necessary expenses and other actual mileage or transportation costs as provided in RCW))~~ and 43.03.060 as now existing or hereafter amended, and such payments shall be a proper charge to any funds appropriated or allocated for the support of the state school for the blind.

Sec. 168. Section 6, chapter 96, Laws of 1972 ex. sess. and RCW 72.42.060 are each amended to read as follows:

Each member of the board of trustees shall receive ~~((per diem))~~ travel expenses as provided in RCW 43.03.050~~((, and necessary expenses and other actual mileage or transportation costs as provided in RCW))~~ and 43.03.060 as now existing or hereafter amended, and such payments shall be a proper charge to any funds appropriated or allocated for the support of the state school for the deaf.

Sec. 169. Section 72.60.060, chapter 28, Laws of 1959 and RCW 72.60.060 are each amended to read as follows:

The members of the commission, other than the chairman, shall receive ~~((a per diem of))~~ twenty-five dollars for each day they are engaged in the official business of the commission, including time spent in traveling, for not more than twenty

days in each fiscal year. All members, including the chairman, shall receive their ~~((actual and necessary))~~ travel expenses ~~((of travel))~~ incurred in attending meetings of the commission and in making investigations either as a commission or individually as members of the commission at the request of the chairman in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The compensation and travel expenses of the members shall be paid from ~~((appropriations made))~~ funds available for industrial operations at the institutions and shall be prorated among such ~~((appropriations))~~ funds on the basis of time spent where the efforts of the members are of application to more than one institution.

Sec. 170. Section 3, chapter 203, Laws of 1969 ex. sess. and RCW 74.32.120 are each amended to read as follows:

The committee shall meet at least a total of three and no more than twelve times per year at such specific times and places as may be determined by the chairman. Members shall be entitled to reimbursement for ~~((his subsistence and lodging expenses as provided in RCW 43.03.050, as now or hereafter amended, and for his))~~ travel expenses as provided for in RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

Sec. 171. Section 7, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.475 are each amended to read as follows:

The director shall appoint three man advisory boards of review to hear cases as provided for in RCW 75.28.480. The members of such a review board shall be from the commercial salmon fishing industry, shall serve without pay, and shall serve at the discretion of the director of the department of fisheries. The members of such a review board shall be reimbursed for ~~((subsistence and))~~ travel expenses pursuant to RCW 43.03.050 and 43.03.060 as now existing or hereafter amended for each day or major portion thereof spent in the performance of their duty. The director shall promulgate regulations concerning the operation of such review boards in accordance with chapter 34.04 RCW.

Sec. 172. Section 8, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.530 are each amended 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 chapter 183, Laws of 1975 1st ex. sess. 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 chapter 183, Laws of 1975 1st ex. sess.

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, chapter 183, Laws of 1975 1st ex. sess., 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 as now existing or hereafter amended for each day or major portion thereof spent in the performance of their duty.

Sec. 173. Section 3, chapter 137, Laws of 1974 ex. sess. as amended by section 1, chapter 200, Laws of 1975 1st 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) 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, 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 43.03.050 and 43.03.060 as now existing 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. 174. Section 22, chapter 137, Laws of 1974 ex. sess. as amended by section 10, chapter 200, Laws of 1975 1st 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 43.03.050 and 43.03.060 as now existing or hereafter amended.

(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.

(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. 175. Section 77.04.060, chapter 36, Laws of 1955 as last amended by section 9, chapter 307, Laws of 1961 and RCW 77.04.060 are each amended to read as follows:

The state game commission shall hold regular meetings on the first Mondays of January, April, July, and October of each year, and special meetings at such times as may be called by the chairman or by two-thirds majority of the members.

The commission at its first regular meeting after the appointment and qualification of its membership, shall meet at the state capitol and organize by electing one of its members as chairman to serve for a term of two years, and until his successor is elected and qualified, and biennially thereafter the commission shall meet at its office and elect one of its members as chairman, who shall serve for a term of two years and until his successor is elected and qualified.

At such meeting, and at any other meeting after a vacancy in the office of the director of game has occurred, the commission shall elect a director of game by a two-thirds vote of its membership, who shall hold office at the pleasure of the commission. The director shall receive such salary as shall be fixed by the governor in accordance with the provisions of RCW 43.03.040. The said director shall be ex officio secretary of the state game commission, attend its meetings, keep a record of the business transacted by it, and perform such other duties as the commission may direct.

Each member of the commission shall receive twenty-five dollars for each day actually spent in the performance of ~~((his))~~ official duties and ~~((his actual necessary traveling and other))~~ travel expenses in connection therewith ~~((including all expenses))~~ in going to, attending, and returning from meetings of the commission ~~((: PROVIDED, That such expenses shall not exceed fifteen dollars per diem exclusive of necessary traveling expenses, not to exceed eight cents per mile))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

The commission shall, on or before the last Monday of October in each odd-numbered year, make a full and complete report of the official business transacted by it, which report shall be published in pamphlet form.

The commission shall maintain its offices in the principal office of the department of game.

Sec. 176. Section 34, chapter 26, Laws of 1967 ex. sess. as amended by section 2, chapter 65, Laws of 1970 ex. sess. and RCW 82.03.050 are each amended to read as follows:

The board shall operate on either a part time or a full time basis, as determined by the governor. If it is determined that the board shall operate on a full time basis, each member of the board shall receive an annual salary to be determined by the governor. If it is determined that the board shall operate on a part time basis, each member of the board shall receive compensation on the basis of seventy-five dollars ~~((per diem))~~ for each day spent in performance of his duties ~~((: PROVIDED, HOWEVER, That))~~, but such compensation shall not exceed ten

thousand dollars in a fiscal year. Each board member shall receive reimbursement for travel ~~((and other))~~ expenses incurred in the discharge of his duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 177. Section 27, chapter 200, Laws of 1907 as amended by section 1, chapter 137, Laws of 1947 and RCW 88.04.020 are each amended to read as follows:

The inspectors provided for in this chapter shall receive compensation at such rate as shall be prescribed by the director of labor and industries, and shall be paid ~~((necessary traveling))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended when making such inspections and conducting such examinations at other than the domicile of said inspectors.

Sec. 178. Section 2, chapter 18, Laws of 1935 as last amended by section 1, chapter 15, Laws of 1967 and RCW 88.16.020 are each amended to read as follows:

The office of the department of labor and industries of the state of Washington shall be the office of the board and all records of the board shall be kept in said office. Each pilotage commissioner shall receive the sum of twenty-five dollars per day for each day actually engaged in the conduct of the business of the board, together with ~~((necessary traveling))~~ travel expenses, ((including meals and lodgings, at the rate provided by statute for state employees)) in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, to be paid out of the pilotage account on vouchers approved by the chairman of said board.

Sec. 179. Section 4, chapter 304, Laws of 1955 as last amended by section 5, chapter 184, Laws of 1973 1st ex. sess. and RCW 89.08.040 are each amended to read as follows:

Members shall receive no compensation, but shall be entitled to travel expenses~~((including traveling expenses, necessarily))~~ in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended incurred in the discharge of their duties.

The commission shall keep a record of its official actions, shall adopt a seal, which shall be judicially noticed, and may perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the execution of its functions under this 1973 amendatory act. The state department of ecology is empowered to pay the ~~((necessary per diem and))~~ travel expenses of the elected and appointed members of the state conservation commission, and the salaries, wages and other expenses of such administrative officers or other employees as may be required under the provisions of this chapter.

Sec. 180. Section 2, chapter 162, Laws of 1925 ex. sess. as amended by section 1, chapter 123, Laws of 1947 and RCW 90.08.050 are each amended to read as follows:

Each stream patrolman shall receive a wage per day for each day actually employed in the duties of his office, or if employed by the month, he shall receive a salary per month, which wage or salary shall be fixed in the manner provided by

law for the fixing of the salaries or compensation of other state officers or employees, plus ~~((his necessary transportation))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 181. Section 3, chapter 123, Laws of 1965 ex. sess. as amended by section 1, chapter 36, Laws of 1967 and RCW 91.12.030 are each amended to read as follows:

Commission members ~~((shall receive a per diem of twenty-five dollars and))~~ shall be reimbursed for their ~~((necessary))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

NEW SECTION. Sec. 182. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1976 amendatory act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 183. 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, 1976.

Passed the House February 16, 1976.

Passed the Senate February 13, 1976.

Approved by the Governor February 20, 1976.

Filed in Office of Secretary of State February 20, 1976.

CHAPTER 35

[House Bill No. 1257]

MUNICIPAL JUDGES—QUALIFICATIONS

AN ACT Relating to municipal judges; and amending section 53, chapter 299, Laws of 1961 and RCW 3.50.040.

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

Section 1. Section 53, chapter 299, Laws of 1961 and RCW 3.50.040 are each amended to read as follows:

Within thirty days after the effective date of the ordinance, the mayor of each city or town shall, with the approval of the legislative body thereof, appoint a municipal judge or judges of the municipal court for a term of four years, commencing January 15, 1962. Succeeding appointments shall be made in like manner by the fifteenth day of December preceding the end of every four year term.

The person appointed as municipal judge shall be a citizen of the United States of America and of the state of Washington; and an attorney duly admitted to practice law before the courts of record of the state of Washington ~~((and practicing law in the municipality or residing in the municipality where the department is located))~~: PROVIDED, That in a municipality having a population less than five thousand persons, a person other than an attorney may be the judge. Any city or town shall have authority to appoint a duly elected justice of the peace as its municipal judge when the municipal judge is not required to serve full

time. In the event of the appointment of a justice of the peace, the city or town shall pay a pro rata share of his salary.

Passed the House January 26, 1976.

Passed the Senate February 13, 1976.

Approved by the Governor February 20, 1976.

Filed in Office of Secretary of State February 20, 1976.

CHAPTER 36

[House Bill No. 1259]

WATER SUPPLY FACILITIES—DEPARTMENT
OF ECOLOGY, LOANS, GRANTS

AN ACT Relating to agricultural water supply facilities; amending section 3, chapter 295, Laws of 1975 1st ex. sess. and RCW (____); and declaring an emergency.

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

Section 1. Section 3, chapter 295, Laws of 1975 1st ex. sess. and RCW (____) are each amended to read as follows:

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; PROVIDED, That the fifteen percent limitation established herein shall not be applicable to project commitments which the director or deputy director of the state department of ecology made to the bureau of reclamation of the United States department of interior for providing state funding at thirty-five percent of project costs during the period between August 1, 1974, and June 30, 1975.

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 5, 1976.

Passed the Senate February 13, 1976.

Approved by the Governor February 20, 1976.

Filed in Office of Secretary of State February 20, 1976.

CHAPTER 37

[House Bill No. 1344]

UNIFORM FIRE CODE ADMINISTRATION
AND ENFORCEMENT

AN ACT Relating to fire protection; adding new sections 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 19.27 RCW a new section to read as follows:

Each county government shall administer and enforce the uniform fire code in the unincorporated areas of the county: PROVIDED, That any political subdivision or municipal corporation providing fire protection pursuant to RCW 14.08-.120 shall, at its sole option, be responsible for administration and enforcement of the uniform fire code on its facility. Any fire protection district or political subdivision may, pursuant to chapter 39.34 RCW, the interlocal cooperation act, assume all or a portion of the administering responsibility and coordinate and cooperate with the county government in the enforcement of the uniform fire code.

It is not the intent of this 1976 act to preclude or limit the authority of any city, town, county, fire protection district, state agency, or political subdivision from engaging in those fire prevention activities with which they are charged.

It is not the intent of the legislature by adopting the state building code or this 1976 act to grant counties any more power to suppress or extinguish fires than counties currently possess under the Constitution or other statutes.

Each county is authorized to impose fees sufficient to pay the cost of inspections, administration, and enforcement pursuant to this 1976 act.

NEW SECTION. Sec. 2. There is added to chapter 19.27 RCW a new section to read as follows:

Nothing in this 1976 act shall affect the provisions of RCW 19.27.080.

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 16, 1976.

Passed the Senate February 13, 1976.

Approved by the Governor February 20, 1976.

Filed in Office of Secretary of State February 20, 1976.

CHAPTER 38

[Substitute House Bill No. 1347]

CRIMES AND CRIMINAL PROCEDURE

AN ACT Relating to the crimes and criminal procedure; amending section 9A.08.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.08.020; amending section 9A.20.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.20.020; amending section 9A.32.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.32.030; amending section 9A.32.050, chapter 260, Laws of 1975 1st ex. sess.

and RCW 9A.32.050; amending section 9A.36.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.020; amending section 9A.48.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.010; amending section 9A.52.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.52.030; amending section 9A.56.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.010; amending section 9A.56.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.020; amending section 9A.56.110, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.110; amending section 9A.56.180, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.180; amending section 9A.60.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.60.010; amending section 9A.60.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.60.020; amending section 9A.60.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.60.030; amending section 9A.60.050, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.60.050; amending section 9A.72.060, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.72.060; amending section 9A.80.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.80.010; reenacting section 4, chapter 241, Laws of 1955 and RCW 9.94.040; repealing section 126, page 98, Laws of 1854, section 126, page 129, Laws of 1859, section 135, page 229, Laws of 1869, section 141, page 213, Laws of 1873, section 957, Code of 1881, section 9, chapter 249, Laws of 1909 and RCW 9.01.040; 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, section 1, chapter 167, Laws of 1913, section 1, chapter 112, Laws of 1919 and RCW 9.48.030; repealing section 1267, Code of 1881, section 245, chapter 249, Laws of 1909 and RCW 9.76.030; and repealing section 6, chapter 241, Laws of 1955 and RCW 9.94.060; providing penalties; providing an effective date; and declaring an emergency.

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

Section 1. Section 9A.08.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.08.020 are each amended to read as follows:

(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 either 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.

Sec. 2. Section 9A.20.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.20.020 are each amended to read as follows:

(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 in an amount fixed by the court 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 in an amount fixed by the court 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 in an amount fixed by the court 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 in an amount fixed by the court 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 in an amount fixed by the court of not more than five hundred dollars, or by both such imprisonment and fine.

Sec. 3. Section 9A.32.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.32.030 are each amended to read as follows:

(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.

Sec. 4. Section 9A.32.050, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.32.050 are each amended to read as follows:

(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 RCW (~~9A.32.030(1)(c))~~ 9A.32.030(1)(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.

Sec. 5. Section 9A.36.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.020 are each amended to read as follows:

(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.

Sec. 6. Section 9A.48.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.010 are each amended to read as follows:

(1) For the purpose of this ((title)) chapter, as now or hereinafter amended, unless the context indicates otherwise:

(a) "Building" has the definition in RCW 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.

Sec. 7. Section 9A.52.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.52.030 are each amended to read as follows:

(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 other than a vehicle.

(2) Burglary in the second degree is a class B felony.

Sec. 8. Section 9A.56.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.010 are each amended to read as follows:

The following definitions are applicable in this chapter unless the 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))~~ supplying 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.

Sec. 9. Section 9A.56.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.020 are each amended to read as follows:

(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~~) made in good faith, even though the claim be untenable.

Sec. 10. Section 9A.56.110, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.110 are each amended and reenacted to read as follows:

"Extortion" means knowingly to obtain or attempt to obtain by threat property or services of the owner, as defined in (~~RCW 9A.56.010(7)~~) RCW 9A.56.010(8).

Sec. 11. Section 9A.56.180, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.180 are each amended to read as follows:

(1) A person is guilty of obscuring the 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 the identity of a machine is a gross misdemeanor.

Sec. 12. Section 9A.60.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.60.010 are each amended to read as follows:

The following definitions and the definitions of RCW 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 RCW 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)) instrument" 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.

Sec. 13. Section 9A.60.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.60.020 are each amended to read as follows:

(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) He 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.

Sec. 14. Section 9A.60.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.60.030 are each amended to read as follows:

(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 or duress is a class C felony.

Sec. 15. Section 9A.60.050, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.60.050 are each amended to read as follows:

(1) ~~((Any))~~ A 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.

Sec. 16. Section 9A.72.060, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.72.060 are each amended to read as follows:

No person shall be convicted ~~((or [of]))~~ 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.

Sec. 17. Section 9A.80.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.80.010 are each amended to read as follows:

(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))~~ unauthorized 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.

Sec. 18. Section 4, chapter 241, Laws of 1955 and RCW 9.94.040 are each re-enacted to read as follows:

Every person serving a sentence in any penal institution of this state who, while in such penal institution or while being conveyed to or from such penal institution, or while at any penal institution farm or forestry camp of such institution, or while being conveyed to or from any such place, or while under the custody of institution officials, officers or employees, possesses or carries upon his person or has under his control any narcotic drug, alcoholic beverage or any weapon, firearm or any instrument which, if used, could produce serious bodily injury to the person of another, is guilty of a felony punishable by imprisonment for not more than five years, which shall be in addition to the sentence being served.

NEW SECTION. Sec. 19. The following acts or parts of acts are each hereby repealed:

(1) Section 126, page 98, Laws of 1854, section 126, page 129, Laws of 1859, section 135, page 229, Laws of 1869, section 141, page 213, Laws of 1873, section 957, Code of 1881, section 9, chapter 249, Laws of 1909 and RCW 9.01.040;

(2) 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, section 1, chapter 167, Laws of 1913, section 1, chapter 112, Laws of 1919 and RCW 9.48.030;

(3) Section 1267, Code of 1881, section 245, chapter 249, Laws of 1909 and RCW 9.76.030; and

(4) Section 6, chapter 241, Laws of 1955 and RCW 9.94.060.

NEW SECTION. Sec. 20. If any provision of this 1976 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. 21. This 1976 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, 1976.

Passed the House February 5, 1976.

Passed the Senate February 13, 1976.

Approved by the Governor February 20, 1976.

Filed in Office of Secretary of State February 20, 1976.

CHAPTER 39

[House Bill No. 1436]

ELECTRICIANS—SPECIALTY CERTIFICATES

AN ACT Relating to electricians; amending section 1, chapter 206, Laws of 1973 1st ex. sess. as amended by section 1, chapter 70, Laws of 1975 1st ex. sess. and RCW 18.37.010; amending section 2, chapter 206, Laws of 1973 1st ex. sess. as amended by section 2, chapter 70, Laws of 1975 1st ex. sess. and RCW 18.37.020; amending section 3, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.030; amending section 4, chapter 206, Laws of 1973 1st ex. sess. as amended by section 3, chapter 70, Laws of 1975 1st ex. sess. and RCW 18.37.040; amending section 5, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.050; amending section 6, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.060; amending section 8, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.080; and amending section 9, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.090.

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

Section 1. Section 1, chapter 206, Laws of 1973 1st ex. sess. as amended by section 1, chapter 70, Laws of 1975 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) "Department" means the department of labor and industries;
- (3) "Director" means director of department of labor and industries;
- (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.

(5) "Specialty electrician" means anyone who has been issued a specialty certificate of competency by the department of labor and industries.

Sec. 2. Section 2, chapter 206, Laws of 1973 1st ex. sess. as amended by section 2, chapter 70, Laws of 1975 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 or specialty electrician without having a current certificate of competency issued by the department in accordance with the provisions of this chapter.

(2) 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 3, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.030 are each amended to read as follows:

Any person desiring to be issued a certificate of competency as provided in this chapter shall deliver evidence in a form prescribed by the department affirming that said person has had sufficient experience in as well as demonstrated general competency in the electrical trade or electrical specialty so as to qualify him to make an application for a certificate of competency as a journeyman electrician or specialty electrician: PROVIDED, That successful completion of a course of study in the electrical trade as defined by this chapter in the armed services of the United States or at a school accredited by the coordinating council on occupational education shall constitute sufficient evidence of experience and competency to enable such person to make application for a certificate of competency: PROVIDED, FURTHER, That completion of such a course of study shall be substitutable for the practical experience required by RCW 18.37.040 only according to the duration of the course.

In addition to supplying the evidence as prescribed in this section, each applicant for a certificate of competency shall submit an application for such certificate on such form and in such manner as shall be prescribed by the director of the department.

Sec. 4. Section 4, chapter 206, Laws of 1973 1st ex. sess. as amended by section 3, chapter 70, Laws of 1975 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 under the supervision of a journeyman electrician or specialty electrician certified under this law((,or)). A journeyman electrician shall have satisfactorily attended for a 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. A specialty electrician shall furnish written evidence that he has had at least two years practical experience in his specialty. 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.

Sec. 5. Section 5, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.050 are each amended to read as follows:

The department, in coordination with the advisory board, shall prepare a written examination to be administered to applicants for certificates of competency. The examination shall be so constructed to determine:

(1) Whether the applicant possesses varied general knowledge of the technical information and practical procedures that is identified with the status of journeyman electrician or specialty electrician; and

(2) Whether the applicant is sufficiently familiar with the applicable electrical codes and the administrative rules and regulations of the department pertaining to electrical installations and electricians.

The department shall administer at least twice annually the examination to persons eligible to take the same under the provisions of RCW 18.37.040. All applicants shall, before taking such examination, pay to the department a fifteen dollar fee: PROVIDED, That any applicant taking said examination shall pay only such additional fee as is necessary to cover the costs of administering such additional examination.

The department shall certify the results of said examination, upon such terms and after such period of time as the director, in cooperation with the advisory board, shall deem necessary and proper.

Sec. 6. Section 6, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.060 are each amended to read as follows:

The department shall issue a certificate of competency to all applicants who have passed the examination provided in RCW 18.37.050, and who have otherwise complied with the provisions of this chapter and the rules and regulations promulgated thereto. The certificate shall bear the date of issuance, and shall expire on the first of July immediately following the date of issuance. The certificate shall be renewable annually, upon application, on or before the first of July. An annual renewal fee of fifteen dollars shall be assessed for each certificate: PROVIDED, HOWEVER, That any person, firm or corporation, licensed and bonded pursuant to the provisions of RCW 19.28.120 shall not be assessed and shall not be required to pay the annual renewal fee for certification of competency.

The certificates of competency or permits provided for in this chapter shall grant the holder the right to engage in the work of electrical installation as a journeyman electrician or specialty electrician in accordance with its provisions throughout the state and within any of its political subdivisions without additional proof of competency or any other license or permit or fee to engage in such work.

Sec. 7. Section 8, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.080 are each amended to read as follows:

The department is authorized to grant and issue temporary permits in lieu of certificates of competency whenever an electrician coming into the state of Washington from another state requests the department for a temporary permit to engage in the business and trade of electrical installation as ~~((a journeyman))~~ an electrician during the period of time between filing of an application for a certificate as provided in RCW 18.37.030 and taking the examination provided for in RCW 18.37.050: PROVIDED, That the department is authorized to enter into reciprocal agreements with other states providing for the acceptance of such

states' journeyman certificate of competency or its equivalent when such states requirements are equal to the standards set by this act: AND PROVIDED FURTHER, That no temporary permit shall be issued to:

- (1) Any person who has failed to pass the examination for a certificate of competency;
- (2) Any applicant under this section who has not furnished the department with such evidence required under RCW 18.37.030;
- (3) To any apprentice electrician.

Sec. 8. Section 9, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.090 are each amended to read as follows:

- (1) The department may revoke any certificate of competency upon the following grounds:
 - (a) The certificate was obtained through error or fraud;
 - (b) The holder thereof is judged to be incompetent to carry on the business and trade of electrical installations as a journeyman electrician or specialty electrician;
 - (c) The holder thereof has violated any of the provisions of this chapter or any rule or regulation promulgated thereto.

(2) Before any certificate of competency shall be revoked, the holder thereof shall be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to said holder's last known address. Said notice shall enumerate the allegations against such holder, and shall give him the opportunity to request a hearing before the advisory board. At such hearing, the department and the holder shall have opportunity to produce witnesses and give testimony. The hearing shall be conducted in accordance with the provisions of chapter 34.04 RCW. The board shall render its decision based upon the testimony and evidence presented, and shall notify the parties immediately upon reaching its decision. A majority of the board shall be necessary to render a decision.

Passed the House February 5, 1976.

Passed the Senate February 13, 1976.

Approved by the Governor February 20, 1976.

Filed in Office of Secretary of State February 20, 1976.

CHAPTER 40

[Reengrossed Substitute Senate Bill No. 2088]
 COLUMBIA RIVER SMELT LICENSES—
 WHOLESALE DEALERS BOND OR DEPOSIT

AN ACT Relating to food fish and shellfish; amending section 14, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.081; adding new sections to chapter 75.28 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 75.28 RCW a new section to read as follows:

A Columbia river smelt license shall be required for the commercial taking of Columbia river smelt (*T. pacificus*). The fee for such license shall be two hundred

dollars per annum for residents and nonresidents. The provisions of RCW 75.28-.375 shall not apply to this section.

Any vessel holding a Columbia river smelt license may utilize any gear legal for the taking of smelt from the Columbia river and tributaries and shall not be required to obtain separate licenses for the use of such gear.

Applications accompanied by the prescribed fees for the commercial smelt license required herein shall be made in person or postmarked not later than midnight January 10 of the year in which the commercial smelt license is to be issued.

Sec. 2. Section 14, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.081 are each amended to read as follows:

A personal commercial fishing license shall be obtained by each and every person who takes or assists in taking any salmon while on board a commercially licensed trolling vessel trolling for salmon in waters within the territorial boundaries of the state of Washington or who sells his commercial catch in the state of Washington.

A personal commercial fishing license shall be obtained by each and every person who takes or assists in taking Columbia river smelt (*T. pacificus*) under a Columbia river smelt license.

The fee for such license is ten dollars per annum.

The personal license shall be carried on the person whenever such person is engaged in the taking, landing, or selling of any salmon or Columbia river smelt(~~PROVIDED, That this section does not apply to owners or operators licensed pursuant to RCW 75.28.085 or owners licensed pursuant to RCW 75.28.095~~)).

NEW SECTION. Sec 3. There is added to chapter 75.28 RCW a new section to read as follows:

(1) In addition to license fees required to accompany license applications for wholesale dealers licenses, the director may require certain applicants, as specified in this section, to file a surety bond in the amount of two thousand dollars, issued by a surety insurer who meets the requirements of chapter 48.28 RCW in a form acceptable to the director running to the state of Washington, guaranteeing the payment of catch and privilege fees. Such bond shall be required of any applicant from outside the state of Washington and any applicant who has not held a Washington wholesale dealers license for the preceding three years.

(2) In lieu of the surety bond that may be required under subsection (1) of this section, the applicant may file with the director a property bond, or a deposit, consisting of cash or other security acceptable to the department, equal to the amount of the surety bond. The director shall file all such deposits with the state treasurer until such time as they are returned or applied to outstanding fees.

NEW SECTION. Sec. 4. This 1976 amendatory act shall be effective January 1, 1977.

Passed the Senate February 17, 1976.

Passed the House February 13, 1976.

Approved by the Governor February 21, 1976.

Filed in Office of Secretary of State February 21, 1976.

CHAPTER 41

[Engrossed Substitute Senate Bill No. 2130]
SOLID WASTE MANAGEMENT—LITTER
CONTROL—RECOVERY AND RECYCLING

AN ACT Relating to solid waste management; amending section 2, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.020; amending section 19, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.190; amending section 1, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.010; amending section 2, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.020; amending section 3, chapter 134, Laws of 1969 ex. sess. as amended by section 60, chapter 62, Laws of 1970 ex. sess. and RCW 70.95.030; amending section 4, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.040; amending section 7, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.070; and adding new sections to chapter 134, Laws of 1969 ex. sess. and to chapter 70.95 RCW.

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

Section 1. Section 1, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.010 are each amended to read as follows:

The legislature finds:

(1) Continuing technological changes in methods of manufacture, packaging, and marketing of consumer products, together with the economic and population growth of this state, the rising affluence of its citizens, and its expanding industrial activity have created new and ever-mounting problems involving disposal of garbage, refuse, and solid waste materials resulting from domestic, agricultural, and industrial activities.

(2) Traditional methods of disposing of solid wastes in this state are no longer adequate to meet the ever-increasing problem. Improper methods and practices of handling and disposal of solid wastes pollute our land, air and water resources, blight our countryside, adversely affect land values, and damage the overall quality of our environment.

(3) Considerations of natural resource limitations, energy shortages, economics and the environment make necessary the development and implementation of solid waste recovery and/or recycling plans and programs.

Sec. 2. Section 2, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.020 are each amended to read as follows:

The purpose of this chapter is to establish a comprehensive state-wide program for solid waste handling, and solid waste recovery and/or recycling which will prevent land, air, and water pollution and conserve the natural ~~((and))~~, economic, and energy resources of this state. To this end it is the purpose of this chapter:

(1) To assign primary responsibility for adequate solid waste handling to local government, reserving to the state, however, those functions necessary to assure effective programs throughout the state;

(2) To provide for adequate planning for solid waste handling by local government;

(3) To provide for the adoption and enforcement of basic minimum performance standards for solid waste handling;

(4) To provide technical and financial assistance to local governments in the planning, development, and conduct of solid waste handling programs;

(5) It is the intent of the legislature that local governments be encouraged to use the expertise of private industry and to contract with private industry to the fullest extent possible to carry out solid waste recovery and/or recycling programs.

Sec. 3. Section 3, chapter 134, Laws of 1969 ex. sess. as amended by section 60, chapter 62, Laws of 1970 ex. sess. and RCW 70.95.030 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

- (1) "City" means every incorporated city and town.
- (2) "Committee" means the solid waste advisory committee.
- (3) "Department" means the department of ecology.
- (4) "Director" means the director of the department of ecology.
- (5) "Disposal site" means the location where any final treatment, utilization, processing, or depository of solid waste occurs.
- (6) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.
- (7) "Jurisdictional health department" means city, county, city-county, or district public health department.
- (8) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.
- (9) "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.
- (10) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof.

Sec. 4. Section 7, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.070 are each amended to read as follows:

The solid waste advisory committee shall review prior to adoption and shall recommend revisions, additions, and modifications to the minimum functional standards governing solid waste handling relating, but not limited to, the following:

- (1) Vector production and sustenance.
- (2) Air pollution (coordinated with regulations of the ~~((environmental quality department))~~ department of ecology).
- (3) Pollution of surface and ground waters (coordinated with the regulations of the ~~((environment quality department))~~ department of ecology).
- (4) Hazards to service or disposal workers or to the public.
- (5) Prevention of littering.
- (6) Adequacy and adaptability of disposal sites to population served.
- (7) Design and operation of disposal sites.
- (8) ~~((Salvaging))~~ Recovery and/or recycling of solid waste.

NEW SECTION. Sec. 5. There is added to chapter 134, Laws of 1969 ex. sess. and to chapter 70.95 RCW a new section to read as follows:

The department shall in addition to its other duties and powers under this chapter:

(1) Prepare the following:

(a) a management system for recycling waste paper generated by state offices and institutions in cooperation with such offices and institutions;

(b) an evaluation of existing and potential systems for recovery of energy and materials from solid waste with recommendations to affected governmental agencies as to those systems which would be the most appropriate for implementation;

(c) a data management system to evaluate and assist the progress of state and local jurisdictions and private industry in resource recovery;

(d) identification of potential markets, in cooperation with private industry, for recovered resources and the impact of the distribution of such resources on existing markets;

(e) studies on methods of transportation, collection, reduction, separation, and packaging which will encourage more efficient utilization of existing waste recovery facilities;

(f) recommendations on incentives, including state grants, loans, and other assistance, to local governments which will encourage the recovery and recycling of solid wastes.

(2) Provide technical information and assistance to state and local jurisdictions, the public, and private industry on solid waste recovery and/or recycling.

(3) Procure and expend funds available from federal agencies and other sources to assist the implementation by local governments of solid waste recovery and/or recycling programs, and projects.

(4) Conduct necessary research and studies to carry out the purposes of this chapter.

(5) Encourage and assist local governments and private industry to develop pilot solid waste recovery and/or recycling projects.

(6) Monitor, assist with research, and collect data for use in assessing feasibility for others to develop solid waste recovery and/or recycling projects.

(7) Make periodic recommendations to the governor and the legislature on actions and policies which would further implement the objectives of this 1976 amendatory act.

NEW SECTION. Sec. 6. There is added to chapter 134, Laws of 1969 ex. sess. and to chapter 70.95 RCW a new section to read as follows:

The department shall work closely with the department of commerce and economic development, the department of general administration, and with other state departments and agencies, the Washington state association of counties, the association of Washington cities, and business associations, to carry out the objectives and purposes of this 1976 amendatory act.

Sec. 7. Section 2, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.020 are each amended to read as follows:

The purpose of this chapter is to accomplish litter control throughout this state by delegating to the department of ecology the authority to conduct a permanent

and continuous program to control and remove litter from this state to the maximum practical extent possible. This program shall include the compatible goal of recovery of recyclable materials to conserve energy and natural resources wherever practicable. Every other department of state government and all local governmental units and agencies of this state shall cooperate with the department of ecology in the administration and enforcement of this chapter. The intent of this chapter is to add to and to coordinate existing litter control and removal efforts and not terminate or supplant such efforts.

Sec. 8. Section 19, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.190 are each amended to read as follows:

The department shall allocate funds annually for the study of available research and development data in the field of ~~((litter))~~ the control, removal, ((and)) disposal, ((as well as)) recovery, and recycling of litter. The department is also authorized to study methods for implementation in this state of said research and development. In addition, such fund may be used for the development of public educational programs concerning the litter problem. Grants shall be made available for these purposes to those persons and local governments or agencies thereof deemed appropriate and qualified by the director.

Sec. 9. Section 4, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.040 are each amended to read as follows:

There is created a solid waste advisory committee to provide consultation to the department of ~~((environmental quality))~~ ecology concerning matters covered by this chapter. The committee shall advise on the development of programs and regulations for solid waste ~~((management))~~ handling and solid waste recovery and/or recycling, and shall supply recommendations concerning methods by which existing solid waste ~~((management))~~ handling and solid waste recovery and/or recycling practices and the laws authorizing them may be supplemented and improved.

The committee shall consist of ~~((seven))~~ nine members, including the assistant director for the division of solid waste management within the department. The remaining ~~((six))~~ eight members shall be appointed by the director with due regard to the interests of the public, local government, agriculture, industry, public health, and the refuse removal ~~((industry))~~ and resource recovery industries. The term of appointment shall be determined by the director. The committee shall elect its own chairman and meet at least four times a year, in accordance with such rules of procedure as it shall establish. Members shall receive no compensation for their services but shall be reimbursed twenty-five dollars per diem for each day or portion thereof spent serving as members of the committee and shall be paid their necessary traveling expenses while engaged in business of the committee as prescribed in chapter 43.03 RCW, as now or hereafter amended.

NEW SECTION. Sec. 10. There is added to chapter 134, Laws of 1969 ex. sess. and to chapter 70.95 RCW a new section to read as follows:

The department is authorized to use referendum 26 (chapter 43.83A RCW) funds of the Washington futures account to disburse to local governments in developing solid waste recovery and/or recycling projects.

NEW SECTION. Sec. 11. There is added to chapter 134, Laws of 1969 ex. sess. and to chapter 70.95 RCW a new section to read as follows:

If any provision of this 1976 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 18, 1976.

Passed the House February 12, 1976.

Approved by the Governor February 21, 1976.

Filed in Office of Secretary of State February 21, 1976.

CHAPTER 42

[Engrossed Substitute Senate Bill No. 2243]

UNIFORM PARENTAGE ACT

AN ACT Relating to parentage; amending section 2, chapter 131, Laws of 1959 and RCW 4.28.185; amending section 11.02.005, chapter 145, Laws of 1965 and RCW 11.02.005; amending section 11.04.081, chapter 145, Laws of 1965 and RCW 11.04.081; amending section 6, page 405, Laws of 1854 as last amended by section 2388, Code of 1881 and RCW 26.04.060; amending section 3, chapter 291, Laws of 1955 as amended by section 2, chapter 134, Laws of 1973 and RCW 26.32-.030; amending section 4, chapter 291, Laws of 1955 as amended by section 3, chapter 134, Laws of 1973 and RCW 26.32.040; amending section 5, chapter 291, Laws of 1955 as amended by section 4, chapter 134, Laws of 1973 and RCW 26.32.050; amending section 7, chapter 291, Laws of 1955 and RCW 26.32.070; amending section 8, chapter 291, Laws of 1955 as amended by section 5, chapter 134, Laws of 1973 and RCW 26.32.080; amending section 6, chapter 134, Laws of 1973 and RCW 26.32.085; amending section 10, chapter 134, Laws of 1973 and RCW 26.32.300; amending section 11, chapter 134, Laws of 1973 and RCW 26.32.310; amending section 1, chapter 49, Laws of 1903 as amended by section 7, chapter 134, Laws of 1973 and RCW 26.37.010; amending section 8, chapter 134, Laws of 1973 and RCW 26.37.015; amending section 43.20.090, chapter 8, Laws of 1965 as last amended by section 1, chapter 25, Laws of 1970 ex. sess. and RCW 43.20.090; amending section 51.08.030, chapter 23, Laws of 1961 as last amended by section 1, chapter 65, Laws of 1972 ex. sess. and RCW 51.08.030; amending section 21, chapter 5, Laws of 1961 ex. sess. and RCW 70.58.095; amending section 6, chapter 159, Laws of 1945 as last amended by section 2, chapter 279, Laws of 1969 ex. sess. and RCW 70.58.200; amending section 1, chapter 133, Laws of 1939 as amended by section 1, chapter 12, Laws of 1943 and RCW 70.58-.210; adding a new chapter to Title 26 RCW; repealing sections 1 through 8, chapter 203, Laws of 1919 and RCW 26.24.010 through 26.24.080; repealing section 9, chapter 203, Laws of 1919, section 1, chapter 29, Laws of 1973 and RCW 26.24.090; repealing sections 10 through 18, chapter 203, Laws of 1919 and RCW 26.24.100 through 26.24.180; repealing section 19, chapter 203, Laws of 1919, section 1, chapter 134, Laws of 1973 and RCW 26.24.190; and repealing section 9, chapter 134, Laws of 1973 and RCW 26.28.110.

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

NEW SECTION. Section 1. There is added to Title 26 RCW a new chapter to read as set forth in sections 2 through 21 and in sections 42 through 45 of this 1976 amendatory act.

NEW SECTION. Sec. 2. As used in this chapter, "parent and child relationship" means the legal relationship existing between a child and his natural or adoptive parents incident to which the law confers or imposes rights, privileges, duties, and obligations. It includes the mother and child relationship and the father and child relationship.

NEW SECTION. Sec. 3. The parent and child relationship extends equally to every child and to every parent, regardless of the marital status of the parents.

NEW SECTION. Sec. 4. The parent and child relationship between a child and

- (1) the natural mother may be established by proof of her having given birth to the child, or under this chapter;
- (2) the natural father may be established under this chapter;
- (3) an adoptive parent may be established by proof of adoption or under the provisions of chapter 26.32 RCW.

NEW SECTION. Sec. 5. A man is presumed to be the natural father of a child if:

- (1) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within three hundred days after the marriage is terminated by death, annulment, declaration of invalidity, divorce, or dissolution, or after a decree of separation is entered by a court;
- (2) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and the child is born within three hundred days after the termination of cohabitation;
- (3) After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and
 - (a) he has acknowledged his paternity of the child in writing filed with the registrar of vital statistics,
 - (b) with his consent, he is named as the child's father on the child's birth certificate, or
 - (c) he is obligated to support the child under a written voluntary promise or by court order;
- (4) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his child; or
- (5) He acknowledges his paternity of the child in a writing filed with the registrar of vital statistics, who shall promptly inform the mother of the filing of the acknowledgment, and she does not dispute the acknowledgment within a reasonable time after being informed thereof, in a writing filed with the registrar of vital statistics. If another man is presumed under subsections (1), (2), (3), or (4) of this section to be the child's father, such acknowledgment shall give rise to the presumption of paternity only with the written consent of the otherwise presumed father or after such other presumption has been rebutted.

A presumption under this section may be rebutted in an appropriate action only by clear, cogent, and convincing evidence. If two or more presumptions arise which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing paternity of the child by another man.

NEW SECTION. Sec. 6. (1) If, under the supervision of a licensed physician and with the consent of her husband, a wife is inseminated artificially with semen donated by a man not her husband, the husband is treated in law as if he were the natural father of a child thereby conceived. The husband's consent must be in writing and signed by him and his wife. The physician shall certify their signatures

and the date of the insemination, and file the husband's consent with the registrar of vital statistics, where it shall be kept confidential and in a sealed file.

(2) The donor of semen provided to a licensed physician for use in artificial insemination of a woman other than the donor's wife is treated in law as if he were not the natural father of a child thereby conceived unless the donor and the woman agree in writing that said donor shall be the father. The agreement must be in writing and signed by the donor and the woman. The physician shall certify their signatures and the date of the insemination and file the agreement with the registrar of vital statistics, where it shall be kept confidential and in a sealed file.

(3) The failure of the licensed physician to perform any administrative act required by this section shall not affect the father and child relationship. All papers and records pertaining to the insemination, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, are subject to inspection only in exceptional cases upon an order of the court for good cause shown.

NEW SECTION. Sec. 7. (1) A child, his natural mother, or a man presumed to be his father under section 5 of this 1976 amendatory act may bring an action

(a) at any time for the purpose of declaring the existence of the father and child relationship presumed under section 5 of this 1976 amendatory act; or

(b) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 5 (1), (2), (3) or (4) of this 1976 amendatory act only if the action is brought within a reasonable time after obtaining knowledge of relevant facts. After the presumption has been rebutted, paternity of the child by another man may be determined in the same action, if he has been made a party.

(2) Any interested party or the department of social and health services or the state of Washington may bring an action at any time for the purpose of determining the existence or nonexistence of the father and child relationship.

(3) In an action brought by the state pursuant to this chapter, the state may be represented by either the prosecuting attorney for the county where the action is brought or by the attorney general.

(4) An action to determine the existence of the father and child relationship with respect to a child who has no presumed father under section 5 of this 1976 amendatory act may be brought by the child, the mother or personal representative of the child, the department of social and health services, the state of Washington, the personal representative or a parent of the mother if the mother has died, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor. If a child has no presumed father under section 5 of this 1976 amendatory act and the action to determine the existence of the father and child relationship has not been brought and proceedings to adopt the child have not been instituted within one year after the child's birth, an action to determine the existence of the relationship may be brought promptly on behalf of the child by the department of social and health services or the state of Washington.

(5) Regardless of its terms, no agreement between an alleged or presumed father and the mother or child, shall bar an action under this section.

(6) If an action under this section is brought before the birth of the child, all proceedings may be stayed until after the birth, except service of process and discovery, including the taking of depositions to perpetuate testimony.

(7) No action may be brought by the department of social and health services to establish the duty of someone who is not a presumed parent under section 5 of this 1976 amendatory act to support a child after five years (a) from the date of the child's birth, or (b) from any date the alleged parent ceases to contribute to the care, education, and support of the child, as required by chapter 26.20 RCW, whichever is later: PROVIDED, That the time during which the alleged parent is absent from the state shall not be included in the time periods described above.

NEW SECTION. Sec. 8. (1) The petitioner in an action to determine the existence of the father and child relationship may petition the court to issue a warrant for the arrest of the alleged father at any stage of the proceeding including after a judgment has been entered. When such petition is filed, the court shall examine on oath the petitioner and any witnesses the court may require, take their statements, and cause the statements and the petition to be subscribed under oath by the person or persons making such.

(2) If it appears from such evidence that there is reasonable cause to believe that the father and child relationship exists as alleged in the petition the court shall issue a warrant for the arrest of the alleged father: PROVIDED, That in the case of a prejudgment petition, a warrant shall only be issued if there is reasonable cause to believe that: (a) The alleged father will not appear in response to a summons; or (b) the summons cannot be served; or (c) the alleged father is likely to leave the jurisdiction; or (d) the safety of the petitioner would be endangered if the warrant did not issue.

(3) In the case of a petition for the arrest of a person pursuant to the continuing jurisdiction of the court described in section 17 of this 1976 amendatory act or as an aid to enforcement of a judgment and order previously rendered under this chapter, a warrant shall issue only if there is reasonable cause to believe that: (a) The respondent is delinquent in complying with court's order and conceals himself or has absconded or absented himself from his usual place of abode in this state so that ordinary process of law may not be served upon him; or (b) the respondent has or is about to remove any of his property from this state with the intent to delay or otherwise frustrate the court's order; or (c) the respondent has or is about to assign, secrete, convert, or dispose of any of his property with the intent to delay or otherwise frustrate the court's order.

(4) Any person arrested pursuant to this section shall be entitled upon request to a preliminary hearing as soon as practically possible, and in any event not later than the close of business of the next judicial day following the day of arrest. The court may, for good cause stated, enlarge the time prior to preliminary hearing.

(5) If a person arrested pursuant to this section is not afforded a preliminary hearing upon request as required by subsection (4) of this section, the court shall order such person brought before the court forthwith, and in default thereof, the court shall order his immediate release unless good cause to the contrary be shown.

(6) Any person arrested pursuant to this section shall at this first court appearance be ordered released on his personal recognizance pending trial, unless

the court determines that such recognizance will not reasonably assure (a) his appearance, when required, or (b) compliance with the court's order. When such determination is made the court shall order the person returned to custody or impose such other conditions as will reasonably assure his appearance or compliance with the court's order.

NEW SECTION. Sec. 9. (1) The superior courts have jurisdiction of an action brought under this chapter. The action may be joined with an action for divorce, dissolution, annulment, declaration of invalidity, separate maintenance, filiation, support, or any other civil action in which paternity is an issue including proceedings in juvenile court.

(2) A person who has sexual intercourse in this state thereby submits to the jurisdiction of the courts of this state as to an action brought under this chapter with respect to a child who may have been conceived by that act of intercourse. In addition to any other method provided by statute, personal jurisdiction may be acquired by personal service of summons outside this state or by service in accordance with RCW 4.28.185 as now or hereafter amended.

(3) The action may be brought in the county in which the child or the alleged father resides or is found or, if the father is deceased, in which proceedings for probate of his estate have been or could be commenced.

NEW SECTION. Sec. 10. The child shall be made a party to the action. If he is a minor he shall be represented by his general guardian or a guardian ad litem appointed by the court. The child's mother or father may not represent the child as guardian or otherwise. The natural mother, each man presumed to be the father under section 5 of this 1976 amendatory act, and each man alleged to be the natural father, shall be made parties or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and an opportunity to be heard. The court may align the parties.

NEW SECTION. Sec. 11. (1) The court may, and upon request of a party shall, require the child, mother, or alleged father to submit to blood tests. The tests shall be performed by an expert qualified as an examiner of blood types, appointed by the court.

(2) The court, upon reasonable request by a party, shall order that independent tests be performed by other experts qualified as examiner of blood types.

(3) In all cases, the court shall determine the number and qualifications of the experts.

NEW SECTION. Sec. 12. Evidence relating to paternity may include:

(1) Evidence of sexual intercourse between the mother and alleged father at any possible time of conception;

(2) An expert's opinion concerning the statistical probability of the alleged father's paternity based upon the duration of the mother's pregnancy;

(3) Blood test results, weighted in accordance with evidence, if available, of the statistical probability of the alleged father's paternity;

(4) Medical or anthropological evidence relating to the alleged father's paternity of the child based on tests performed by experts. If a man has been identified as a possible father of the child, the court may, and upon request of a party shall, require the child, the mother, and the man to submit to appropriate tests; and

- (5) All other evidence relevant to the issue of paternity of the child.

NEW SECTION. Sec. 13. (1) An action under this chapter is a civil action governed by the rules of civil procedures. The mother of the child and the alleged father are competent to testify and may be compelled to testify.

(2) Upon refusal of any witness, including a party, to testify under oath or produce evidence of any other kind on the ground that he may be incriminated thereby, and if a prosecuting attorney requests the court to order that person to testify or provide the evidence, the court shall then hold a hearing and shall so order, unless it finds that to do so would be clearly contrary to the public interest, and that person shall comply with the order.

If, but for this section, he would have been privileged to withhold the answer given or the evidence produced by him, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination; but he shall not be prosecuted or subjected to criminal penalty or forfeiture for or on account of any transaction, matter, or fact concerning which he has been ordered to testify pursuant to this section. He may nevertheless be prosecuted for failing to comply with the order to answer, or for perjury or for offering false evidence to the court.

(3) Testimony of a physician concerning the medical circumstances of the pregnancy and the condition and characteristics of the child upon birth is not privileged.

(4) In an action against an alleged father, evidence offered by him with respect to a man who is not subject to the jurisdiction of the court concerning his sexual intercourse with the mother at or about the probable time of conception of the child is admissible in evidence only if he has undergone and made available to the court blood tests the results of which do not exclude the possibility of his paternity of the child. A man who is identified and is subject to the jurisdiction of the court shall be made a defendant in the action.

(5) The trial shall be by the court without a jury.

NEW SECTION. Sec. 14. (1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship is determinative for all purposes.

(2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued.

(3) The judgment and order may contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody and guardianship of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment and order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement.

(4) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the father's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just: **PROVIDED HOWEVER,** That the court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child.

(5) In determining the amount to be paid by a parent for support of the child and the period during which the duty of support is owed, the court shall consider all relevant facts, including, but not limited to:

- (a) the needs of the child;
- (b) the standard of living and circumstances of the parents;
- (c) the relative financial means of the parents;
- (d) the earning ability of the parents;
- (e) the need and capacity of the child for education, including higher education;
- (f) the age of the child;
- (g) the responsibility of the parents for the support of others; and
- (h) the value of services contributed by the custodial parent.

(6) In determining custody, a court, in accordance with the best interests of the child, shall consider all relevant facts including:

- (a) The wishes of the child's parents or parent as to his custody and as to visitation;
- (b) The wishes of the child as to his custodian and as to visitation privileges;
- (c) The interaction and interrelationship of the child with his parent or parents, his siblings, and any other person who may significantly affect the child's best interests;
- (d) The child's adjustment to his home, school, and community; and
- (e) The mental and physical health of all individuals involved.

The court shall not consider conduct of a proposed custodian that does not affect the welfare of the child.

(7) In any dispute between the natural parents of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

NEW SECTION. Sec. 15. The court may order reasonable fees of counsel, experts, and the child's guardian ad litem, and other costs of the action, including blood tests, to be paid by the parties in proportions and at times determined by the court.

NEW SECTION. Sec. 16. (1) If existence of the father and child relationship is declared, or paternity or a duty of support has been acknowledged or adjudicated under this chapter or under prior law, the obligation of the father may be enforced in the same or other proceedings by the mother, the child, the state of Washington, the public authority that has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, support, or funeral, or by any other person, including a private agency, to the extent he has furnished or is furnishing these expenses.

(2) The court may order support payments to be made to the department of social and health services pursuant to chapters 74.20 and 74.20A RCW, to a parent, the clerk of the court, or a person, corporation, or agency designated to administer them for the benefit of the child under the supervision of the court.

(3) All remedies for the enforcement of judgments apply.

NEW SECTION. Sec. 17. The court has continuing jurisdiction to prospectively modify a judgment and order for future education and future support, and with respect to matters listed in sections 14 (3) and (4), and 16(2) of this 1976 amendatory act upon showing a substantial change of circumstances.

NEW SECTION. Sec. 18. Any interested party may bring an action to determine the existence or nonexistence of a mother and child relationship. Insofar as practicable, the provisions of this chapter applicable to the father and child relationship apply.

NEW SECTION. Sec. 19. Any promise in writing to furnish support for a child, growing out of a supposed or alleged father and child relationship, does not require consideration and is enforceable according to its terms, subject to section 7(5) of this 1976 amendatory act.

NEW SECTION. Sec. 20. If a parent relinquishes or proposes to relinquish for adoption a child, the other parent shall be given notice of the adoption proceeding and have the rights provided under the provisions of chapter 26.32 RCW.

NEW SECTION. Sec. 21. Notwithstanding any other rule of law concerning public hearings and records, any hearing or trial held under this chapter shall be held in closed court without admittance of any person other than those necessary to the action or proceeding. All papers and records, other than the final judgment, pertaining to the action or proceeding, whether part of the permanent record of the court or of a file in the department of social and health services, are subject to inspection only upon an order of the court for good cause shown following reasonable notice to all parties of the hearing where such order is to be sought.

Sec. 22. Section 2, chapter 131, Laws of 1959 and RCW 4.28.185 are each amended to read as follows:

(1) Any person, whether or not a citizen or resident of this state, who in person or through an agent does any of the acts in this section enumerated, thereby submits said person, and, if an individual, his personal representative, to the jurisdiction of the courts of this state as to any cause of action arising from the doing of any of said acts:

(a) The transaction of any business within this state;

(b) The commission of a tortious act within this state;

(c) The ownership, use, or possession of any property whether real or personal situated in this state;

(d) Contracting to insure any person, property or risk located within this state at the time of contracting;

(e) The act of sexual intercourse within this state with respect to which a child may have been conceived.

(2) Service of process upon any person who is subject to the jurisdiction of the courts of this state, as provided in this section, may be made by personally serving

the defendant outside this state, as provided in RCW 4.28.180, with the same force and effect as though personally served within this state.

(3) Only causes of action arising from acts enumerated herein may be asserted against a defendant in an action in which jurisdiction over him is based upon this section.

(4) Personal service outside the state shall be valid only when an affidavit is made and filed to the effect that service cannot be made within the state.

(5) In the event the defendant is personally served outside the state on causes of action enumerated in this section, and prevails in the action, there may be taxed and allowed to the defendant as part of the costs of defending the action a reasonable amount to be fixed by the court as attorneys' fees.

(6) Nothing herein contained limits or affects the right to serve any process in any other manner now or hereafter provided by law.

Sec. 23. Section 11.02.005, chapter 145, Laws of 1965 and RCW 11.02.005 are each amended to read as follows:

When used in this title, unless otherwise required from the context:

(1) "Personal representative" includes executor, administrator, special administrator, and guardian.

(2) "Net estate" refers to the real and personal property of a decedent exclusive of homestead rights, exempt property, the family allowance and enforceable claims against, and debts of, the estate.

(3) "Representation" refers to a method of determining distribution in which the takers are in unequal degrees of kinship with respect to the intestate, and is accomplished as follows: After first determining who, of those entitled to share in the estate, are in the nearest degree of kinship, the estate is divided into equal shares, the number of shares being the sum of the number of persons who survive the intestate who are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the intestate but who left issue surviving the intestate; each share of a deceased person in the nearest degree shall be divided among those of his issue who survive the intestate and have no ancestor then living who is in the line of relationship between them and the intestate, those more remote in degree taking together the share which their ancestor would have taken had he survived the intestate. Posthumous children are considered as living at the death of their parent.

(4) "Issue" includes all the lawful lineal descendants of the ancestor(;) and all lawfully adopted children(~~(, and illegitimates as specified in RCW 11.04.081)~~).

(5) "Degree of kinship" shall mean the degree of kinship as computed according to the rules of the civil law; that is, by counting upward from the intestate to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts.

(6) "Heirs" denotes those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on his death intestate.

(7) "Real estate" includes, except as otherwise specifically provided herein, all lands, tenements, and hereditaments, and all rights thereto, and all interest therein possessed and claimed in fee simple, or for the life of a third person.

(8) "Wills" includes all codicils.

(9) "Codicil" shall mean an instrument executed in the manner provided by this title for wills, which refers to an existing will for the purpose of altering or changing the same, and which need not be attached thereto.

(10) "Guardian" means a personal representative of the estate of an incompetent person as defined in RCW 11.88.010 and the term may be used in lieu of "personal representative" wherever required by context.

(11) "Administrator" means a personal representative of the estate of a decedent and the term may be used in lieu of "personal representative" wherever required by context.

(12) "Executor" means a personal representative of the estate of a decedent appointed by will and the term may be used in lieu of "personal representative" wherever required by context.

(13) "Special administrator" means a personal representative of the estate of a decedent appointed for limited purposes and the term may be used in lieu of "personal representative" wherever required by context.

(14) Words that import the singular number only, may also be applied to the plural of persons and things.

(15) Words importing the masculine gender only may be extended to females also.

Sec. 24. Section 11.04.081, chapter 145, Laws of 1965 and RCW 11.04.081 are each amended to read as follows:

For the purpose of inheritance to, through, and from ~~((an illegitimate)) any child, ((such child shall be treated the same as if he were the legitimate child of his mother, so that he and his issue shall inherit from his mother and from his maternal kindred, in all degrees, and they may inherit from him. Such child shall also be treated the same as if he were a legitimate child of his mother for the purpose of determining homestead rights, the distribution of exempt property and the making of family allowances. When the parents of an illegitimate child shall marry subsequent to his birth, or the father shall acknowledge said child in writing, such child shall be deemed to have been made the legitimate child of both of the parents for purposes of intestate succession))~~ the effects and treatment of the parent-child relationship shall not depend upon whether or not the parents have been married.

Sec. 25. Section 6, page 405, Laws of 1854 as last amended by section 2388, Code of 1881 and RCW 26.04.060 are each amended to read as follows:

A marriage solemnized before any person professing to be a minister or a priest of any religious denomination in this state or professing to be an authorized officer thereof, is not void, nor shall the validity thereof be in any way affected on account of any want of power or authority in such person, if such marriage be consummated with a belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage. ~~((Illegitimate children become legitimate by the subsequent marriage of their parents with each other.))~~

Sec. 26. Section 3, chapter 291, Laws of 1955 as amended by section 2, chapter 134, Laws of 1973 and RCW 26.32.030 are each amended to read as follows:

Written consent to such adoption must be filed prior to a hearing on the petition, as follows:

(1) By the person to be adopted, if such person is fourteen years of age or older, but the filing of such consent shall not obviate the necessity of securing any other consent herein required;

(2) If the person to be adopted is ~~((of legitimate birth or legitimized thereafter, and))~~ a minor, then by each of his living parents, except as ~~((hereinafter))~~ provided in RCW 26.32.040 and 26.32.050 as now or hereafter amended;

~~(3) ((If the person to be adopted is illegitimate and a minor, then by his mother and father, if living, except as provided in this 1973 amendatory act;~~

~~(4))~~ If a legal guardian has been appointed for the person of the child, then by such guardian;

~~((5))~~ (4) If the person to be adopted is a minor and has been permanently committed upon due notice to his parents by any court of general jurisdiction to an approved agency, then by such approved agency, in which event neither notice to nor consent by its parents in the adoption proceeding shall be necessary: PROVIDED, That if the approved agency refuses to consent to the adoption, the court, in its discretion, may order that such consent be dispensed with.

Sec. 27. Section 4, chapter 291, Laws of 1955 as amended by section 3, chapter 134, Laws of 1973 and RCW 26.32.040 are each amended to read as follows:

No consent for the adoption of a minor shall be required as follows:

(1) From a parent deprived of civil rights when in a hearing for that purpose, as provided in RCW 26.32.050, the court finds that the circumstances surrounding the loss of said parent's civil rights were of such a nature that the welfare of the child would be best served by a permanent deprivation of parental rights;

(2) From a parent who has been deprived of the custody of the child by a court of competent jurisdiction, after notice: PROVIDED, That a decree in an action for divorce, separate maintenance, ~~((or))~~ annulment, dissolution, declaration of invalidity, declaration of paternity, or any other order in a civil or criminal proceeding including proceedings in juvenile court, which grants to a parent any right of custody, control, or visitation of a minor child, or requires of such parent the payment of support money for such child, shall not constitute such deprivation of custody;

(3) From a parent who, more than one year prior to filing of a petition hereunder, has been adjudged to be mentally ill or otherwise mentally incompetent, and who has not thereafter been restored to competency by the court making such adjudication, and the court at a hearing called for such purpose, as provided in RCW 26.32.050, finds that the best interests of the child will be served by a permanent deprivation of custody;

(4) From a parent who has been found by a court of competent jurisdiction, upon notice as herein provided to such parent, to have deserted or abandoned such child under circumstances showing a wilful substantial lack of regard for parental obligations;

(5) From a parent of ~~((an illegitimate))~~ a child who has not been acknowledged by such parent and action has not been taken to establish such relationship in accordance with sections 3 through 20 of this 1976 amendatory act, and who prior to entry of the interlocutory decree of adoption has not contested the proposed adoption after having been provided with notice of a hearing on an adoption petition pursuant to the notice provisions of RCW 26.32.085;

(6) From a parent who has surrendered the child pursuant to RCW 26.37.010.

Sec. 28. Section 5, chapter 291, Laws of 1955 as amended by section 4, chapter 134, Laws of 1973 and RCW 26.32.050 are each amended to read as follows:

If the court in an adoption proceeding, after a hearing for that purpose upon notice thereof as hereinafter provided having been given to a parent, finds any of the conditions set forth in RCW 26.32.040 as now or hereafter amended to be a fact as to the parent, the court may decree that consent of such parent shall not be required prior to adoption.

Sec. 29. Section 7, chapter 291, Laws of 1955 and RCW 26.32.070 are each amended to read as follows:

(1) The written consent shall be acknowledged before a notary public and filed with the petition or at all events before any action is taken by the court in such proceeding. Such consent shall recite that it is given subject to the approval of the court to be requested in an adoption proceeding and to have no force or effect until such court has approved the same. Such consent shall also provide therein that, after it is approved by the court and the order of relinquishment issued and filed, as required by RCW 26.36.010 as now or hereafter amended, and the child relinquished to the petitioners, it is not revocable except for fraud practiced by the petitioners or mental incompetency of the person signing the consent at the time of signing the same;

(2) If the parent signing the consent is a minor, the court shall appoint a guardian ad litem, who shall make an investigation and report prior to the order of relinquishment, covering the competency of the person signing the consent and certifying that the consent was voluntarily made and for the best interests of the child;

(3) The court, prior to signing an order of relinquishment, may appoint a next friend, as hereinafter provided in RCW 26.32.090, who shall report to the court either orally or in writing as to the competency of the parent signing the consent, whether or not such consent is voluntary, and whether or not at that time anything affirmatively appears that the best interests of the child would not be served by the adoption. The order of relinquishment shall not be signed without the written approval of the next friend and without the court calling a hearing as to the advisability of the relinquishment, whenever the court appoints a next friend.

Sec. 30. Section 8, chapter 291, Laws of 1955 as amended by section 5, chapter 134, Laws of 1973 and RCW 26.32.080 are each amended to read as follows:

(1) The court shall direct notice of any hearing under RCW 26.32.050 to be given to any nonconsenting parent or guardian, if any, and to any person or association having the actual care, custody, or control of the child: **PROVIDED**, That where a parent has been deprived of the custody of such child and such child has been set over for adoption by an order of a court of competent jurisdiction, after due notice in a proceeding regularly had for such purpose, no notice need be given to the parent so deprived and the record of such deprivation proceedings shall be deemed prima facie proof of such deprivation;

(2) Such notice shall be given in the following manner: The court shall direct the clerk to issue a notice of such hearing directed to the persons entitled to notice, notifying such persons of the filing of the petition, stating briefly the object of

the petition and the purpose of the hearing, and notifying such persons of the date, time and place of the hearing. A copy of the notice shall be served in the manner provided by law for the service of the summons upon the persons entitled thereto at least ten days prior to the hearing;

(3) In the event it shall appear by the affidavit of the petitioners that the persons entitled to notice, or either of them, are nonresidents of the state or that they cannot, after diligent search, be found within the state, and that a copy of said notice has been deposited in the post office, postage prepaid, directed to such person or persons at their last known place of residence, unless it is stated in the affidavit that such residence is unknown to petitioners, then the court shall order said notice published in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-five days prior to the date fixed for the hearing. Proof of service of notice shall be filed in the cause as required by law for making proof of the service of summons or summons by publication;

(4) Personal service of the notice out of the state, made twenty-five days or more prior to the date fixed for the hearing, shall be deemed equivalent to service by publication;

(5) ~~((If the court is satisfied of the illegitimacy of the child to be adopted, and so finds, then))~~ Notice to any nonconsenting parent of such child shall be made as required under the provisions of RCW 26.32.085 as now or hereafter amended.

(6) Except as provided in subsection (5) of this section, a notice in substantially the following form will be deemed sufficient:

IN THE SUPERIOR COURT
OF THE STATE OF WASHINGTON
FOR THE COUNTY OF

In the Matter
of the Adoption of
JANE DOE

}

No. _____
NOTICE

To John Doe (nonconsenting parent) and to all whom it may concern:

You are hereby notified that there has been filed in this court a petition for the adoption of the above named, praying also that there be first an adjudication that the consent of John Doe to such adoption is not required by law.

A hearing for such purpose will be had on the day of, 19... at the hour of 9:30 a.m., at the courtroom of said superior court, at, or to such other department of the court to which said matter may be then and there transferred, when and where all persons interested shall appear and show cause why such adjudication should not be made, and why, if made, such petition should not be thereafter heard forthwith and the prayer thereof granted.

WITNESS, The Honorable, Judge of said Superior court, and the seal of said court hereunto affixed this day of, 19...

Clerk

Deputy Clerk

(SEAL)

Sec. 31. Section 6, chapter 134, Laws of 1973 and RCW 26.32.085 are each amended to read as follows:

The following requirements regarding notice of hearing on a petition for adoption shall apply to ~~((the))~~ an alleged parent of ((an illegitimate)) a child who has not acknowledged the relationship and action has not been taken to establish such relationship in accordance with sections 3 through 20 of this 1976 amendatory act, and who has not consented to the adoption of such child:

(1) Where the court has reason to believe or suspect that any person not before the court is or might be the parent of such child, the court shall direct the clerk to issue the notice prescribed in subsection (3) of this section to such person. The notice required under this subsection shall be served in the manner provided by law for the service of summons upon the person entitled thereto at least ten days prior to the hearing. In the event that a person entitled to notice under this subsection is a nonresident of the state or cannot after diligent search be found within the state, then:

(a) If the last known place of residence of such person is known, a copy of notice shall be deposited in the post office, postage prepaid, directed to such person at his last known place of residence.

(b) If the last known place of residence of such person is not known, then notice shall be made by publication in the manner required under subsection (2) of this section and as prescribed under subsection (3) of this section.

(2) Notice by publication shall be made in every case, except where service of the notice has been made on a person who either:

- (a) acknowledges that he is a parent and the court finds him to be a parent, or
- (b) has been found to be the father pursuant to chapter 26.24 RCW.

In addition, the court may require notice by publication whenever the court believes such notice might be necessary to protect the validity of adoption proceedings and any decree of adoption. Whenever notice by publication is required, the court shall direct the clerk to publish the notice in a legal newspaper ~~((printed in the county;))~~ qualified to publish summons, printed in the county or counties in which in the exercise of sound judicial discretion the court determines the alleged parent is likely to reside, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-five days prior to the date fixed for the hearing. The notice shall be in the form prescribed under subsection (3) of this section.

(3) The notice required under subsections (1) and (2) of this section shall be in substantially the following form:

IN THE SUPERIOR COURT
OF THE STATE OF WASHINGTON
FOR THE COUNTY OF

In the Matter of the Adoption of JANE DOE No. _____
NOTICE

To all whom it may concern:
You are hereby notified that there has been filed in this court a petition for the adoption of the above named, praying also that there be first an adjudication that

the consent of the [father or mother] of such child is not required by law.

You are also notified that the consent of the [mother or father] of the above named, such [mother's or father's] name being, has already been given or is not required by law.

A hearing for such purpose will be had on the day of, 19.., at the hour of 9:30 a.m., at the courtroom of said superior court, at, or to such other department of the court to which said matter may be then and there transferred, when and where all persons interested shall appear and show cause why such adjudication should not be made, and why, if made, such petition should not be thereafter heard forthwith and the prayer thereof granted.

WITNESS, The Honorable, Judge of said Superior court, and the seal of said court hereunto affixed this day of, 19...

Clerk

(SEAL)

Deputy Clerk

Sec. 32. Section 10, chapter 134, Laws of 1973 and RCW 26.32.300 are each amended to read as follows:

Where a natural parent (or parents) of (~~an illegitimate~~) a child successfully petitions to have the adoption of the child set aside, the parent shall be liable to the adoptive parents (or parent) for their direct and indirect costs in supporting such child.

The term "direct and indirect costs" as used in this section shall include both actual expenditures and the value of services rendered by the adoptive parents in caring for the child.

Sec. 33. Section 11, chapter 134, Laws of 1973 and RCW 26.32.310 are each amended to read as follows:

In each action brought by a natural parent (or parents) of (~~an illegitimate~~) a child to set aside the adoption of the child, no hearing or trial on the merits of the action shall be conducted until such time as the natural parent (or parents) posts a bond equal to one hundred dollars for each period of thirty days which the adoptive parents (or parent) had custody of the child. Such bond shall be used to satisfy the adoptive parents' right under RCW 26.32.300 to compensation for support in the event the adoption is set aside.

Sec. 34. Section 1, chapter 49, Laws of 1903 as amended by section 7, chapter 134, Laws of 1973 and RCW 26.37.010 are each amended to read as follows:

Any benevolent or charitable society incorporated under the laws of this state for the purpose of receiving, caring for or placing out for adoption, or improving the condition of orphan, homeless, neglected or abused minor children of this state shall have authority to receive, control, and dispose of children under eighteen years of age under the following provisions:

(1) When the father and mother or the person or persons legally entitled to act as guardian of the person of any minor child shall, in writing, surrender such child

to the charge and custody of said society, such child shall thereafter be in legal custody of such society for the purposes herein provided.

(2) In case of death or legal incapacity of a father or his abandonment or neglect to provide for his family, the mother shall have authority to make such surrender, and in case of the death or legal incapacity of a mother, or her abandonment of such child, then the father shall have authority to make such surrender.

(3) In all cases where the person or persons legally authorized to make such surrender are not known, any judge of superior court may cause a notice of hearing to be published in any newspaper of general circulation printed and published in the county, and if he deems it best for such orphan, homeless, neglected or abused child, he may surrender it to any benevolent or charitable society incorporated under the laws of Washington and having for its object the care of such children.

(4) In cases where the child to be surrendered (~~(is illegitimate)~~) has not been acknowledged by either parent and action has not been taken to establish such relationship in accordance with sections 3 through 20 of this 1976 amendatory act, and is surrendered in writing by either parent, but not both parents, then the court shall hold a hearing on the surrender in the manner provided under RCW 26.37.015, and if the parent who has not agreed to the surrender in writing does not contest the surrender at such hearing, then such parent shall be deemed to have surrendered the child and the court shall authorize the surrender. This subsection shall not apply to or bar surrenders authorized under subsection (2) of this section.

(5) When any child shall have been surrendered in accordance with any of the preceding clauses and such child shall have been accepted by such society, then, (but not otherwise), the rights of its natural parents or of the guardian of its person (if any) shall cease and such corporation shall become entitled to the custody of such child, and shall have authority to care for and educate such child or place it either temporarily or permanently in a suitable private home in such manner as shall best secure its welfare. Such corporation shall have authority when any such child has been surrendered to it in accordance with any of the preceding provisions, and it is still in its control, to consent to its adoption under the laws of Washington. The custody or control of any such child by any such corporation or by any other corporation, institution, society or person may be inquired into, and, in the discretion of the court, terminated at any time by the superior court of the county where the child may be, upon the complaint of any person, and a showing that such custody is not in the interest of the child.

Sec. 35. Section 8, chapter 134, Laws of 1973 and RCW 26.37.015 are each amended to read as follows:

(1) Whenever one parent, but not both parents, of (~~(an illegitimate)~~) a child who has not been acknowledged by either parent and action has not been taken to establish such relationship in accordance with sections 3 through 20 of this 1976 amendatory act, surrenders the child in writing pursuant to subsection (4) of RCW 26.37.010, the surrender shall not be valid unless a petition for surrender is granted by the court in conformity with the provisions of this section. The court

shall grant such petition if the parent who did not provide the surrender in writing fails to contest the petition at the hearing held thereon.

(2) Where the court has reason to believe or suspect that any person not before the court is or might be the parent of such child, the court shall direct the clerk to issue the notice prescribed in subsection (4) of this section to such person. The notice required under this subsection shall be served in the manner provided by law for the service of summons upon the person entitled thereto at least ten days prior to the hearing. In the event that a person entitled to notice under this subsection is a nonresident of the state or cannot after diligent search be found within the state, then:

(a) If the last known place of residence of such person is known, a copy of the notice shall be deposited in the post office, postage prepaid, directed to such person at his last known place of residence.

(b) If the last known place of residence of such person is not known then notice shall be made by publication in the manner required under subsection (3) of this section and as prescribed under subsection (4) of this section.

(3) Notice by publication shall be made in every case, except where service of the notice has been made on a person who either:

- (a) acknowledges that he is a parent and the court finds him to be a parent, or
- (b) has been found to be the father pursuant to chapter 26.24 RCW.

In addition, the court may require notice by publication whenever the court believes such notice might be necessary to protect the validity of adoption proceedings and any decree of adoption. Whenever notice by publication is required, the court shall direct the clerk to publish the notice in a legal newspaper (~~printed in the county;~~) qualified to publish summons, printed in the county or counties in which in the exercise of sound judicial discretion the court determines the alleged parent is likely to reside, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-four days prior to the date fixed for the hearing. The notice shall be in the form prescribed under subsection (4) of this section.

(4) The notice required under subsections (2) and (3) of this section shall be in substantially the following form:

IN THE SUPERIOR COURT
OF THE STATE OF WASHINGTON
FOR THE COUNTY OF

In the Matter of the
Surrender of JANE DOE

No. -----
NOTICE

To all whom it may concern:

You are hereby notified that there has been filed in this court a petition for the surrender of the above-named, praying also that there be first an adjudication that the [father's or mother's] written surrender of such child is not required by law.

You are notified that the written surrender of the above-named by the [father or mother] of the above-named, such [father's or mother's] name being, has already been given or is not required by law.

You are further notified that your failure to contest the surrender of the above-named at the hearing described in this notice may result in the relinquishment of your rights to custody and control of the above-named and the adoption of the above-named.

A hearing for such purpose will be had on the day of, 19. . ., at the hour of 9:30 a.m., at the courtroom of said superior court, at, or to such other department of the court to which said matter may be then and there transferred, when and where all persons interested shall appear and show cause why such adjudication should not be made, and why, if made, such petition should not be thereafter heard forthwith and the prayer thereof granted.

WITNESS, the Honorable, Judge of said Superior court, and the seal of said court hereunto affixed this day of, 19. . .

Clerk

(SEAL)

Deputy Clerk

Sec. 36. Section 43.20.090, chapter 8, Laws of 1965 as last amended by section 1, chapter 25, Laws of 1970 ex. sess. and RCW 43.20.090 are each amended to read as follows:

The state registrar shall, upon request, furnish an applicant with a certified copy of the record of any birth, death, fetal death, marriage or decree of divorce, annulment or separate maintenance, registered under the provision of law, or that portion of the record of any birth which shows the child's full name, sex, date of birth, and date of filing of the certificate, for the making and certification of which he shall charge a fee of three dollars to be paid by the applicant: PROVIDED, (~~That a certified copy of the record of any birth may not disclose the fact of illegitimacy of birth, nor of information from which it can be ascertained, except upon order of the court or in cases where written notice is received from an attorney, court official, or adoption agency that the illegitimate child is to be adopted: PROVIDED FURTHER;~~) That no fee shall be demanded or required for furnishing a certified copy of a birth, death, fetal death, marriage, divorce, annulment or separate maintenance record for use in connection with a claim for compensation or pension pending before the veterans administration.

For any search of the files and the records when no certified copy is made, the state registrar shall be entitled to a fee of three dollars for each hour or fractional part of an hour employed in such search, to be paid by the applicant.

The state department of health shall keep a true and correct account of all fees received and turn the same over to the state treasurer on or before the first day of January, April, July and October.

Health officers in cities of the first class may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, and shall be entitled to charge for searching of records when no certified copy is made the same fee as hereinabove provided. All such fees collected shall be paid to the jurisdictional health department: PROVIDED, That health officers of cities of the first class may issue certified copies only if they have an original certificate in their possession at the time of issuance

of a certified copy or a copy of the original certificate transmitted to the state registrar which was produced by a photographic or other exact reproduction method. Health officers of counties or districts normally served by full time health officers may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, during the period that the original certificates are in their possession prior to transmittal of the original certificates to the state registrar. All such fees collected shall be paid to the jurisdictional health department. Certified copy forms used by health officers furnishing certified copies while the original records are temporarily in their possession shall be supplied or approved by the state registrar and no other forms shall be used.

Sec. 37. Section 51.08.030, chapter 23, Laws of 1961 as last amended by section 1, chapter 65, Laws of 1972 ex. sess. and RCW 51.08.030 are each amended to read as follows:

"Child" means every natural born child, posthumous child, stepchild, child legally adopted prior to the injury, and dependent child in the legal custody and control of the claimant(~~(, and illegitimate child legitimated prior to the injury)~~), all while under the age of eighteen years, or under the age of twenty-one years while permanently enrolled at a full time course in an accredited school, and over the age of eighteen years if the child is a dependent invalid child.

Sec. 38. Section 21, chapter 5, Laws of 1961 ex. sess. and RCW 70.58.095 are each amended to read as follows:

The state registrar of vital statistics shall establish a new certificate of birth for a person born in this state when he receives a request that a new certificate be established and such evidence as required by regulation of the state board of health proving that such person has been (~~(legitimated)~~) acknowledged, or that a court of competent jurisdiction has determined the paternity of such person. When a new certificate of birth is established, the actual place and date of birth shall be shown. It shall be substituted for the original certificate of birth. Thereafter, the original certificate and the evidence of paternity, or (~~(legitimation)~~) acknowledgment shall not be subject to inspection except upon order of a court of competent jurisdiction. If no certificate of birth is on file for the person for whom a new certificate is to be established under this section, a delayed registration of birth shall be filed with the state registrar of vital statistics as provided in RCW 70.58.120.

Sec. 39. Section 6, chapter 159, Laws of 1945 as last amended by section 2, chapter 279, Laws of 1969 ex. sess. and RCW 70.58.200 are each amended to read as follows:

The forms of birth, death, fetal death, marriage, and decrees of divorce, annulment, or separate maintenance certificates filed with the state registrar of vital statistics shall include the items required by the respective standard certificate as recommended by the federal agency responsible for national vital statistics which became effective on January 1, 1968, except that no information shall be required on the certificate of divorce relative to the date the couple separated or the number of children under eighteen years of age: PROVIDED, That none of the information contained in the confidential section of the forms of marriage, divorce, annulment or separate maintenance shall be required: PROVIDED FURTHER,

That no information shall be required on the certificate of live birth relative to the education of the parents of the child. The Washington state board of health by regulation may require additional pertinent information relative to the birth and manner of delivery as it may deem necessary for statistical study. This information shall be placed in a confidential section of the birth certificate form (~~together with the item pertaining to illegitimacy~~) and shall not be subject to the view of the public or for certification purposes except upon order of a court: PROVIDED, That the state board of health may eliminate from the forms any such items that it determines are not necessary for statistical study.

Sec. 40. Section 1, chapter 133, Laws of 1939 as amended by section 1, chapter 12, Laws of 1943 and RCW 70.58.210 are each amended to read as follows:

Whenever a decree of adoption has been entered declaring a child, born in the state of Washington, adopted in any court of competent jurisdiction in the state of Washington or any other state, a certified copy of the decree of adoption shall be recorded with the proper department of registration of births in the state of Washington and a certificate of birth shall issue upon request, bearing the new name of the child as shown in the decree of adoption, the names of the foster parents of the said child, age, sex, date of birth, but no reference in any birth certificate shall have reference to the adoption of the said child. However, original registration of births shall remain a part of the record of the said board of health(~~(: PROVIDED, HOWEVER, There shall be no difference in the color of birth registration cards or certificates, whether the child be legitimate or illegitimate)~~).

NEW SECTION. Sec. 41. The following acts or parts of acts are each repealed:

(1) Sections 1 through 8, chapter 203, Laws of 1919 and RCW 26.24.010 through 26.24.080;

(2) Section 9, chapter 203, Laws of 1919, section 1, chapter 29, Laws of 1973 and RCW 26.24.090;

(3) Sections 10 through 18, chapter 203, Laws of 1919 and RCW 26.24.100 through 26.24.180;

(4) Section 19, chapter 203, Laws of 1919, section 1, chapter 134, Laws of 1973 and RCW 26.24.190; and

(5) Section 9, chapter 134, Laws of 1973 and RCW 26.28.110.

NEW SECTION. Sec. 42. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

NEW SECTION. Sec. 43. This act may be cited as the Uniform Parentage Act.

NEW SECTION. Sec. 44. If any provision of this 1976 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. 45. The provisions of this 1976 amendatory act shall apply to all actions or proceedings which shall have been commenced at the date this act becomes effective, except that the provisions of section 13(5) of this act

relating to trial by jury, and the amendments to RCW 26.32.085(2) and 26.37.015(3) accomplished by sections 31(2) and 35(3) of this act shall not apply to actions or proceedings commenced prior to the effective date of this act.

Passed the Senate February 18, 1976.

Passed the House February 13, 1976.

Approved by the Governor February 21, 1976.

Filed in Office of Secretary of State February 21, 1976.

CHAPTER 43

[Substitute Senate Bill No. 2635]

STATE PERSONNEL BOARD— APPEALS—HEARING OFFICERS

AN ACT Relating to state government; amending section 11, chapter 1, Laws of 1961 and RCW 41.06.110; amending section 12, chapter 1, Laws of 1961 and RCW 41.06.120; amending section 17, chapter 1, Laws of 1961 and RCW 41.06.170; adding a new section to chapter 28B.16 RCW; adding new sections to chapter 1, Laws of 1961 and to chapter 41.06 RCW; and prescribing penalties.

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

Section 1. Section 11, chapter 1, Laws of 1961 and RCW 41.06.110 are each amended to read as follows:

(1) There is hereby created a state personnel board composed of three members appointed by the governor, subject to confirmation by the senate: PROVIDED, That no member appointed when the legislature was not in session shall continue to be a member of the board after the thirtieth day of the next legislative session unless his appointment shall have been approved by the senate. The first such board shall be appointed within thirty days after December 8, 1960 for terms of two, four, and six years. Each odd numbered year thereafter the governor shall appoint a member for a six year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

(2) Each member of the board shall be paid fifty dollars for each day in which he has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board, actually attended: PROVIDED, That after July 1, 1962, no one board member shall receive more than one thousand five hundred dollars in any fiscal year for this purpose: PROVIDED, FURTHER, That such limitation shall not apply to daily payments for the hearing of employee appeals. Members of the board 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.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the

board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board. The director of personnel shall serve as secretary.

(4) The board may appoint and compensate hearing officers to hear and conduct appeals. Such compensation shall be paid on a contractual basis for each hearing, in accordance with the provisions of chapter 43.88 RCW and rules adopted pursuant thereto, as they relate to personal service contracts.

Sec. 2. Section 12, chapter 1, Laws of 1961 and RCW 41.06.120 are each amended to read as follows:

(1) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action and may hold hearings, such hearings to be called by (a) the chairman of the board, or (b) a majority of the members of the board. An official notice of the calling of the hearing shall be filed with the secretary, and all members shall be notified of the hearing within a reasonable period of time prior to its convening. Appeal hearings may be conducted by two members of the board: PROVIDED, That if said two members do not agree on the decision, a hearing shall be held in the presence of all three members of the board;

(2) No release of material, or statement of findings shall be made except with the approval of a majority of the board;

(3) In the conduct of hearings or investigations, a member of the board, ~~((or))~~ the director of personnel, or the hearing officer, may administer oaths;

(4) Hearings may be conducted by a hearing officer duly appointed by the board.

Sec. 3. Section 17, chapter 1, Laws of 1961 and RCW 41.06.170 are each amended to read as follows:

(1) The board, in the promulgation of rules and regulations governing suspensions for cause, shall not authorize an appointing authority to suspend an employee for more than fifteen calendar days as a single penalty or more than thirty calendar days in any one calendar year as an accumulation of several penalties. The board shall require that the appointing authority give written notice to the employee not later than one day after the suspension takes effect, stating the reasons for and the duration thereof. The authority shall file a copy of the notice with the director of personnel.

(2) Any employee who is reduced, dismissed, suspended, or demoted, after completing his probationary period of service as provided by the rules and regulations of the board, or any employee who is adversely affected by a violation of the state civil service law, chapter 41.06 RCW, or rules promulgated pursuant thereto, shall have the right to appeal to the board not later than thirty days after the effective date of such action. The employee shall be furnished with specified charges in writing when ~~((the))~~ a reduction, dismissal, suspension, or demotion action is taken. Such appeal shall be in writing, and ~~((shall be heard by))~~ the board ~~((within thirty days after its receipt))~~ shall set the case for hearing and the final decision, including an appeal to the board from the hearing examiner, if any, shall be rendered within ninety days from the date the appeal was first received: PROVIDED, That an extension may be permitted if agreed to by the employee

and the employing agency. The board shall furnish the agency concerned with a copy of the appeal in advance of the hearing.

NEW SECTION. Sec. 4. There is added to chapter 1, Laws of 1961 and to chapter 41.06 RCW a new section to read as follows:

The board may appoint, following consultation with employee organizations and employing agencies, one or more hearings officers to preside over, conduct and make recommended decisions in accordance with rules established by the board in all cases of employee appeals to the board. Hearings officers shall not be employees of the state. The hearings officer shall conduct hearings in the same manner and shall have the same authority as provided in hearings by the board. The recommended decisions shall be forthwith served upon the parties and transmitted to the board. Within thirty days of service of the recommended decision, any party adversely affected may appeal directly to the board, which shall proceed in accordance with RCW 41.06.120, as now or hereafter amended. Such hearings by the board shall not be limited to the record.

NEW SECTION. Sec. 5. If any provision of this 1976 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 17, 1976.

Passed the House February 13, 1976.

Approved by the Governor February 21, 1976.

Filed in Office of Secretary of State February 21, 1976.

CHAPTER 44

[Substitute Senate Bill No. 3001]

FIRE FIGHTERS, LAW ENFORCEMENT OFFICERS—PENSION BENEFITS— INCREASES—APPEALS

AN ACT Relating to public employment retirement systems; amending section 38, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 178, Laws of 1975 1st ex. sess. and RCW 41.16.145; amending section 33, chapter 209, Laws of 1969 ex. sess. as last amended by section 2, chapter 178, Laws of 1975 1st ex. sess. and RCW 41.18.104; and amending section 6, chapter 209, Laws of 1969 ex. sess. as amended by section 1, chapter 216, Laws of 1971 ex. sess. and RCW 41.26.060.

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 178, Laws of 1975 1st 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, 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 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. A beneficiary of benefit increases provided for pursuant to this section is hereby authorized to appeal a decision on such increases or the failure of the local pension board to order such increased benefits or the amount of such benefits to the Washington law enforcement officers' and fire fighters' system retirement board provided for in RCW 41.26.050.

For the purpose of this section the term

"Consumer price index" shall mean, for any calendar year, the 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 178, Laws of 1975 1st 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, 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 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. A beneficiary of benefit increases provided for pursuant to this section is hereby authorized to appeal a decision on such increases or the failure of the local pension board to order such increased benefits or the amount of such benefits to the Washington law enforcement officers' and fire fighters' system retirement board provided for in RCW 41.26.050.

For the purpose of this section the term

"Consumer price index" shall mean, for any calendar year, the 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 6, chapter 209, Laws of 1969 ex. sess. as amended by section 1, chapter 216, Laws of 1971 ex. sess. and RCW 41.26.060 are each amended to read as follows:

The administration of this system is hereby vested in the board of the Washington public employees' retirement system pursuant to RCW 41.26.050 and the board shall:

- (1) Keep in convenient form such data as shall be deemed necessary for actuarial evaluation purposes;
- (2) As of March 1, 1970, and at least every two years thereafter, through its actuary, make an actuarial valuation as to the mortality and service experience of the beneficiaries under this chapter and the various accounts created for the purpose of showing the financial status of the retirement fund;
- (3) Adopt for the retirement system the mortality tables and such other tables as shall be deemed necessary;
- (4) Keep a record of all its proceedings, which shall be open to inspection by the public;
- (5) From time to time adopt such rules and regulations not inconsistent with this chapter, for the administration of the provisions of this chapter, for the administration of the fund created by this chapter and the several accounts thereof, and for the transaction of the business of the board;
- (6) Provide for investment, reinvestment, deposit and withdrawal of funds;
- (7) Prepare and publish annually a financial statement showing the condition of the fund and the various accounts thereof, and setting forth such other facts, recommendations and data as may be of use in the advancement of knowledge concerning the Washington law enforcement officers' and fire fighters' retirement system, and furnish a copy thereof to each employer, and to such members as may request copies thereof;
- (8) Serve without compensation but shall be reimbursed for expense incident to service as individual members thereof;
- (9) Perform such other functions as are required for the execution of the provisions of this chapter;
- (10) No member of the board shall be liable for the negligence, default or failure of any employee or of any other member of the board to perform the duties of his office and no member of the board shall be considered or held to be an insurer of the funds or assets of the retirement system but shall be liable only for his own personal default or individual failure to perform his duties as such member and to exercise reasonable diligence in providing for the safeguarding of the funds and assets of the system;
- (11) Fix the amount of interest to be credited at a rate which shall be based upon the net annual earnings of the fund for the preceding twelve-month period and from time to time make any necessary changes in such rate;
- (12) Pay from the retirement system expense fund the expenses incurred in administration of the retirement system from those funds appropriated for that purpose;

(13) Perform any other duties prescribed elsewhere in this chapter: PROVIDED, That all disability claims shall be submitted and approved or disapproved by the disability boards established by this chapter and the retirement board shall have authority to approve or disapprove disability retirement requests only((-));

(14) Issue decisions relating to appeals initiated pursuant to RCW 41.16.145 and 41.18.104 as now or hereafter amended and shall be authorized to order increased benefits pursuant to RCW 41.16.145 and 41.18.104 as now or hereafter amended.

Passed the Senate February 9, 1976.

Passed the House February 13, 1976.

Approved by the Governor February 21, 1976.

Filed in Office of Secretary of State February 21, 1976.

CHAPTER 45

[Engrossed Senate Bill No. 3047]

INDUSTRIAL INSURANCE—SURVIVING SPOUSE BENEFITS—OPTIONS UPON REMARRIAGE

AN ACT Relating to industrial insurance; amending section 51.32.050, chapter 23, Laws of 1961 as last amended by section 1, chapter 179, Laws of 1975 1st ex. sess. and RCW 51.32.050; and creating a new section.

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

NEW SECTION. Section 1. The legislative intent of chapter 179, Laws of 1975 1st ex. sess. (2nd SSB No. 2241) was in part to offer surviving spouses of eligible workmen two options upon remarriage; such options to be available to any otherwise eligible surviving spouse regardless of the date of death of the injured workman. Accordingly this 1976 amendatory act is required to clarify that intent.

Sec. 2. Section 51.32.050, chapter 23, Laws of 1961 as last amended by section 1, chapter 179, Laws of 1975 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 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 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 monthly payment made to the child or children of the deceased workman shall 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 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 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)), after September 8, 1975, an otherwise eligible surviving spouse of a workman who died at any time prior to or after September 8, 1975, 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: PROVIDED, That if the injury occurred prior to July 1, 1971, the remarriage benefit lump sum available shall be as provided in the remarriage benefit schedules then in effect.

(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: **PROVIDED FURTHER,** That if it should be necessary to increase the reserves in the reserve fund or to create a new pension reserve fund as a result of this 1976 amendatory act the amount of such increase in pension reserve in any such case shall be transferred to the reserve fund from the supplemental pension fund.

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 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 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, the child or children 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 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-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 (4) of this section. Upon remarriage or death of such surviving spouse the payments to such child or children shall be made as provided in subsection (2) of this section when the surviving spouse of a deceased workman remarries.

Passed the Senate February 17, 1976.

Passed the House February 12, 1976.

Approved by the Governor February 21, 1976.

Filed in Office of Secretary of State February 21, 1976.

CHAPTER 46

[Engrossed Senate Bill No. 3056]

ELECTIONS—REGISTERED VOTER TAPES OR FILES—VOTING DEVICE INSTRUCTION

AN ACT Relating to elections; amending section 6, chapter 156, Laws of 1965 ex. sess. as last amended by section 2, chapter 127, Laws of 1974 1st ex. sess. and RCW 29.04.100; adding new sections to chapter 29.04 RCW; amending section 29.33.220, chapter 9, Laws of 1965 as last amended by section 1, chapter 102, Laws of 1973, RCW 29.33.220; and providing penalties.

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

Section 1. Section 6, chapter 156, Laws of 1965 ex. sess. as last amended by section 2, chapter 127, Laws of 1974 1st ex. sess. and RCW 29.04.100 are each amended to read as follows:

All poll books or current lists of registered voters shall be public records and be made available for inspection under such reasonable rules and regulations as the county auditor may prescribe. The county auditor shall promptly furnish current lists or mailing labels of registered voters in his possession, at actual reproduction cost, to any person requesting such information: PROVIDED, That such lists and labels shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product or service or for the purpose of mailing or delivering any solicitation for money, services or anything of value: PROVIDED, HOWEVER, That such lists and ((books)) labels may be used for any political purpose. In the case of political subdivisions which encompass portions of more than one county, the request may be directed to the secretary of state who shall contact the appropriate county auditors and arrange for the timely delivery of the requested information ((~~PROVIDED, That the secretary of state shall promptly furnish, without cost and upon application therefor, an annual statewide listing or computer tape of registered voters to the state central committee of any major political party that received at least ten percent of the total votes cast for the office of president at the preceding presidential election~~)).

NEW SECTION. Sec. 2. There is added to chapter 29.04 RCW a new section to read as follows:

Not earlier than January 1st nor later than February 1st of each calendar year and not earlier than July 1st nor later than August 1st of each calendar year each county auditor shall provide to the secretary of state, or a data processing agency designated by him, a duplicate computer tape or data file of the records of the

registered voters in that county, containing the information specified in RCW 29.07.220. The secretary of state shall reimburse each county for the actual cost of reproduction and mailing of the duplicate computer tape or data file. He shall arrange for a master computer tape or data file of the records of all the registered voters of the state to be compiled.

NEW SECTION. Sec. 3. There is added to chapter 29.04 RCW a new section to read as follows:

No later than February 15th and no later than August 15th of each year, the secretary of state shall provide a duplicate copy of the master state-wide computer tape or data file of registered voters to the state central committee of each major political party, at actual duplication cost. The master state-wide computer tape or data file of registered voters or portions of the tape or file shall be available to any other political party, at actual duplication cost, upon written request to the secretary of state. Restrictions as to the commercial use of the information on the state-wide computer tape or data file of registered voters, and penalties for its misuse, shall be the same as provided in RCW 29.04.110 and 29.04.120 as now existing or hereafter amended.

Sec. 4. Section 29.33.220, chapter 9, Laws of 1965 as last amended by section 1, chapter 102, Laws of 1973 and RCW 29.33.220 are each amended to read as follows:

Before each primary election at which voting machines or voting devices are to be used or more frequently as the custodian deems necessary, the custodian shall instruct all inspectors, judges, and clerks of election who are to serve thereat in the use of the machine or voting device and their duties in connection therewith. The custodian may waive instructional requirements for inspectors, judges, and clerks of election that previously have been granted a certificate of proficiency and that have served as precinct officers for a sufficient length of time to be fully qualified to perform his or her duties in connection with the machine or voting device: PROVIDED, That any inspectors, judges and clerks of elections for whom the instructional requirements are waived may at their discretion take advantage of the instructional program outlined herein. He shall give to each inspector and judge who has received instruction and is fully qualified to conduct the election with a machine or voting device a certificate to that effect. For the purpose of instruction, the custodian shall call such meetings of the inspectors and judges as may be necessary. Every inspector and judge shall attend the meetings and receive instruction in the proper conduct of the election with a machine or voting device. As compensation for the time spent in receiving instruction each inspector and judge who qualifies and serves in the election shall receive an additional two hours' compensation to be paid to him at the same time and in the same manner as compensation is paid him for his services on election day. No inspector or judge of election shall serve in any primary or general election at which a voting machine or voting device is used unless he has received the required instruction and is fully qualified to perform his duties in connection with the machine or voting device and has received a certificate to that effect from the custodian of the

machines or voting devices: PROVIDED, That this shall not prevent the appointment of an inspector, or judge of election to fill a vacancy in an emergency.

Passed the Senate February 17, 1976.

Passed the House February 13, 1976.

Approved by the Governor February 21, 1976.

Filed in Office of Secretary of State February 21, 1976.

CHAPTER 47

[House Bill No. 38]

RECALL OF PUBLIC OFFICERS—CHARGES

AN ACT Relating to the recall of certain public officials; amending section 29.82.010, chapter 9, Laws of 1965 and RCW 29.82.010; and amending section 29.82.015, chapter 9, Laws of 1965 and RCW 29.82.015.

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

Section 1. Section 29.82.010, chapter 9, Laws of 1965 and RCW 29.82.010 are each amended to read as follows:

Whenever any legal voter or committee or organization of legal voters of the state or of any political subdivision thereof shall desire to demand the recall and discharge of any elective public officer of the state or of such political subdivision, as the case may be, under the provisions of sections 33 and 34 of article 1 of the Constitution, he or they shall prepare a typewritten charge, reciting that such officer, naming him and giving the title of his office, has committed an act or acts of malfeasance, or an act or acts of misfeasance while in office, or has violated his oath of office, or has been guilty of any two or more of the acts specified in the Constitution as grounds for recall, which charge shall state the act or acts complained of in concise language, ~~((without unnecessary repetition))~~ giving a detailed description including the approximate date, location, and nature of each act complained of, and shall be signed by the person or persons making the same, give their respective post office addresses, and be verified under oath that he or they believe the charge or charges to be true.

Sec. 2. Section 29.82.015, chapter 9, Laws of 1965 and RCW 29.82.015 are each amended to read as follows:

In case the officer whose recall is to be demanded be a state officer, the person making the charge shall file the same with the secretary of state. In case the officer whose recall is to be demanded be a county officer, the person or persons making the charge shall file the same with the county auditor. In case the officer whose recall is to be demanded be an officer of an incorporated city or town, the persons making the charge shall file the same with the clerk of said city or town. In case the officer whose recall is to be demanded is an officer of any other political subdivision of the state, the persons making the charge shall file the same with the officer whose duty it is to receive and file petitions for nomination of candidates for the office concerning the incumbent of which the recall is to be demanded. The officer with whom the charge is filed shall serve a copy of such charge upon

the officer whose recall is demanded not less than twenty days prior to formulation of the ballot synopsis. Manner of service shall be the same as for the commencement of a civil action in superior court.

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 February 12, 1976.

Passed the Senate February 11, 1976.

Approved by the Governor February 21, 1976.

Filed in Office of Secretary of State February 21, 1976.

CHAPTER 48

[House Bill No. 70]

STATE ATHLETIC COMMISSION—BOXING, SPARRING AND WRESTLING

AN ACT Relating to the State Athletic Commission; amending section 2, chapter 184, Laws of 1933 as amended by section 1, chapter 305, Laws of 1959 and RCW 67.08.003; amending section 7, chapter 184, Laws of 1933 and RCW 67.08.010; amending section 2, chapter 48, Laws of 1951 as amended by section 1, chapter 53, Laws of 1973 and RCW 67.08.015; amending section 10, chapter 184, Laws of 1933 and RCW 67.08.040; adding a new section to chapter 184, Laws of 1933 and to chapter 67.08 RCW; and repealing section 13, chapter 184, Laws of 1933 and RCW 67.08.070.

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

Section 1. Section 2, chapter 184, Laws of 1933 as amended by section 1, chapter 305, Laws of 1959 and RCW 67.08.003 are each amended to read as follows:

Before entering upon the duties of his office, each commissioner shall enter into a surety bond, executed by a surety company authorized to do business in this state, payable to the state, and approved by the attorney general, in the penal sum of two thousand dollars conditioned upon the faithful performance of his duties, which bond shall be filed with the secretary of state. Each member of the commission shall be reimbursed for the cost of his bond and receive (~~twenty=~~ ~~five~~) forty dollars per day and reimbursable travel expenses while in the performance of his duties.

Sec. 2. Section 7, chapter 184, Laws of 1933 and RCW 67.08.010 are each amended to read as follows:

The commission shall have power to issue and for cause to revoke a license to conduct boxing contests or sparring or wrestling matches or exhibitions including a simultaneous telecast of any live, current or spontaneous boxing, sparring or wrestling match or performance on a closed circuit telecast within this state, whether originating in this state or elsewhere, and for which a charge is made, as herein provided under such terms and conditions and at such times and places as the commission may determine. Such licenses shall entitle the holder thereof to conduct boxing contests and sparring and/or wrestling matches and exhibitions under such terms and conditions and at such times and places as the commission

may determine. In case the commission shall refuse to grant a license to any applicant, or shall cancel any license, such applicant, or the holder of such canceled license shall be entitled, upon application, to a hearing to be held not less than sixty days after the filing of such order at such place as the commission may designate: PROVIDED, HOWEVER, That if it has been found by a valid finding and such finding is fully set forth in such order, that the applicant or licensee has been guilty of disobeying any provision of this chapter, such hearing shall be denied.

Sec. 3. 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 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 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 shall be examined within eight hours prior to the contest by a practicing physician and 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.

Sec. 4. Section 10, chapter 184, Laws of 1933 and RCW 67.08.040 are each amended to read as follows:

Upon the approval by the commission of any application for a license, as hereinabove provided, and the filing of the bond the commission (~~shall certify such fact to the state department of licenses which~~) shall forthwith issue such license.

NEW SECTION. Sec. 5. There is added to chapter 184, Laws of 1933 and to chapter 67.08 RCW a new section to read as follows:

Every licensee who charges and receives an admission fee for exhibiting a simultaneous telecast of any live, current, or spontaneous boxing or sparring match, or wrestling exhibition or performance on a closed circuit telecast viewed within this state shall, within seventy-two hours after such event, furnish to the commission a verified written report on a form which is supplied by the commission showing the number of tickets issued or sold, and the gross receipts therefor without any deductions whatsoever. Such licensee shall also, at the same time, pay to the commission a tax equal to five percent of such gross receipts paid for admission to the showing of the contest, match or exhibition. In no event, however, shall the tax be less than twenty-five dollars. The tax shall apply uniformly at the same rate to all persons subject to the tax. Such receipts shall be immediately paid by the commission into the general fund of the state.

NEW SECTION. Sec. 6. Section 13, chapter 184, Laws of 1933 and RCW 67-.08.070 are each hereby repealed.

Passed the House January 30, 1976.

Passed the Senate February 13, 1976.

Approved by the Governor February 21, 1976.

Filed in Office of Secretary of State February 21, 1976.

CHAPTER 49

[House Bill No. 425]

PUBLIC WORKS—PREVAILING WAGE REQUIREMENTS

AN ACT Relating to public works contracts; amending section 4, chapter 63, Laws of 1945 as amended by section 3, chapter 133, Laws of 1965 ex. sess. and RCW 39.12.040; adding a new section to chapter 63, Laws of 1945 and to chapter 39.12 RCW; and providing penalties.

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

Section 1. Section 4, chapter 63, Laws of 1945 as amended by section 3, chapter 133, Laws of 1965 ex. sess. and RCW 39.12.040 are each amended to read as follows:

Before payment is made by or on behalf of the state, or any county, municipality, or political subdivision created by its laws, of any sum or sums due on account of a public works contract (~~((for a public improvement))~~), it shall be the duty of the (~~((state treasurer, or of the treasurer of the county or municipal corporation, or other))~~) officer or person charged with the custody and disbursement of (~~((the state or corporate))~~) public funds (~~((, applicable to the contract under and pursuant to which payment is made,))~~) to require the contractor and each and every subcontractor from the contractor or a subcontractor(~~((;))~~) to (~~((file a statement in writing))~~) submit to such officer (~~((and to the director of the department of labor and industries, certifying the rate of hourly wage paid each classification of laborers, workmen or mechanics employed by him upon such work, and further certifying that no laborer, workman or mechanic employed by him upon such public work has been paid less than the prevailing rate of wage or less than the minimum rate of wage specified in the contract, which certificate and statement so to be filed~~

~~shall be verified by the oath of the contractor or subcontractor, as the case may be, that he has read such a statement and certificate subscribed by him and knows the contents thereof, and that the same is true to his knowledge: PROVIDED; HOWEVER, That before payment is made by or on behalf of the state, or any county, municipality, or political subdivision created by its laws, of any sum or sums due on account of a contract for a public improvement, the director of the department of labor and industries shall issue a statement certifying that the prevailing wage requirements of this section have been satisfied)) a "Statement of Intent to Pay Prevailing Wages". Each statement of intent to pay prevailing wages must be approved by the industrial statistician of the department of labor and industries before it is submitted to said officer. Unless otherwise authorized by the department of labor and industries, each voucher claim submitted by a contractor for payment on a project estimate shall state that the prevailing wages have been paid in accordance with the prefiled statement or statements of intent to pay prevailing wages on file with the public agency. Following the final acceptance of a public works project, it shall be the duty of the officer charged with the disbursement of public funds, to require the contractor and each and every subcontractor from the contractor or a subcontractor to submit to such officer an "Affidavit of Wages Paid" before the funds retained according to the provisions of RCW 60.28.010 are released to the contractor. Each affidavit of wages paid must be certified by the industrial statistician of the department of labor and industries before it is submitted to said officer.~~

NEW SECTION. Sec. 2. There is added to chapter 63, Laws of 1945 and to chapter 39.12 RCW a new section to read as follows:

If any agency of the state, or any county, municipality, or political subdivision created by its laws shall wilfully fail to comply with the provisions of RCW 39.12.040 as now or hereafter amended, such agency of the state, or county, municipality, or political subdivision created by its laws, shall be liable to all workmen, laborers, or mechanics to the full extent and for the full amount of wages due, pursuant to the prevailing wage requirements of RCW 39.12.020.

Passed the House January 26, 1976.

Passed the Senate February 13, 1976.

Approved by the Governor February 21, 1976.

Filed in Office of Secretary of State February 21, 1976.

CHAPTER 50

[Substitute House Bill No. 455]

MARINE FUEL TAX— MARINE RECREATION LAND

AN ACT Relating to revenue and taxation; amending section 3, chapter 5, Laws of 1965 as amended by section 1, chapter 74, Laws of 1969 ex. sess. and RCW 43.99.030; repealing section 9, chapter 5, Laws of 1965, section 2, chapter 140, Laws of 1971 ex. sess. and RCW 43.99.090; and declaring an emergency.

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

Section 1. Section 3, chapter 5, Laws of 1965 as amended by section 1, chapter 74, Laws of 1969 ex. sess. and RCW 43.99.030 are each amended to read as follows:

From time to time, but at least once each four years, the director of motor vehicles shall determine the amount or proportion of moneys paid to him as motor vehicle fuel tax which is tax on marine fuel. The director shall make or authorize the making of studies, surveys, or investigations to assist him in making such determination, and shall hold one or more public hearings on the findings of such studies, surveys, or investigations prior to making his determination. The studies, surveys, or investigations conducted pursuant to this section shall encompass a period of twelve consecutive months each time. The final determination by the director shall be implemented as of the first day of the calendar month, which date falls closest to the mid-point of the time period for which the study data were collected. The director may delegate his duties and authority under this section to one or more persons of the department of motor vehicles if he finds such delegation necessary and proper to the efficient performance of these duties. ~~((Except as provided in RCW 43.99.160,))~~ Costs of carrying out the provisions of this section shall be paid from the marine fuel tax refund account created in RCW 43.99.040, upon legislative appropriation.

NEW SECTION. Sec. 2. Section 9, chapter 5, Laws of 1965, section 2, chapter 140, Laws of 1971 ex. sess. and RCW 43.99.090 are each hereby repealed.

NEW SECTION. Sec. 3. This 1976 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 17, 1976.

Passed the Senate February 13, 1976.

Approved by the Governor February 21, 1976.

Filed in Office of Secretary of State February 21, 1976.

CHAPTER 51

[Substitute House Bill No. 676]

SHORELINES MANAGEMENT—DEVELOPMENT PERMITS—REVIEW AND APPEALS

AN ACT Relating to shoreline management; amending section 14, chapter 286, Laws of 1971 ex. sess. as last amended by section 3, chapter 182, Laws of 1975 1st ex. sess. and RCW 90.58.140; and amending section 18, chapter 286, Laws of 1971 ex. sess. as last amended by section 4, chapter 182, Laws of 1975 1st ex. sess. and RCW 90.58.180.

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

Section 1. Section 14, chapter 286, Laws of 1971 ex. sess. as last amended by section 3, chapter 182, Laws of 1975 1st 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))~~ provisions of chapter 90.58 RCW.

(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) Local government shall require notification of the public of all applications for permits governed by any permit system established pursuant to subsection (3) of this section by ensuring that:

(a) A notice of such an application is published at least once a week on the same day of the week for two consecutive weeks in a legal newspaper of general circulation within the area in which the development is proposed; and

(b) Additional notice of such an application is given by at least one of the following methods:

(i) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the substantial development is proposed;

(ii) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or

(iii) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

Such notices shall include a statement that any person desiring to submit written comments concerning an application, or desiring to receive a copy of the final order concerning an application as expeditiously as possible after the issuance of the order, may submit such comments or such requests for orders to the local government within thirty days of the last date the notice is to be published pursuant to subsection (a) of this subsection. Local government shall forward, in a timely manner following the issuance of an order, a copy of the order to each person who submits a request for such order.

If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at such hearing.

(5) Such system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until ~~((forty-five))~~ thirty days from the date ~~((of final approval by the local government))~~ the final order was filed as provided in subsection (6) of this section; 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))~~ thirty days from the date of ~~((final approval by the local government))~~ filing as defined in subsection (6) of this section except as follows:

(a) 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, such construction may begin after thirty days from the date of filing;

(b) If a permit is granted by the local government and (i) the granting of the permit is appealed to the shorelines hearings board within thirty days of the date of filing, (ii) the hearings board approves the granting of the permit by the local government or approves a portion of the substantial development for which the local government issued the permit, and (iii) an appeal for judicial review of the hearings board decision is filed pursuant to the provisions of chapter 34.04 RCW, the permittee may request, within ten days of the filing of the appeal with the court, a hearing before the court to determine whether construction may begin pursuant to the permit approved by the hearings board or to a revised permit issued pursuant to the order of the hearings board. If, at the conclusion of the hearing, the court finds that construction pursuant to such a permit would not involve a significant, irreversible damaging of the environment, the court may allow the permittee to begin such construction pursuant to the approved or revised permit as the court deems appropriate. The court may require the permittee to post bonds, in the name of the local government that issued the permit, sufficient to remove the substantial development or to restore the environment if the permit is ultimately disapproved by the courts, or to alter the substantial development if such alteration is ultimately ordered by the courts: PROVIDED, That construction pursuant to a permit revised at the direction of the hearings board may begin only on that portion of the substantial development for which the local government had originally issued the permit and construction pursuant to such a revised permit on other portions of the substantial development may not begin until after all review proceedings are terminated. In such a hearing before the court, the burden of proving whether such construction may involve significant irreversible damage to the environment and demonstrating whether such construction would or would not be appropriate shall be on the appellant;

(c) If a permit is granted by the local government and the granting of the permit is appealed directly to the superior court for judicial review pursuant to the proviso in RCW 90.58.180(1) as now or hereafter amended, the permittee may request the court to remand the appeal to the shorelines hearings board, in which case the appeal shall be so remanded and construction pursuant to such a permit

shall be governed by the provisions of subsection (b) of this subsection or may otherwise begin after review proceedings before the hearings board are terminated if judicial review is not thereafter requested pursuant to the provisions of chapter 34.04 RCW;

If a permittee begins construction pursuant to subsections (a), (b) or (c) of this subsection, such construction shall begin at the permittee's own risk. If, as a result of judicial review, the courts order the removal of any portion of the construction or the restoration of any portion of the environment involved or require the alteration of any portion of a substantial development constructed pursuant to a permit, the permittee shall be barred from recovering damages or costs involved in adhering to such requirements from the local government that granted the permit, the hearings board, or any appellant or intervener.

~~((5))~~ (6) 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. "Date of filing" as used herein shall mean the date of actual receipt by the department. The department shall notify in writing the local government and the applicant of the date of filing.

~~((6))~~ (7) 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 90.58.180 (1) and (2) as now or hereafter amended, the person requesting the review shall have the burden of proof.

~~((7))~~ (8) Any permit may, after a hearing with adequate notice to the permittee and the public, 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~~) shall provide written notice to the local government and the permittee. If the department is of the opinion that such noncompliance continues to exist thirty days after the date of the notice, and the local government has taken no action to rescind the permit, the department may petition the hearings board for a rescission of such permit upon written notice of such petition to the local government and the permittee: PROVIDED, That the request by the department is made to the hearings board within fifteen days of the termination of the thirty day notice to the local government.

~~((8))~~ (9) 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))~~ (10) 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) (i) 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))~~ (ii) 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))~~ (iii) 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))~~ (iv) The development is completed within two years after the effective date of this chapter.

~~((f))~~ (11) 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))~~ (10) of this section, or does not require a permit because of substantial development occurred prior to June 1, 1971.

~~((g))~~ (12) 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. 2. Section 18, chapter 286, Laws of 1971 ex. sess. as last amended by section 4, chapter 182, Laws of 1975 1st ex. sess. and RCW 90.58.180 are each amended to read as follows:

(1) Any person aggrieved by the granting ~~((or)),~~ denying, or rescinding of a permit on shorelines of the state ~~((, or rescinding a permit))~~ pursuant to RCW 90.58.140 as now or hereafter amended may seek review from the shorelines hearings board by filing a request for the same within thirty days of ~~((receipt of the final order))~~ the date of filing as defined in RCW 90.58.140(6) as now or hereafter amended.

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))~~ fifteen days from the date of the ~~((filing of said copies by the requestor))~~ receipt by the department or the attorney general of a copy of the request for review filed pursuant to this section. The shorelines hearings board shall initially schedule review proceedings on such requests for review without regard as to whether such requests have or have not been certified or as to whether the period for the department or the attorney general to intervene has or has not expired, unless such review is to begin within thirty days of such scheduling. If at the end of the thirty

day period for certification neither the department nor the attorney general has certified a request for review, the hearings board shall remove the request from its review schedule.

(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))~~ hearings board and the appropriate local government within ~~((forty-five))~~ thirty days from the date the final order was filed as provided in ~~((subsection (5) of))~~ RCW 90.58.140(6) as now or hereafter amended.

(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 House January 30, 1976.
Passed the Senate February 13, 1976.
Approved by the Governor February 21, 1976.
Filed in Office of Secretary of State February 21, 1976.

CHAPTER 52

[House Bill No. 1237]

PUBLIC ASSISTANCE—ALTERNATE
LIVING ARRANGEMENTS—LICENSING

AN ACT Relating to old age assistance; amending section 11, chapter 172, Laws of 1969 ex. sess. and RCW 74.08.044.

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

Section 1. Section 11, chapter 172, Laws of 1969 ex. sess. and RCW 74.08.044 are each amended to read as follows:

The department is authorized to promulgate rules and regulations establishing eligibility for alternate living arrangements, and license the same, including minimum standards of care, based upon need for personal care and supervision beyond the level of board and room only, but less than the level of care required in a hospital or a skilled nursing home as defined in the federal social security act.

Passed the House January 20, 1976.
Passed the Senate February 13, 1976.
Approved by the Governor February 21, 1976.
Filed in Office of Secretary of State February 21, 1976.

CHAPTER 53

[House Bill No. 1291]

SCHOOL BUSES—LENGTH,
OPERATION LIMITATIONS

AN ACT Relating to motor vehicles; and amending section 46.44.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 76, Laws of 1974 ex. sess. and RCW 46.44.030.

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

Section 1. Section 46.44.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 76, Laws of 1974 ex. sess. and RCW 46.44.030 are each amended to read as follows:

It is unlawful for any person to operate upon the public highways of this state any vehicle other than a municipal transit vehicle having an overall length, with or without load, in excess of thirty-five feet(~~(-except)~~): PROVIDED, That an auto stage or school bus shall not exceed an overall length, inclusive of front and rear bumpers, of forty feet(~~(-but)~~): PROVIDED FURTHER, That any such school

bus shall be equipped with three axles: PROVIDED FURTHER, That the ((operation)) route of any such auto stage or school bus upon or across the public highways within the jurisdictional boundaries of any city or county shall be limited as determined by the state highway commission after consultation and agreement with the local legislative authority, and the operation of any such school bus upon the public highway shall be limited as determined by the superintendent of public instruction in the manner provided for in RCW 46.61.380.

It is unlawful for any person to operate on the highways of this state any combination of vehicles which contains a vehicle of which the permanent structure is in excess of forty-five feet.

It is unlawful for any person to operate upon the public highways of this state any combination consisting of a nonstinger steered tractor and semitrailer which has an overall length in excess of sixty-five feet.

It is unlawful for any person to operate on the highways of this state any combination consisting of a truck and trailer, or any lawful combination of three vehicles, with an overall length, with or without load, in excess of sixty-five feet, or a combination consisting of a tractor and a stinger steered semitrailer which has an overall length in excess of sixty-five feet without load or in excess of seventy feet with load.

"Stinger steered" as used in this section shall mean a tractor and semitrailer combination which has the coupling connecting the semitrailer to the tractor located to the rear of the center line of the rear axle of the tractor.

These length limitations shall not apply to vehicles transporting poles, pipe, machinery or other objects of a structural nature which cannot be dismembered and operated by a public utility when required for emergency repair of public service facilities or properties but in respect to night transportation every such vehicle and load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load.

Passed the House February 17, 1976.

Passed the Senate February 13, 1976.

Approved by the Governor February 21, 1976.

Filed in Office of Secretary of State February 21, 1976.

CHAPTER 54

[House Bill No. 1382]

MOTOR VEHICLE LICENSE FEES AND EXCISES—FRACTIONAL PERIODS— FIRST TIME LICENSING

AN ACT Relating to motor vehicle license registration; amending section 46.16.130, chapter 12, Laws of 1961 as amended by section 5, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.130; amending section 82.44.060, chapter 15, Laws of 1961 as last amended by section 14, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.44.060; and providing an effective date.

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

Section 1. Section 46.16.130, chapter 12, Laws of 1961 as amended by section 5, chapter 118, Laws of 1975 1st ex. sess. 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 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 vehicles above described licensed in this state 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 during the third registration quarter, the license fees shall be reduced by one-half thereof; and upon vehicles licensed in this state 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. 2. Section 82.44.060, chapter 15, Laws of 1961 as last amended by section 14, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.44.060 are each amended to read as follows:

The excise tax hereby imposed shall be due and payable to the department of motor vehicles or its agents at the time of registration of a motor vehicle. Whenever an application is made to the department of motor vehicles or its agents for a license for a motor vehicle there shall 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 registration year: PROVIDED, That 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 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))~~ or when the vehicle has ~~((not))~~ been registered in another jurisdiction ~~((in the intervening period))~~ subsequent to any prior registration in this state.

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.

NEW SECTION. Sec. 3. This 1976 amendatory act shall take effect on January 1, 1977.

Passed the House January 31, 1976.

Passed the Senate February 16, 1976.

Approved by the Governor February 21, 1976.

Filed in Office of Secretary of State February 21, 1976.

CHAPTER 55

[House Bill No. 1434]

HIGHWAY ADVERTISING CONTROL—
PROHIBITED SIGNS, REMOVAL—
INFORMATIONAL SIGNS

AN ACT Relating to outdoor advertising; amending section 8, chapter 96, Laws of 1961 as amended by section 10, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.080; and amending section 5, chapter 62, Laws of 1971 as last amended by section 1, chapter 154, Laws of 1974 1st ex. sess. and RCW 47.42.045.

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

Section 1. Section 8, chapter 96, Laws of 1961 as amended by section 10, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.080 are each amended to read as follows:

(1) Any sign erected or maintained contrary to the provisions of this chapter or regulations promulgated hereunder and which is designed to be viewed from the interstate system (~~(or from any part of)~~), the primary system, or the scenic system (~~((which is not a part of the primary system))~~) shall be a public nuisance, and the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall notify the permittee or, if there is no permittee, the owner of the property on which the sign is located, by registered mail at his last known address, that it constitutes a public nuisance and must comply with the chapter or be removed.

(2) If the permittee or owner, as the case may be, shall fail to comply with the chapter or remove any such sign within fifteen days after being notified to remove such sign he shall be guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction an order may be entered compelling removal of the sign. Each day such sign shall be maintained shall constitute a separate offense.

(3) If the permittee or the owner of the property upon which it is located, as the case may be, shall not be found or refuses receipt of the notice, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall post the sign and property upon which it is located with a notice that the sign constitutes a public nuisance and must be removed. If the sign is not removed within fifteen days after such posting, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall abate the nuisance and destroy the sign, and for that purpose may enter upon private property without incurring liability for so doing.

(4) Nothing in this section shall be construed to affect the provisions contained in RCW 47.42.102 requiring the payment of compensation upon the removal of any signs compensable under state law.

Sec. 2. Section 5, chapter 62, Laws of 1971 as last amended by section 1, chapter 154, Laws of 1974 1st ex. sess. and RCW 47.42.045 are each amended to read as follows:

(1) Not more than one type 3 sign visible to traffic proceeding in any one direction on an interstate system, primary system outside an incorporated city or

town or commercial or industrial area, or scenic system highway may be permitted more than fifty feet from the advertised activity;

(2) A type 3 sign, other than one along any portion of the primary system within an incorporated city or town or within any commercial or industrial area, permitted more than fifty feet from the advertised activity pursuant to subsection (1) of this section shall not be erected or maintained a greater distance from the advertised activity than one of the following options selected by the owner of the business being advertised:

(a) One hundred fifty feet measured along the edge of the protected highway from the main entrance to the activity advertised (when applicable);

(b) One hundred fifty feet from the main building of the advertised activity; or

(c) Fifty feet from a regularly used parking lot maintained by and contiguous to the advertised activity.

(3) In addition to signs permitted by subsections (1) and (2) of this section, the commission may adopt regulations permitting one type 3 sign visible to traffic proceeding in any one direction on an interstate, primary or scenic system highway on premises which, on the effective date of this 1976 amendatory act, are used wholly or in part as an operating business, farm, ranch or orchard which sign bears only the name of the business, farm, ranch or orchard and a directional arrow or short directional message. Regulations adopted under this subsection shall prohibit the erection or maintenance of such type 3 signs on narrow strips of land a substantial distance from but connected with a business, farm, ranch or orchard. Signs permitted under this subsection shall not exceed fifty square feet in area.

~~(4)~~⁽³⁾ The commission with advice from the parks and recreation commission shall adopt specifications for a uniform system of official tourist facility directional signs to be used on the scenic system highways. Official directional signs shall be posted by the commission to inform motorists of types of tourist and recreational facilities available off the scenic system which are accessible by way of public or private roads intersecting scenic system highways.

Passed the House February 2, 1976.

Passed the Senate February 13, 1976.

Approved by the Governor February 21, 1976.

Filed in Office of Secretary of State February 21, 1976.

CHAPTER 56

[Substitute House Bill No. 1470]

CIVIL RECOMPENSE AND CLAIMS— MEDICAL MALPRACTICE

AN ACT Relating to civil recompense and claims; amending section 1, chapter 80, Laws of 1971 and RCW 4.16.350; amending section 1, chapter 157, Laws of 1969 ex. sess. as amended by section 1, chapter 114, Laws of 1975 1st ex. sess. and RCW 4.24.240; adding a new section to chapter 4.28 RCW; adding a new section to chapter 4.56 RCW; adding new sections to Title 5 RCW; and creating a new chapter in Title 7 RCW.

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

Section 1. Section 1, chapter 80, Laws of 1971 and RCW 4.16.350 are each amended to read as follows:

Any civil action for damages for injury occurring as a result of health care which is provided after the effective date of this 1976 amendatory act against ((a hospital which is licensed by the state of Washington or against the personnel of any hospital, or against a member of the healing arts including, but not limited to, a physician licensed under chapter 18.71 RCW or chapter 18.57 RCW, chiropractor licensed under chapter 18.25 RCW, a dentist licensed under chapter 18.32 RCW, or a nurse licensed under chapter 18.88 or 18.78 RCW,)):

(1) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;

(2) An employee or agent of a person described in subsection (1) of this section, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or

(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subsection (1) of this section, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his employment, including, in the event such officer, director, employee, or agent is deceased, his estate or personal representative;

based upon alleged professional negligence shall be commenced within (((1) three years from the date of the alleged wrongful act, or (2) one year from the time that plaintiff discovers the injury or condition was caused by the wrongful act, whichever period of time expires last)) three years of the act or omission alleged to have caused the injury or condition, or one year of the time the patient or his representative discovered or reasonably should have discovered that the injury or condition was caused by said act or omission, whichever period expires later, except that in no event shall an action be commenced more than eight years after said act or omission. Any action not commenced in accordance with this section shall be barred: PROVIDED, That the limitations in this section shall not apply to persons under a legal disability as defined in RCW 4.16.190.

NEW SECTION. Sec. 2. There is added to chapter 4.28 RCW a new section to read as follows:

In any civil action for personal injuries, the complaint shall not contain a statement of the damages sought but shall contain a prayer for damages as shall be determined. A defendant in such action may at any time request a statement from the plaintiff setting forth separately the amounts of any special damages and general damages sought. Not later than fifteen days after service of such request to the plaintiff, the plaintiff shall have served the defendant with such statement.

NEW SECTION. Sec. 3. There is added to Title 5 RCW a new section to read as follows:

In any civil action for personal injuries which is based upon alleged professional negligence and which is against:

(1) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;

(2) An employee or agent of a person described in subsection (1) of this section, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or

(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subsection (1) of this section, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his employment, including, in the event such officer, director, employee, or agent is deceased, his estate or personal representative;

evidence of furnishing or offering or promising to pay medical, hospital, or similar expenses occasioned by an injury is not admissible to prove liability for the injury.

Sec. 4. Section 1, chapter 157, Laws of 1969 ex. sess. as amended by section 1, chapter 114, Laws of 1975 1st ex. sess. and RCW 4.24.240 are each amended to read as follows:

~~(1) ((Physicians licensed under chapters 18.71 or 18.57 RCW, dentists licensed under chapter 18.32 RCW, and pharmacists licensed under chapter 18.64 RCW who are members of review committees for medical, dental, or pharmaceutical societies, and licensed hospitals, or committees whose duties require evaluation of credentials and qualifications of physicians, dentists, or pharmacists)):~~

(a) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, including, in the event such person is deceased, his estate or personal representative;

(b) An employee or agent of a person described in subparagraph (a) of this subsection, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or

(c) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subparagraph (a) of this subsection, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, trustee, employee, or agent thereof acting in the course and scope of his employment, including in the event such officer, director, employee, or agent is deceased, his estate or personal representative;

shall be immune from civil action for damages arising out of the good faith performance of their duties on such committees, where such actions are being brought by or on behalf of the person who is being evaluated.

(2) No member, employee, staff person, or investigator of a professional review committee shall be liable in a civil action as a result of acts or omissions made in good faith on behalf of the committee; nor shall any person be so liable for filing

charges with or supplying information or testimony in good faith to any professional review committee; nor shall a member, employee, staff person, or investigator of a professional society, of a professional examining or licensing board, of a professional disciplinary board, of a governing board of any institution, or of any employer of professionals be so liable for good faith acts or omissions made in full or partial reliance on recommendations or decisions of a professional review committee or examining board.

NEW SECTION. Sec. 5. There is added to chapter 4.56 RCW a new section to read as follows:

In any civil action for personal injuries in which a jury verdict awarding damages is made, the court may, if it finds the plaintiff's injuries totally and permanently disable the plaintiff, enter a judgment requiring that a portion of the damages awarded shall be provided in the form of an annuity plan. Similarly, in any civil action or arbitration for personal injuries in which trial is by the court or the dispute is resolved by arbitration and in which the plaintiff prevails, the court or arbitrator may, if it finds the plaintiff's injuries totally and permanently disable the plaintiff enter a judgment or award requiring that a portion of the damages awarded be provided in the form of an annuity plan.

NEW SECTION. Sec. 6. The state of Washington, exercising its police and sovereign power, hereby modifies as set forth in this chapter and in RCW 4.16-.350, as now or hereafter amended, certain substantive and procedural aspects of all civil actions and causes of action, whether based on tort, contract, or otherwise, for damages for injury occurring as a result of health care which is provided after the effective date of this 1976 amendatory act.

NEW SECTION. Sec. 7. As used in this chapter "health care provider" means either:

(1) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;

(2) An employee or agent of a person described in part (1) above, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or

(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in part (1) above, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his employment, including in the event such officer, director, employee, or agent is deceased, his estate or personal representative.

NEW SECTION. Sec. 8. No award shall be made in any action or arbitration for damages for injury occurring as the result of health care which is provided after the effective date of this 1976 amendatory act, unless the plaintiff establishes one or more of the following propositions:

(1) That injury resulted from the failure of a health care provider to follow the accepted standard of care;

(2) That a health care provider promised the patient or his representative that the injury suffered would not occur;

(3) That injury resulted from health care to which the patient or his representative did not consent.

Unless otherwise provided in this chapter, the plaintiff shall have the burden of proving each fact essential to an award by a preponderance of the evidence.

NEW SECTION. Sec. 9. The following shall be necessary elements of proof that injury resulted from the failure of the health care provider to follow the accepted standard of care:

(1) The health care provider failed to exercise that degree of care, skill, and learning expected of a reasonably prudent health care provider in the profession or class to which he belongs, in the State of Washington, acting in the same or similar circumstances;

(2) Such failure was a proximate cause of the injury complained of.

NEW SECTION. Sec. 10. (1) The following shall be necessary elements of proof that injury resulted from health care in a civil negligence case or arbitration involving the issue of the alleged breach of the duty to secure an informed consent by a patient or his representatives against a health care provider:

(a) That the health care provider failed to inform the patient of a material fact or facts relating to the treatment;

(b) That the patient consented to the treatment without being aware of or fully informed of such material fact or facts;

(c) That a reasonably prudent patient under similar circumstances would not have consented to the treatment if informed of such material fact or facts;

(d) That the treatment in question proximately caused injury to the patient.

(2) Under the provisions of this section a fact is defined as or considered to be a material fact, if a reasonably prudent person in the position of the patient or his representative would attach significance to it deciding whether or not to submit to the proposed treatment.

(3) Material facts under the provisions of this section which must be established by expert testimony shall be either:

(a) The nature and character of the treatment proposed and administered;

(b) The anticipated results of the treatment proposed and administered;

(c) The recognized possible alternative forms of treatment; or

(d) The recognized serious possible risks, complications, and anticipated benefits involved in the treatment administered and in the recognized possible alternative forms of treatment, including nontreatment.

(4) If a recognized health care emergency exists and the patient is not legally competent to give an informed consent and/or a person legally authorized to consent on behalf of the patient is not readily available, his consent to required treatment will be implied.

NEW SECTION. Sec. 11. If a patient while legally competent, or his representative if he is not competent, signs a consent form which sets forth the following, the signed consent form shall constitute prima facie evidence that the patient

gave his informed consent to the treatment administered and the patient has the burden of rebutting this by a preponderance of the evidence:

(1) A description, in language the patient could reasonably be expected to understand, of:

- (a) The nature and character of the proposed treatment;
- (b) The anticipated results of the proposed treatment;
- (c) The recognized possible alternative forms of treatment; and
- (d) The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment, including nontreatment;

(2) Or as an alternative, a statement that the patient elects not to be informed of the elements set forth in subsection (1) of this section.

Failure to use a form shall not be admissible as evidence of failure to obtain informed consent.

NEW SECTION. Sec. 12. The court shall, in any action under this chapter, determine the reasonableness of each party's attorneys fees. The court shall take into consideration the following:

- (1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- (2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
- (3) The fee customarily charged in the locality for similar legal services;
- (4) The amount involved and the results obtained;
- (5) The time limitations imposed by the client or by the circumstances;
- (6) The nature and length of the professional relationship with the client;
- (7) The experience, reputation, and ability of the lawyer or lawyers performing the services;
- (8) Whether the fee is fixed or contingent.

NEW SECTION. Sec. 13. Any party may present evidence to the trier of fact that the patient has already been compensated for the injury complained of from any source except the assets of the patient, his representative, or his immediate family, or insurance purchased with such assets. In the event such evidence is admitted, the plaintiff may present evidence of an obligation to repay such compensation. Insurance bargained for or provided on behalf of an employee shall be considered insurance purchased with the assets of the employee. Compensation as used in this section shall mean payment of money or other property to or on behalf of the patient, rendering of services to the patient free of charge to the patient, or indemnification of expenses incurred by or on behalf of the patient. Notwithstanding this section, evidence of compensation by a defendant health care provider may be offered only by that provider.

NEW SECTION. Sec. 14. Sections 6 through 13 of this 1976 amendatory act shall constitute a new chapter in Title 7 RCW.

NEW SECTION. Sec. 15. If any provision of this 1976 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 18, 1976.

Passed the Senate February 13, 1976.

Approved by the Governor February 21, 1976.

Filed in Office of Secretary of State February 21, 1976.

CHAPTER 57

[House Bill No. 1529]

COUNTY OPERATED FERRIES— FISCAL SUPPORT

AN ACT Relating to county operated ferries; amending section 46.68.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 124, Laws of 1973 1st ex. sess. and RCW 46.68.100; amending section 1, chapter 21, Laws of 1975 1st ex. sess. and RCW 47.56.725; and declaring an emergency.

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

Section 1. Section 46.68.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 124, Laws of 1973 1st ex. sess. and RCW 46.68.100 are each amended to read as follows:

From the net tax amount in the motor vehicle fund there shall be paid sums as follows:

(1) There shall be paid to the cities and towns of the state sums equal to ten and forty-four hundredths percent of the net tax amount to be paid monthly as the same accrues;

(2) To the counties of the state there shall be paid sums equal to thirty-two and sixty-one hundredths percent of the net tax amount out of which there shall be paid to the state highway commission those sums as may be appropriated for assistance to county operated ferries, as provided in RCW 47.56.725, at such times as shall be determined by the commission, with the balance of such county share to be paid monthly as the same accrues for distribution in accordance with RCW 46.68.120;

(3) To the state there shall be paid to be expended as provided by RCW 46.68.130, sums equal to fifty-five and five-tenths percent of the net tax amount to be paid monthly as the same accrues.

(4) There shall be paid to the Puget Sound ferry operations account sums equal to one and forty-five hundredths percent of the net tax amount to be paid monthly as the same accrues.

Nothing in this section or in RCW 46.68.090 or 46.68.130 shall be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuels.

Sec. 2. Section 1, chapter 21, Laws of 1975 1st ex. sess. and RCW 47.56.725 are each amended 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))~~ each such continuing agreement a provision to reimburse ~~((Pierce, Skagit, and Whatcom counties each))~~ the county for fifty percent of the deficit incurred during each previous fiscal year in the operation and maintenance of the ferry system ~~((s))~~ owned and operated by such ~~((counties))~~ county, commencing with the fiscal year ending June 30, 1976: PROVIDED, That ~~((the tolls of each county ferry system existing as of May 6, 1975 shall not be decreased))~~ each county agreement shall contain a requirement that the county shall maintain tolls on its ferries at levels sufficient to produce aggregate annual revenues at least equal to the annual revenue of the county's ferry system in calendar year 1975.

(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. 3. This 1976 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. 3. was vetoed, see message at end of chapter.

Passed the House February 5, 1976.

Passed the Senate February 16, 1976.

Approved by the Governor February 21, 1976 with the exception of section 3 which is vetoed.

Filed in Office of Secretary of State February 21, 1976.

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

"I am returning herewith without my approval as to one section House Bill No. 1529 entitled:

"AN ACT Relating to county operated ferries."

This bill makes various changes to clarify the existing law on the distribution of the county share of motor vehicle fund monies for the operation of ferries and on the level of ferry toll rates.

Section 3 of the bill declares an emergency and provides for the act to take effect immediately. I have on several recent occasions 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 raise the same objection again with respect to this bill.

I am advised by the prime sponsor of the bill that there will be no adverse consequences if the bill does not go into effect until the usual 90 days after adjournment of the session sine die.

With the exception of section 3 which I have vetoed, the remainder of House Bill No. 1529 is approved."

CHAPTER 58

[Second Substitute House Bill No. 721]
COUNTIES—SOLID WASTE DISPOSAL,
PROCESSING, AND CONVERSION

AN ACT Relating to local government; adding new sections to chapter 36.58 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 36.58 RCW a new section to read as follows:

As used in this act, the term "transfer station" means a staffed, fixed supplemental facility used by persons and route collection vehicles to deposit solid wastes into transfer trailers for transportation to a disposal site. This does not include detachable containers.

NEW SECTION. Sec. 2. There is added to chapter 36.58 RCW a new section to read as follows:

The legislative authority of each county may by ordinance provide for the establishment of a system of solid waste disposal for all the unincorporated areas of the county or for portions thereof. Each county may designate disposal sites for all solid waste collected in the unincorporated areas pursuant to the provisions of a comprehensive solid waste plan adopted pursuant to chapter 70.95 RCW: PROVIDED, That for any solid waste collected by a private hauler operating pursuant to a certificate granted by the Washington utilities and transportation commission under the provisions of chapter 81.77 RCW and which certificate is for collection in a geographic area lying in more than one county, such designation of disposal sites shall be pursuant to an interlocal agreement between the involved counties.

Such systems may also provide for the processing and conversion of solid wastes into other valuable or useful products with full jurisdiction and authority to manage, regulate, maintain, operate, and control such system and plants, and to enter into agreements providing for the maintenance and operation of systems and plants for the processing and conversion of solid wastes and for the sale of said products.

Nothing in this section shall be construed to authorize the operation of a solid waste collection system by counties.

NEW SECTION. Sec. 3. There is added to chapter 36.58 RCW a new section to read as follows:

When a comprehensive solid waste plan, as provided in RCW 70.95.080, incorporates the use of transfer stations, such stations shall be considered part of the disposal site and as such, along with the transportation of solid wastes between disposal sites, shall be exempt from regulation by the Washington utilities and transportation commission as provided in chapter 81.77 RCW.

Each county may enter into contracts for the hauling of trailers of solid wastes from these transfer stations to disposal sites and return either by (1) the normal

bidding process, or (2) negotiation with the qualified collection company servicing the area under authority of chapter 81.77 RCW.

NEW SECTION. Sec. 4. There is added to chapter 36.58 RCW a new section to read as follows:

Ownership of solid wastes shall be vested in the person or local jurisdiction managing disposal and/or resource recovery facilities upon the arrival of said solid wastes at said facility: **PROVIDED**, That the original owner retains ownership of the solid wastes until they arrive at the disposal site or transfer station or detachable container, and the original owner has the right of recovery to any valuable items inadvertently discarded: **PROVIDED FURTHER**, That the person or agency providing the collection service shall be responsible for the proper handling of the solid wastes from the point of collection to the disposal or recovery facility.

NEW SECTION. Sec. 5. This 1976 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 19, 1976.

Passed the Senate February 17, 1976.

Approved by the Governor February 27, 1976.

Filed in Office of Secretary of State February 27, 1976.

CHAPTER 59

[House Bill No. 739]

UNCLAIMED PROPERTY—TRAVELERS CHECKS

AN ACT Relating to unclaimed property; amending section 2, chapter 385, Laws of 1955 and RCW 63.28.080.

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

Section 1. Section 2, chapter 385, Laws of 1955 and RCW 63.28.080 are each amended to read as follows:

The following property held or owing by a banking or financial organization or business association is presumed abandoned:

(1) Any demand, savings, or matured time deposit made in this state with a banking organization, together with any interest or dividend which has accrued thereon, excluding any charges that may lawfully be withheld, unless the owner has, within twelve years:

(a) Increased or decreased the amount of the deposit, or presented the pass-book or other similar evidence of the deposit for the crediting of interest; or

(b) Corresponded in writing with the banking organization concerning the deposit; or

(c) Otherwise indicated an interest in the deposit as evidenced by a memorandum on file with the banking organization.

(2) Any funds paid in this state toward the purchase of shares or other interest in a financial organization or any deposit made therewith in this state, and any interest or dividend which has accrued thereon, excluding any charges that may lawfully be withheld, unless the owner has within twelve years:

(a) Increased or decreased the amount of the funds or deposit, or presented an appropriate record for the crediting of interest or dividends; or

(b) Corresponded in writing with the financial organization concerning the funds or deposit; or

(c) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the financial organization.

(3) Any sum payable on checks certified in this state or on written instruments issued in this state on which a banking or financial organization or business association is directly liable, including, by way of illustration but not of limitation, certificates of deposit, drafts, and traveler's checks, that, with the exception of traveler's checks, has been outstanding for more than twelve years from the date it was payable, or from the date of its issuance if payable on demand, or, in the case of traveler's checks, that has been outstanding for more than fifteen years from the date of issuance, unless the owner has within twelve years, or within fifteen years in the case of traveler's checks, corresponded in writing with the banking or financial organization or business association concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization.

Passed the House January 31, 1976.

Passed the Senate February 13, 1976.

Approved by the Governor February 27, 1976.

Filed in Office of Secretary of State February 27, 1976.

CHAPTER 60

[House Bill No. 1244]

CORNEAL TRANSPLANTATION

AN ACT Relating to human remains; adding new sections to chapter 68.08 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 68.08 RCW a new section to read as follows:

In any case where a patient is in need of corneal tissue for a transplantation, the county coroner, or county medical examiner or designee, may provide corneal tissue, from decedents under his/her jurisdiction, upon the request of an eye bank approved and authorized to make such requests by the secretary of the department of social and health services, subject to the following conditions:

(1) Ready identification of the decedent is impossible, or

(2) A reasonable effort to obtain such consent as is required under RCW 68.08.510 is made, within the time period during which corneal tissue is a viable transplant, and no objection by the next of kin is known, and

(3) Removal of the cornea for transplantation will not interfere with the subsequent course of an investigation or autopsy or alter the post mortem facial appearance of the decedent.

NEW SECTION. Sec. 2. There is added to chapter 68.08 RCW a new section to read as follows:

In any subsequent civil action in which the next of kin of a decedent contends that he/she affirmatively informed the county coroner or medical examiner or designee of his/her objection to removal of corneal tissue from the decedent, it shall be presumed that the county coroner or medical examiner acted in good faith and without knowledge of the objection.

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 January 26, 1976.

Passed the Senate February 13, 1976.

Approved by the Governor February 27, 1976.

Filed in Office of Secretary of State February 27, 1976.

CHAPTER 61

[House Bill No. 971]

LEASEHOLD EXCISE TAX

AN ACT Relating to revenue and taxation; amending section 84.40.175, chapter 15, Laws of 1961 and RCW 84.40.175; adding a new section to chapter 15, Laws of 1961 and to chapter 84.36 RCW; adding a new chapter to chapter 15, Laws of 1961 and to Title 82 RCW; repealing section 2, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.010; repealing section 3, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.020; repealing section 4, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.030; repealing section 5, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.040; repealing section 6, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.050; repealing section 7, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.060; repealing section 8, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.070; repealing section 9, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.080; repealing section 10, chapter 198, Laws of 1973 1st ex. sess. and RCW 82.29.090; repealing section 11, chapter 198, Laws of 1973 1st ex. sess. and RCW 84.36.450; repealing section 14, chapter 187, Laws of 1973 1st ex. sess. and RCW 84.36.455; repealing section 15, chapter 187, Laws of 1973 1st ex. sess. and RCW 84.36.460; prescribing effective dates; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature hereby recognizes that properties of the state of Washington, counties, school districts, and other municipal corporations are exempted by Article 7, section 1 of the state Constitution from property tax obligations, but that private lessees of such public properties receive substantial benefits from governmental services provided by units of government.

The legislature further recognizes that a uniform method of taxation should apply to such leasehold interests in publicly owned property.

The legislature finds that lessees of publicly owned property are entitled to those same governmental services and does hereby provide for a leasehold excise tax to fairly compensate governmental units for services rendered to such lessees of publicly owned property.

NEW SECTION. Sec. 2. As used in this chapter the following terms shall be defined as follows, unless the context otherwise requires:

(1) "Leasehold interest" shall mean an interest in publicly owned real or personal property which exists by virtue of any lease, permit, license, or any other agreement, written or verbal, between the public owner of the property and a person who would not be exempt from property taxes if that person owned the

property in fee, granting possession and use, to a degree less than fee simple ownership: PROVIDED, That no interest in personal property (excluding land or buildings) which is owned by the United States, whether or not as trustee, or by any foreign government shall constitute a leasehold interest hereunder when the right to use such property is granted pursuant to a contract solely for the manufacture or production of articles for sale to the United States or any foreign government. The term "leasehold interest" shall not include road or utility easements or rights of access, occupancy or use granted solely for the purpose of removing materials or products purchased from a public owner or the lessee of a public owner.

(2) "Taxable rent" shall mean contract rent as defined in subsection (a) of this subsection in all cases where the lease or agreement has been established or renegotiated through competitive bidding, or negotiated or renegotiated in accordance with statutory requirements regarding the rent payable, or negotiated or renegotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor: PROVIDED, That after January 1, 1986, with respect to any lease which has been in effect for ten years or more without renegotiation, taxable rent may be established by procedures set forth in subsection (b) of this subsection. All other leasehold interests shall be subject to the determination of taxable rent under the terms of subsection (b) of this subsection.

(a) "Contract rent" shall mean the amount of consideration due as payment for a leasehold interest, including: The total of cash payments made to the lessor or to another party for the benefit of the lessor according to the requirements of the lease or agreement; expenditures for the protection of the lessor's interest when required by the terms of the lease or agreement; and expenditures for improvements to the property to the extent that such improvements become the property of the lessor. Where the consideration conveyed for the leasehold interest is made in combination with payment for concession or other rights granted by the lessor, only that portion of such payment which represents consideration for the leasehold interest shall be part of contract rent.

"Contract rent" shall not include: (i) Expenditures made by the lessee, which under the terms of the lease or agreement, are to be reimbursed by the lessor to the lessee; (ii) expenditures made by the lessee for the replacement or repair of facilities due to fire or other casualty or for alterations or additions made necessary by an action of government taken after the date of the execution of the lease or agreement; (iii) improvements added to publicly owned property by a sublessee under an agreement executed prior to January 1, 1976, which have been taxed as personal property of the sublessee prior to January 1, 1976, or improvements made by a sublessee of the same lessee under a similar agreement executed prior to January 1, 1976, and such improvements shall be taxable to the sublessee as personal property; (iv) improvements added to publicly owned property if such improvements are being taxed as personal property to any person.

Any prepaid contract rent shall be considered to have been paid in the year due and not in the year actually paid with respect to prepayment for a period of more than one year. Expenditures for improvements with a useful life of more

than one year which are included as part of contract rent shall be treated as pre-paid contract rent and prorated over the useful life of the improvement or the remaining term of the lease or agreement if the useful life is in excess of the remaining term of the lease or agreement. Rent prepaid prior to January 1, 1976, shall be prorated from the date of prepayment.

With respect to a "product lease", the value of agricultural products received as rent shall be the value at the place of delivery as of the fifteenth day of the month of delivery; with respect to all other products received as contract rent, the value shall be that value determined at the time of sale under terms of the lease.

(b) If it shall be determined by the department of revenue, upon examination of a lessee's accounts or those of a lessor of publicly owned property, that a lessee is occupying or using publicly owned property in such a manner as to create a leasehold interest and that such leasehold interest has not been established through competitive bidding, or negotiated in accordance with statutory requirements regarding the rent payable, or negotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor, the department may establish a taxable rent computation for use in determining the tax payable under authority granted in this chapter based upon the following criteria: (i) Consideration shall be given to rental being paid to other lessors by lessees of similar property for similar purposes over similar periods of time; (ii) consideration shall be given to what would be considered a fair rate of return on the market value of the property leased less reasonable deductions for any restrictions on use, special operating requirements or provisions for concurrent use by the lessor, another person or the general public.

(3) "Product lease" as used in this chapter shall mean a lease of property for use in the production of agricultural or marine products to the extent that such lease provides for the contract rent to be paid by the delivery of a stated percentage of the production of such agricultural or marine products to the credit of the lessor or the payment to the lessor of a stated percentage of the proceeds from the sale of such products.

(4) "Renegotiated" means a change in the lease agreement which changes the agreed time of possession, restrictions on use, the rate of the cash rental or of any other consideration payable by the lessee to or for the benefit of the lessor, other than any such change required by the terms of the lease or agreement. In addition "renegotiated" shall mean a continuation of possession by the lessee beyond the date when, under the terms of the lease agreement, the lessee had the right to vacate the premises without any further liability to the lessor.

(5) "City" means any city or town.

NEW SECTION. Sec. 3. There is hereby levied and shall be collected a leasehold excise tax on the act or privilege of occupying or using publicly owned real or personal property through a leasehold interest on and after January 1, 1976, at a rate of twelve percent of taxable rent: **PROVIDED,** That after the computation of the tax there shall be allowed credit for any tax collected pursuant to section 4 of this 1976 amendatory act.

NEW SECTION. Sec. 4. The legislative body of any county or city is hereby authorized to levy and collect a leasehold excise tax on the act or privilege of occupying or using publicly owned real or personal property through a leasehold

interest in publicly owned property within the territorial limits of such county or city. The tax levied by a county under authority of this section shall not exceed six percent and the tax levied by a city shall not exceed four percent of taxable rent: PROVIDED, That any county ordinance levying such tax shall contain a provision allowing a credit against the county tax for the full amount of any city tax imposed upon the same taxable event.

The department of revenue shall perform the collection of such taxes on behalf of such county or city.

NEW SECTION. Sec. 5. (1) The leasehold excise taxes provided for in sections 3 and 4 of this 1976 amendatory act shall be paid by the lessee to the lessor and the lessor shall collect such tax and remit the same to the department of revenue. The tax shall be payable at the same time as payments are due to the lessor for use of the property from which the leasehold interest arises, and in the case of payment of contract rent to a person other than the lessor, at the time of payment. The tax payment shall be accompanied by such information as the department of revenue may require. In the case of prepaid contract rent the payment may be prorated in accordance with instructions of the department of revenue and the prorated portion of the tax shall be due, one-half not later than May 31 and the other half not later than November 30 each year.

(2) The lessor receiving taxes payable under the provisions of this chapter shall remit the same together with a return provided by the department, to the department of revenue on or before the fifteenth day of the month following the month in which the tax is collected. The department may 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 lessor shall be fully liable for collection and remittance of the tax. The amount of tax until paid by the lessee to the lessor shall constitute a debt from the lessee to the lessor. The tax required by this chapter shall be stated separately from contract rent, and if not so separately stated for purposes of determining the tax due from the lessee to the lessor and from the lessor to the department, the contract rent does not include the tax imposed by this chapter. Where a lessee has failed to pay to the lessor the tax imposed by this chapter and the lessor has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the lessee for collection of the tax: PROVIDED, That taxes due where contract rent has not been paid shall be reported by the lessor to the department and the lessee alone shall be liable for payment of the tax to the department.

(3) Each person having a leasehold interest subject to the tax provided for in this chapter arising out of a lease of federally owned or federal trust lands shall report and remit the tax due directly to the department of revenue in the same manner and at the same time as the lessor would be required to report and remit the tax if such lessor were a state public entity.

NEW SECTION. Sec. 6. All administrative provisions in chapters 82.02 and 82.32 RCW, as now or hereafter amended shall be applicable to taxes imposed pursuant to this chapter: PROVIDED, That this section shall not authorize the issuance of any levy upon any property owned by the public lessor.

In selecting leasehold excise tax returns for audit the department of revenue shall give priority to any return an audit of which is specifically requested in writing by the county assessor or treasurer or other chief financial officer of any city or county affected by such return. Notwithstanding the provisions of RCW 82.32-.330, findings of fact and determinations of the amount of taxable rent made pursuant to the provisions of this chapter shall be open to public inspection at all reasonable times.

NEW SECTION. Sec. 7. All moneys received by the department of revenue from taxes levied under provisions of section 3 of this 1976 amendatory act shall be transmitted to the state treasurer and deposited in the general fund.

NEW SECTION. Sec. 8. The counties and cities shall contract, prior to the effective date of an ordinance imposing a leasehold excise tax, with the department of revenue for administration and collection. The department of revenue shall deduct a percentage amount, as provided by such contract, not to exceed two percent of the taxes collected, for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by section 4 of this 1976 amendatory act which is collected by the department of revenue shall be deposited by the state department of revenue in a special fund under the custody of the state treasurer to be known as the local leasehold excise tax revolving fund.

NEW SECTION. Sec. 9. Bimonthly the state treasurer shall make distribution from the local leasehold excise tax revolving fund to the counties and cities the amount of tax collected on behalf of each county or city.

NEW SECTION. Sec. 10. Any moneys received by a county from the leasehold excise tax provided for under section 4 of this 1976 amendatory act shall be distributed proportionately by the county treasurer in accordance with RCW 84-.56.230 as though such moneys were receipts from regular ad valorem property tax levies within such county: PROVIDED, That no distribution shall be made to the state or any city: AND PROVIDED FURTHER, That the pro rata calculation for proportionate distribution to taxing districts shall not include consideration of any rate(s) of levy by the state or any city.

NEW SECTION. Sec. 11. It is the intent of this chapter that any local leasehold excise tax adopted pursuant to this chapter be as consistent and uniform as possible with the state leasehold excise tax. It is further the intent of this chapter that the local leasehold excise tax shall be imposed upon an individual taxable event simultaneously with the imposition of the state leasehold excise tax upon the same taxable event. The department shall, as soon as practicable, and with the assistance of the appropriate associations of county prosecutors and city attorneys, draft a model ordinance.

NEW SECTION. Sec. 12. After computation of the taxes imposed pursuant to sections 3 and 4 of this 1976 amendatory act there shall be allowed the following credits in determining the tax payable:

(1) With respect to a leasehold interest arising out of any lease or agreement, the terms of which were binding on the lessee prior to July 1, 1970, where such lease or agreement has not been renegotiated since that date, and excluding from such credit (a) any leasehold interest arising out of any lease of property covered

by the provisions of RCW 28B.20.394 and (b) any lease or agreement including options to renew which extends beyond January 1, 1985, as follows:

With respect to taxes due in calendar year 1976, a credit equal to eighty percent of the tax otherwise due.

With respect to taxes due in calendar year 1977, a credit equal to sixty percent of the tax otherwise due.

With respect to taxes due in calendar year 1978, a credit equal to forty percent of the tax otherwise due.

With respect to taxes due in calendar year 1979, a credit equal to twenty percent of the tax otherwise due.

(2) With respect to a product lease, a credit of thirty-three percent of the tax otherwise due.

NEW SECTION. Sec. 13. The following leasehold interests shall be exempt from taxes imposed pursuant to sections 3 and 4 of this 1976 amendatory act:

(1) All leasehold interests constituting a part of the operating properties of any public utility which is assessed and taxed as a public utility pursuant to chapter 84.12 RCW.

(2) All leasehold interests in facilities owned or used by a school, college or university which leasehold provides housing for students and which is otherwise exempt from taxation under provisions of RCW 84.36.010 and 84.36.050.

(3) All leasehold interests of subsidized housing where the fee ownership of such property is vested in the government of the United States, or the state of Washington or any political subdivision thereof but only if income qualification exists for such housing.

(4) All leasehold interests used for fair purposes 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 where the fee ownership of such property is vested in the government of the United States, the state of Washington or any of its political subdivisions: PROVIDED, That this exemption shall not apply to the leasehold interest of any sublessee of such nonprofit fair association if such leasehold interest would be taxable if it were the primary lease.

(5) All leasehold interests in any property of any public entity used as a residence by an employee of that public entity who is required as a condition of employment to live in the publicly owned property.

(6) All leasehold interests held by enrolled Indians of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States and which are not subleased to other than to a lessee which would qualify pursuant to this 1976 amendatory act.

(7) All leasehold interests in any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States: PROVIDED, That this exemption shall apply only where it is determined that contract rent paid is greater than or equal to ninety percent of fair market rental, to be determined by the department of revenue using the same criteria used to establish taxable rent in section 2 subsection (2)(b) of this 1976 amendatory act.

(8) All leasehold interests for which annual taxable rent is less than two hundred fifty dollars per year. For purposes of this subsection leasehold interests held by the same lessee in contiguous properties owned by the same lessor shall be deemed a single leasehold interest.

(9) All leasehold interests which give use or possession of the leased property for a continuous period of less than thirty days: PROVIDED, That for purposes of this subsection, successive leases or lease renewals giving substantially continuous use of possession of the same property to the same lessee shall be deemed a single leasehold interest: PROVIDED FURTHER, That no leasehold interest shall be deemed to give use or possession for a period of less than thirty days solely by virtue of the reservation by the public lessor of the right to use the property or to allow third parties to use the property on an occasional, temporary basis.

(10) All leasehold interests under month-to-month leases in residential units rented for residential purposes of the lessee pending destruction or removal for the purpose of constructing a public highway or building.

(11) All leasehold interests in any publicly owned real or personal property to the extent such leasehold interests arises solely by virtue of a contract for public improvements or work executed under the public works statutes of this state or of the United States between the public owner of the property and a contractor.

NEW SECTION. Sec. 14. 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:

Any and all rights to occupy or use any real or personal property owned in fee or held in trust by the United States, the state of Washington, or any political subdivision or municipal corporation of the state of Washington, including any leasehold interest arising from such property as defined in section 2 of this 1976 amendatory act: PROVIDED, That this exemption shall not apply to any such leasehold interests which are a part of operating properties of public utilities subject to assessment under chapter 84.12 RCW nor be construed to modify the provisions of RCW 84.40.230.

Sec. 15. Section 84.40.175, chapter 15, Laws of 1961 and RCW 84.40.175 are each amended to read as follows:

At the time of making the assessment of real property, the assessor shall enter each description of property exempt under the provisions of RCW 84.36.005 through 84.36.060, and value and list the same in the manner and subject to the same rule as he is required to assess all other property, designating in each case to whom such property belongs, and for what purpose used, to entitle it to exemption, and he shall require from every person claiming such exemption proof of the right to such exemption: PROVIDED, That with respect to publicly owned property exempt from taxation under provisions of RCW 84.36.010, the assessor shall value only such property as is leased to or occupied by a private person under an agreement allowing such person to occupy or use such property for a private purpose when a request for such valuation is received from the department of revenue for use in an audit of the taxable rent as provided for in section 2(2)(b) of this

1976 amendatory act: PROVIDED FURTHER, That this section shall not prohibit any assessor from valuing any public property leased to or occupied by a private person for private purposes.

NEW SECTION. Sec. 16. 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 1976 amendatory act as shall be necessary to permit its effective administration including procedures for collection and remittance of taxes imposed by this chapter, and for intervention by the cities and counties levying under section 4 of this 1976 amendatory act, in proceedings involving such levies and taxes collected pursuant thereto.

NEW SECTION. Sec. 17. All assessments or levies of property taxes for collection in calendar year 1976 are hereby canceled with respect to values arising out of property exempted by section 14 of this 1976 amendatory act.

NEW SECTION. Sec. 18. Notwithstanding any other provision of this 1976 amendatory act, improvements owned or being acquired by contract purchase or otherwise by any lessee or sublessee which are not defined as contract rent shall be taxable to such lessee or sublessee under Title 84 RCW.

NEW SECTION. Sec. 19. Sections 1 through 13, and 16 through 18 of this 1976 amendatory act are each added to chapter 15, Laws of 1961 and to Title 82 RCW and shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 20. The following acts or parts of acts are each hereby repealed:

- (1) Section 2, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.010;
- (2) Section 3, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.020;
- (3) Section 4, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.030;
- (4) Section 5, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.040;
- (5) Section 6, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.050;
- (6) Section 7, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.060;
- (7) Section 8, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.070;
- (8) Section 9, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.080;
- (9) Section 10, chapter 187, Laws of 1973 1st ex. sess. and RCW 82.29.090;
- (10) Section 11, chapter 187, Laws of 1973 1st ex. sess. and RCW 84.36.450;
- (11) Section 14, chapter 187, Laws of 1973 1st ex. sess. and RCW 84.36.455;

and

- (12) Section 15, chapter 187, Laws of 1973 1st ex. sess. and RCW 84.36.460.

NEW SECTION. Sec. 21. There is hereby appropriated to the department of revenue one hundred and thirty-five thousand dollars from the general fund to administer the provisions of this 1976 amendatory act for the biennium ending June 30, 1977.

NEW SECTION. Sec. 22. This 1976 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 in the event the cancellation of assessments or levies of property taxes for collection in calendar year 1976 as provided for in section 17 of

this 1976 amendatory act is declared null and void, then the effective date of this 1976 amendatory act shall be January 1, 1977.

NEW SECTION. Sec. 23. If any provision of this 1976 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 27, 1976.
 Passed the Senate February 13, 1976.
 Approved by the Governor March 1, 1976.
 Filed in Office of Secretary of State March 1, 1976.

CHAPTER 62

[Substitute House Bill No. 769]

LIQUOR CONTROL—DEALER SERVICES— WINERY WHOLESALING—CONVENTION HOSPITALITY PERMITS

AN ACT Relating to alcoholic beverage control; and amending section 14, chapter 21, Laws of 1969 ex. sess. as last amended by section 7, chapter 173, Laws of 1975 1st ex. sess. and RCW 66.28.025: and amending section 12, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 111, Laws of 1959 and RCW 66.20.010.

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

Section 1. Section 14, chapter 21, Laws of 1969 ex. sess. as last amended by section 7, chapter 173, Laws of 1975 1st 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 pursuant to rules promulgated by the board, in accordance with chapter 34.04 RCW, manufacturers, wholesalers and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stock room inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; and perform such similar normal business services as the board may by regulation prescribe.

PROVIDED FURTHER, That the provisions of this section shall not 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 as of 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: AND PROVIDED FURTHER, That nothing in this section shall prohibit a domestic winery from being licensed as a wine wholesaler to wholesale wines of their own production if such production is seventy-five thousand gallons or less per year, based upon the winery's reports for the previous fiscal year.

Sec. 2. Section 12, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 111, Laws of 1959 and RCW 66.20.010 are each amended to read as follows:

Upon application in the prescribed form being made to any employee authorized by the board to issue permits, accompanied by payment of the prescribed fee, and upon the employee being satisfied that the applicant should be granted a permit under this title, the employee shall issue to the applicant under such regulations and at such fee as may be prescribed by the board a permit of the class applied for, as follows:

(1) Where the application is for a special permit by a physician or dentist, or by any person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, a special liquor purchase permit;

(2) Where the application is for a special permit by a person engaged within the state in mechanical or manufacturing business or in scientific pursuits requiring alcohol for use therein, or by any private individual, a special permit to purchase alcohol for the purpose named in the permit;

(3) Where the application is for a special permit to consume liquor at a banquet, at a specified date and place, a special permit to purchase liquor for consumption at such banquet, to such applicants as may be fixed by the board;

(4) Where the application is for a special permit by a manufacturer to import alcohol, malt, and other materials containing alcohol to be used in the manufacture of liquor, or other products, a special import permit;

(5) Where the application is for a special permit by a person operating a drug store to purchase liquor at retail prices only, to be thereafter sold by such person on the prescription of a physician, a special liquor purchase permit;

(6) Where the application is for a special permit by an authorized representative of a military installation operated by or for any of the armed forces within the geographical boundaries of the state of Washington, a special permit to purchase liquor for use on such military installation at prices to be fixed by the board;

(7) Where the application is for a special permit by a manufacturer, importer, wholesaler, or agent thereof, to serve liquor without charge to delegates and guests at a convention of a trade association composed of licensees of the board, when the said liquor is served in a hospitality room or from a booth in a board-approved suppliers' display room at the convention, and when the liquor so served is for consumption in the said hospitality room or display room during the convention, anything in Title 66 RCW to the contrary notwithstanding. Any such spirituous liquor shall be purchased from the board or a class H licensee and any such

beer and wine shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210;

(8) Where the application is for a special permit by a manufacturer, importer, wholesaler, or agent thereof, to donate liquor for a reception, breakfast, luncheon, or dinner for delegates and guests at a convention of a trade association composed of licensees of the board, when the liquor so donated is for consumption at the said reception, breakfast, luncheon, or dinner during the convention, anything in Title 66 RCW to the contrary notwithstanding. Any such spirituous liquor shall be purchased from the board or a class H licensee and any such beer and wine shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210.

Passed the House February 23, 1976.

Passed the Senate February 13, 1976.

Approved by the Governor March 1, 1976.

Filed in Office of Secretary of State March 1, 1976.

CHAPTER 63

[Senate Bill No. 2440]

BOARD OF PRISON TERMS AND PAROLES— CONCURRENCE, MAJORITY REQUIREMENTS

AN ACT Relating to prison terms, paroles, and probation; amending section 3, chapter 32, Laws of 1959 and RCW 9.95.007; and amending section 5, chapter 133, Laws of 1955 as amended by section 2, chapter 138, Laws of 1961 and RCW 9.95.040.

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

Section 1. Section 3, chapter 32, Laws of 1959 and RCW 9.95.007 are each amended to read as follows:

The board of prison terms and paroles may meet and transact business in panels. Each board panel shall consist of at least two members of the board. In all matters concerning the internal affairs of the board and policy making decisions, a majority of the full board must concur in such matters. The chairman of the board with the consent of a majority of the board may designate any two members to exercise all the powers and duties of the board in connection with any hearing before the board. If the two members so designated cannot unanimously agree as to the disposition of the hearing assigned to them, such hearing shall not be reheard by the full board. All actions of the full board shall be by concurrence of ~~((not less than three))~~ a majority of the board members.

Sec. 2. Section 5, chapter 133, Laws of 1955 as amended by section 2, chapter 138, Laws of 1961 and RCW 9.95.040 are each amended to read as follows:

Within six months after the admission of a convicted person to the penitentiary, reformatory, or such other state penal institution as may hereafter be established, the board of prison terms and paroles shall fix the duration of his confinement. The term of imprisonment so fixed shall not exceed the maximum provided by law for the offense of which he was convicted or the maximum fixed by the court where the law does not provide for a maximum term.

The following limitations are placed on the board of prison terms and paroles with regard to fixing the duration of confinement in certain cases, notwithstanding any provisions of law specifying a lesser sentence, to wit:

(1) For a person not previously convicted of a felony but armed with a deadly weapon at the time of the commission of his offense, the duration of confinement shall not be fixed at less than five years.

(2) For a person previously convicted of a felony either in this state or elsewhere and who was armed with a deadly weapon at the time of the commission of his offense, the duration of confinement shall not be fixed at less than seven and one-half years.

The words "deadly weapon," as used in this section include, but are not limited to, any instrument known as a blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a blade longer than three inches, any razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club, any explosive, and any weapon containing poisonous or injurious gas.

(3) For a person convicted of being an habitual criminal within the meaning of the statute which provides for mandatory life imprisonment for such habitual criminals, the duration of confinement shall not be fixed at less than fifteen years. The board shall retain jurisdiction over such convicted person throughout his natural life unless the governor by appropriate executive action orders otherwise.

(4) Any person convicted of embezzling funds from any institution of public deposit of which he was an officer or stockholder, the duration of confinement shall be fixed at not less than five years.

Except when an inmate of the reformatory, penitentiary or such other penal institution as may hereafter be established, has been convicted of murder in the first or second degree, the board may parole an inmate prior to the expiration of a mandatory minimum term, provided such inmate has demonstrated a meritorious effort in rehabilitation and at least ~~((four))~~ two-thirds of the board members concur in such action: PROVIDED, That any inmate who has a mandatory minimum term and is paroled prior to the expiration of such term according to the provisions of this chapter shall not receive a conditional release from supervision while on parole until after the mandatory minimum term has expired.

Passed the Senate February 5, 1976.

Passed the House February 23, 1976.

Approved by the Governor March 2, 1976.

Filed in Office of Secretary of State March 2, 1976.

CHAPTER 64

[Engrossed Senate Bill No. 3070]

MOTOR VEHICLES—SIZE, WEIGHT, LOAD—LICENSES AND PERMITS—FEES

AN ACT Relating to motor vehicles; amending section 46.16.070, chapter 12, Laws of 1961 as last amended by section 54, chapter 281, Laws of 1969 ex. sess. and RCW 46.16.070; amending section 15, chapter 170, Laws of 1969 ex. sess. as amended by section 4, chapter 150, Laws of 1973 1st ex. sess. and RCW 46.16.115; amending section 46.16.135, chapter 12, Laws of 1961 as last amended by section 6, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.135; amending section 46.16.137, chapter 12, Laws of 1961 as last amended by section 7, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.137; amending section 46.16.145, chapter 12, Laws of 1961 and RCW 46.16.145; amending section 46.16.160, chapter 12, Laws of 1961 as last amended by section 8, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.160; amending section 46.44.020, chapter

12, Laws of 1961 as last amended by section 1, chapter 248, Laws of 1971 ex. sess. and RCW 46-44.020; amending section 46.44.036, chapter 12, Laws of 1961 and RCW 46.44.036; amending section 46.44.037, chapter 12, Laws of 1961 as last amended by section 37, chapter 170, Laws of 1965 ex. sess. and RCW 46.44.037; amending section 46.44.042, chapter 12, Laws of 1961 and RCW 46.44.042; amending section 46.44.047, chapter 12, Laws of 1961 as last amended by section 2, chapter 150, Laws of 1973 1st ex. sess. and RCW 46.44.047; amending section 46.44.050, chapter 12, Laws of 1961 and RCW 46.44.050; amending section 46.44.090, chapter 12, Laws of 1961 and RCW 46.44.090; amending section 46.44.091, chapter 12, Laws of 1961 as last amended by section 1, chapter 168, Laws of 1975 1st ex. sess. and RCW 46.44.091; amending section 46.44.092, chapter 12, Laws of 1961 as last amended by section 1, chapter 9, Laws of 1970 ex. sess. and RCW 46.44.092; amending section 2, chapter 137, Laws of 1965 as last amended by section 2, chapter 168, Laws of 1975 1st ex. sess. and RCW 46.44.094; amending section 46.44.095, chapter 12, Laws of 1961 as last amended by section 1, chapter 76, Laws of 1974 ex. sess. and RCW 46-44.095; amending section 46.44.096, chapter 12, Laws of 1961 as last amended by section 4, chapter 248, Laws of 1971 ex. sess. and RCW 46.44.096; amending section 1, chapter 38, Laws of 1965 and RCW 46.44.098; amending section 1, chapter 1, Laws of 1973 1st ex. sess. as amended by section 3, chapter 168, Laws of 1975 1st ex. sess. and RCW 46.44.130; amending section 1, chapter 196, Laws of 1975 1st ex. sess. and RCW 46.44.160; adding new sections to chapter 12, Laws of 1961 and to chapter 46.44 RCW; repealing section 46.16.100, chapter 12, Laws of 1961, section 5, chapter 170, Laws of 1969 ex. sess., section 10, chapter 231, Laws of 1971 ex. sess., section 18, chapter 25, Laws of 1975 and RCW 46.16.100; repealing section 46.44.040, chapter 12, Laws of 1961, section 1, chapter 244, Laws of 1971 ex. sess., section 1, chapter 150, Laws of 1973 1st ex. sess., section 1, chapter 86, Laws of 1974 ex. sess. and RCW 46.44.040; repealing section 46.44.044, chapter 12, Laws of 1961 and RCW 46.44.044; repealing section 46.44.045, chapter 12, Laws of 1961, section 34, chapter 21, Laws of 1961 ex. sess., section 50, chapter 32, Laws of 1967, section 22, chapter 199, Laws of 1969 ex. sess., section 1, chapter 17, Laws of 1971 and RCW 46-44.045; repealing section 46.44.046, chapter 12, Laws of 1961 and RCW 46.44.046; repealing section 46.44.097, chapter 12, Laws of 1961, section 1, chapter 249, Laws of 1971 ex. sess. and RCW 46.44.097; repealing section 2, chapter 38, Laws of 1965 and RCW 46.44.099; providing effective dates; and prescribing penalties.

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

Section 1. Section 46.16.070, chapter 12, Laws of 1961 as last amended by section 54, chapter 281, Laws of 1969 ex. sess. and RCW 46.16.070 are each amended to read as follows:

In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each motor truck, truck tractor, and auto stage or for hire vehicle with seating capacity of six or more, based upon the maximum gross weight thereof, the following gross weight fees as indicated in column A: PROVIDED, HOWEVER, That in the case of each motor truck or truck tractor which is propelled by steam, electricity, natural gas, or diesel oil the fee shall be as provided in column B:

	A	B
Up to 4,000 lbs.	\$ 6.00	\$ 6.00
4,000 or more and less than 6,000 lbs.	\$ 11.00	\$ 12.25
6,000 or more and less than 8,000 lbs.	\$ 18.50	\$ 20.80
8,000 or more and less than 10,000 lbs.	\$ 23.50	\$ 26.40
10,000 or more and less than 12,000 lbs.	\$ 30.50	\$ 34.30
12,000 or more and less than 14,000 lbs.	\$ 37.50	\$ 42.20
14,000 or more and less than 16,000 lbs.	\$ 44.50	\$ 50.10
16,000 or more and less than 18,000 lbs.	\$ 74.00	\$ 83.25
18,000 or more and less than 20,000 lbs.	\$ 84.00	\$ 94.50
20,000 or more and less than 22,000 lbs.	\$ 92.00	\$103.50
22,000 or more and less than 24,000 lbs.	\$100.00	\$112.50
24,000 or more and less than 26,000 lbs.	\$107.00	\$120.40
26,000 or more and less than 28,000 lbs.	\$128.00	\$144.00
28,000 or more and less than 30,000 lbs.	\$147.00	\$165.40
30,000 or more and less than 32,000 lbs.	\$179.00	\$201.40
32,000 or more and less than 34,000 lbs.	\$191.00	\$214.90
34,000 or more and less than 36,000 lbs.	\$208.00	\$234.00

	A	B
36,000 or more and less than 38,000 lbs.	\$229.00	\$257.60
38,000 or more and less than 40,000 lbs.	\$255.00	\$286.90
40,000 or more and less than 42,000 lbs.	\$265.00	\$298.10
42,000 or more and less than 44,000 lbs.	\$275.00	\$309.40
44,000 or more and less than 46,000 lbs.	\$295.00	\$331.90
46,000 or more and less than 48,000 lbs.	\$305.00	\$344.25
48,000 or more and less than 50,000 lbs.	\$328.00	\$369.00
50,000 or more and less than 52,000 lbs.	\$346.00	\$389.25
52,000 or more and less than 54,000 lbs.	\$371.00	\$417.40
54,000 or more and less than 56,000 lbs.	\$397.00	\$446.60
56,000 or more and less than 58,000 lbs.	\$417.00	\$469.10
58,000 or more and less than 60,000 lbs.	\$438.00	\$492.75
60,000 or more and less than 62,000 lbs.	\$467.00	\$525.40
62,000 or more and less than 64,000 lbs.	\$478.00	\$537.75
64,000 or more and less than 66,000 lbs.	\$531.00	\$597.40
66,000 or more and less than 68,000 lbs.	\$554.00	\$623.25
68,000 or more and less than 70,000 lbs.	\$603.00	\$675.75
70,000 or more and less than 72,000 lbs.	\$645.50	\$722.45
72,000 or more and less than 74,000 lbs.	\$705.50	\$782.45
<u>74,000 or more and less than 76,000 lbs.</u>	<u>\$773.00</u>	<u>\$849.95</u>
<u>76,000 or more and less than 78,000 lbs.</u>	<u>\$848.00</u>	<u>\$924.95</u>
<u>78,000 or more and less than 80,000 lbs.</u>	<u>\$923.00</u>	<u>\$999.95:</u>

PROVIDED, HOWEVER, That every motor truck except trucks not exceeding 5,000 pounds empty scale weight shall be licensed for not less than one hundred fifty percent of its empty weight unless such an amount would be in excess of the legal limits prescribed for such a vehicle in ~~((RCW 46.44.040))~~ section 22 of this 1976 amendatory act in which event the vehicle shall be licensed for the maximum ~~((gross load specified))~~ weight authorized for such a vehicle.

Sec. 2. Section 15, chapter 170, Laws of 1969 ex. sess. as amended by section 4, chapter 150, Laws of 1973 1st ex. sess. and RCW 46.16.115 are each amended to read as follows:

The owner thereof may elect to pay tonnage fees separately on a trailer or semitrailer: PROVIDED, HOWEVER, In order to exercise this option the owner of such a vehicle with a gross weight of 12,000 pounds or more must pay for the maximum permissible gross weight for the vehicle under RCW ~~((46.44.040 and))~~ 46.44.042 and section 22 of this 1976 amendatory act.

The gross weight fee for such trailers and semitrailers shall be as follows:

<u>Gross Weight</u>	<u>Fee</u>
Up to 12,000 pounds	As specified in column ((A)) <u>B</u> of RCW 46.16.070
More than 12,000 pounds but not more than 18,000 pounds	\$178.00
More than 18,000 pounds but not more than 32,000 pounds	\$401.00
More than 32,000 pounds but not more than 36,000 pounds	\$470.00
<u>More than 36,000 pounds but not more than 40,000 pounds</u>	<u>\$700.00</u>

When vehicles licensed under this section are used with a truck tractor or motor truck the licensed gross weight of the combination shall be the sum of the licensed gross weights of the vehicles forming the combination, and such limits must comply with section 22 of this 1976 amendatory act in order to purchase additional tonnage as provided in RCW 46.44.095.

Sec. 3. Section 46.16.135, chapter 12, Laws of 1961 as last amended by section 6, chapter 118, Laws of 1975 1st 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 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 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 ((~~permit~~)) license prior to the expiration of the existing tonnage ((~~permit~~)) license. Any person who operates any such vehicle upon the public highways after the expiration of the existing tonnage ((~~permit~~)) license, shall be guilty of a misdemeanor, and in addition shall be required to purchase a tonnage ((~~permit~~)) license 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 tonnage 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. 4. Section 46.16.137, chapter 12, Laws of 1961 as last amended by section 7, chapter 118, Laws of 1975 1st 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, and a two or three axle dump truck, or two or three axle dump truck and dump trailer used in combination, and a tractor and dump semitrailer used in combination, when such vehicles are licensed to the maximum gross weight provided by law, 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 tonnage license shall be effective for one

entire registration month. The director or his authorized agent shall issue a ~~((permit))~~ license indicating that monthly tonnage fees have been paid, which ~~((permit))~~ tonnage license 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))~~ tonnage licenses. No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator thereof 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 the existing ~~((permit))~~ license, shall be guilty of a misdemeanor, and in addition shall be required to purchase a ~~((gross weight))~~ tonnage license for the vehicle involved at the fee covering an entire registration year's tonnage license for operation thereof, less the fees for any period or periods of the registration year already paid. If, within five days thereafter, no tonnage 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. 5. Section 46.16.145, chapter 12, Laws of 1961 and RCW 46.16.145 are each amended to read as follows:

Any person violating any of the provisions of RCW 46.16.140 shall, upon a first conviction, pay a fine of not less than ~~((ten))~~ twenty-five dollars nor more than ~~((twenty-five))~~ fifty dollars; upon a second conviction pay a fine of not less than ~~((twenty-five))~~ fifty dollars nor more than ~~((fifty))~~ one hundred dollars, and in addition the court may suspend the certificate of license registration of ~~((his))~~ the vehicle for not more than thirty days; upon a third and subsequent conviction pay a fine of not less than ~~((fifty))~~ one hundred dollars nor more than ~~((one))~~ two hundred dollars, and in addition the court shall suspend the certificate of license registration of the vehicle for not less than thirty days nor more than ninety days.

Upon ordering the suspension of any certificate of license registration, the court or judge shall forthwith secure such certificate and mail it to the director.

Sec. 6. Section 46.16.160, chapter 12, Laws of 1961 as last amended by section 8, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.160 are each amended to read as follows:

Any commercial vehicle bearing valid license plates and a registration certificate of another state or territory and not registered in this state and which under reciprocal relations with that state would be required to obtain a full or proportional motor vehicle license in this state may, in lieu of a certificate of ownership and license registration, be issued a permit. Such permit shall be valid for the conduct of interstate operations only and shall be issued in such form and under such conditions as the director shall prescribe. Application for the permit shall be made to the director or his designated agent on forms provided by the director. On receiving such application, together with fees as provided herein, a permit may be issued for a period of not to exceed two hundred forty consecutive hours: **PROVIDED, HOWEVER,** That no permit shall be issued for any period less than twenty-four consecutive hours.

The director, or his designated agent, shall be authorized to issue a further permit on the same vehicle or combination of vehicles upon the expiration of any permit issued for a period less than two hundred forty consecutive hours: PROVIDED, Such further permit does not extend the duration thereof to exceed two hundred forty consecutive hours on any series of consecutive permits issued for such vehicle or combination of vehicles: PROVIDED, FURTHER, That no permit, or series of permits, shall be issued for any period exceeding two hundred forty consecutive hours within any period of thirty days.

When any vehicle subject to license is to be moved upon the public highways of this state from one point to another, the department may issue a special permit therefor upon an application presented in such form as shall be approved by the department. Such permit shall be for one transit only as set forth in the application: PROVIDED, That a special permit or one transit permit shall be issued for movement of a mobile home as defined in RCW 46.04.302 pursuant to RCW 46.16.105.

For each permit issued to a vehicle or a combination of vehicles the director, or his designated agent, shall assess an administrative charge of five dollars per permit plus the following fees for each period of twenty-four consecutive hours covered by such permit:

Vehicles or combinations of vehicles with gross ~~((loads))~~ weights as declared by applicant of:

0	.....	9,999 lbs.	.....	\$0.50
10,000	.....	19,999 lbs.	.....	\$1.00
20,000	.....	29,999 lbs.	.....	\$1.50
30,000	.....	35,999 lbs.	.....	\$2.00
36,000	.....	45,999 lbs.	.....	\$2.50
46,000	.....	59,999 lbs.	.....	\$3.00
60,000	.....	((72,000)) 71,999 lbs.	.....	\$4.00
72,000	.....	75,999 lbs.	.....	\$6.00
<u>76,000</u>	.....	<u>80,000 lbs.</u>	.....	<u>\$8.00</u>

These fees shall not be subject to quarterly reduction as provided in RCW 46.16.130. Such vehicles will be subject to all of the laws, rules, and regulations affecting the operation of like motor vehicles in this state. The permit shall be displayed at all times in a prominent place on the vehicle, or if the vehicle is a trailer, then the permit shall be at all times in vehicle operator's possession.

The director shall have the authority to adopt rules and regulations whereby such permits can be issued to qualifying operators in advance of use and paid for as used.

All fees collected under the provisions of this chapter shall be forwarded by the director with a proper identifying detailed report to the state treasurer who shall deposit such fees to the credit of the motor vehicle fund.

Sec. 7. Section 46.44.020, chapter 12, Laws of 1961 as last amended by section 1, chapter 248, Laws of 1971 ex. sess. and RCW 46.44.020 are each amended to read as follows:

It shall be unlawful for any vehicle unladen or with load to exceed a height of ~~((thirteen))~~ fourteen feet ~~((and six inches))~~ above the level surface upon which the

vehicle stands: PROVIDED, That ~~((automobile transporters and boat transporters shall not exceed fourteen feet and that these))~~ this height ((limitations)) limitation shall not apply to authorized emergency vehicles or repair equipment of a public utility engaged in reasonably necessary operation. The provisions of this section shall not relieve the owner or operator of a vehicle or combination of vehicles from the exercise of due care in determining that sufficient vertical clearance is provided upon the public highways where such vehicle or combination of vehicles is being operated; and no liability shall attach to the state or to any county, city, town, or other political subdivision by reason of any damage or injury to persons or property by reason of the existence of any structure over or across any public highway where the vertical clearance above the roadway is ~~((thirteen))~~ fourteen feet ((six inches)) or more; or, where such vertical clearance is less than ~~((thirteen))~~ fourteen feet ((six inches)), if impaired clearance signs of a design approved by the Washington state highway commission are erected and maintained on the right side of any such public highway: In cities and towns at a distance of not less than two hundred feet and not more than three hundred feet; and in rural areas at a distance of not less than three hundred fifty feet and not more than five hundred feet, from each side of such structure. If any structure over or across any public highway is not owned by the state or by a county, city, town, or other political subdivision, it shall be the duty of the owner thereof when billed therefor to reimburse the Washington state highway commission or the county, city, town, or other political subdivision having jurisdiction over such highway for the actual cost of erecting and maintaining such impaired clearance signs, but no liability shall attach to such owner by reason of any damage or injury to persons or property caused by impaired vertical clearance above the roadway.

Sec. 8. Section 46.44.036, chapter 12, Laws of 1961 and RCW 46.44.036 are each amended to read as follows:

Except as provided in RCW 46.44.037, it is unlawful for any person to operate upon the public highways of this state any combination of vehicles consisting of more than two vehicles. For the purposes of this section a truck tractor-semitrailer ~~((and/or))~~ or pole trailer combination will be considered as two vehicles but the addition of another axle to the tractor of a truck tractor-semitrailer ~~((and/or))~~ or pole trailer combination in such a way that it supports a proportional share of the load of the semitrailer ~~((and/or))~~ or pole trailer shall not be deemed a separate vehicle but ~~((for all purposes))~~ shall be considered a part of the truck tractor. For the purposes of this section a converter gear used in converting a semitrailer to a full trailer shall not be deemed a separate vehicle but ~~((for all purposes))~~ shall be considered a part of the trailer.

Sec. 9. Section 46.44.037, chapter 12, Laws of 1961 as last amended by section 37, chapter 170, Laws of 1965 ex. sess. and RCW 46.44.037 are each amended to read as follows:

Notwithstanding the provisions of RCW 46.44.036 and subject to such rules and regulations governing their operation as may be adopted by the state highway commission operation of the following combinations shall be lawful:

(1) A combination consisting of a truck tractor, a semitrailer, and a full trailer. In this connection a converter gear used to convert a semitrailer into a full trailer shall be considered to be a part of the full trailer and not a separate vehicle. A

converter gear being pulled without load and not used to convert a semitrailer into a full trailer may be substituted in lieu of a full trailer or a semitrailer in any lawful combination((-));

(2) A combination consisting of three trucks or truck tractors used in drive-away service where two of the vehicles are towed by the third in double saddle-mount position.

~~((A combination consisting of a truck tractor, a semitrailer, and a full trailer when licensed for a total gross weight of seventy-two thousand pounds may be entitled to either an annual or temporary special permit authorizing the combination to carry not more than four thousand pounds of gross weight in excess of the maximum allowed in RCW 46.44.044 upon the payment of the fees set forth in RCW 46.44.095 and on such highways and subject to such terms and conditions as the state highway commission shall prescribe pursuant to the provisions of RCW 46.44.095. PROVIDED, That any state patrol officer who shall find any person operating a vehicle in violation of the conditions of a special permit issued under this section may confiscate such permit and forward it to the state highway commission which may return it to the permittee or revoke, cancel, or suspend it.))~~

Sec. 10. Section 46.44.042, chapter 12, Laws of 1961 and RCW 46.44.042 are each amended to read as follows:

Subject to the maximum gross weights specified in ~~((subsection (1) of RCW 46.44.040))~~ section 22 of this 1976 amendatory act, it is unlawful to operate any vehicle upon the public highways with a gross weight, including load, upon any tire concentrated upon the surface of the highway in excess of five hundred fifty pounds per inch width of such tire, up to a maximum width of twelve inches, and for a tire having a width of twelve inches or more there shall be allowed a twenty percent tolerance above five hundred fifty pounds per inch width of such tire. For the purpose of this section, the width of tire in case of solid rubber or hollow center cushion tires, so long as the use thereof may be permitted by the law, shall be measured between the flanges of the rim. For the purpose of this section, the width of tires in case of pneumatic tires shall be the maximum overall normal inflated width as stipulated by the manufacturer when inflated to the pressure specified and without load thereon.

Sec. 11. Section 46.44.047, chapter 12, Laws of 1961 as last amended by section 2, chapter 150, Laws of 1973 1st ex. sess. and RCW 46.44.047 are each amended to read as follows:

~~((In addition to the limitations of RCW 46.44.040, 46.44.042 and 46.44.044, a three-axle truck tractor and a two-axle pole trailer combination engaged in the operation of hauling logs, shall have an allowable variation in wheelbase length of six feet for the distance between the first and last axle of the vehicle in combination which has a wheelbase overall length of thirty-seven feet or more and upon special permit the gross weight of two axles spaced less than seven feet apart may exceed by not more than sixteen hundred pounds the maximum gross axle weight specified for two axles spaced less than seven feet apart, being thirty-two thousand pounds as provided in RCW 46.44.040, and the gross weight of the combination of vehicles may exceed by not more than six thousand eight hundred pounds the legal gross weight of the combination of vehicles, when licensed as~~

permitted by law, for sixty-eight thousand pounds.)) A three axle truck tractor and a two axle pole trailer combination engaged in the operation of hauling logs may exceed by not more than six thousand eight hundred pounds the legal gross weight of the combination of vehicles when licensed, as permitted by law, for sixty-eight thousand pounds: PROVIDED, That the distance between the first and last axle of the vehicles in combination shall have a total wheelbase of not less than thirty-seven feet, and the weight upon two axles spaced less than seven feet apart shall not exceed thirty-three thousand six hundred pounds.

Such additional allowances shall be permitted by a special permit to be issued by the state highway commission valid only on state primary or secondary highways authorized by the state highway commission and under such rules, regulations, terms, and conditions prescribed by the state highway commission. The fee for such special permit shall be fifty dollars for a twelve-month period beginning and ending on April 1st of each calendar year. Permits may be issued at any time, but if issued after July 1st of any year the fee shall be thirty-seven dollars and fifty cents. If issued on or after October 1st the fee shall be twenty-five dollars, and if issued on or after January 1st the fee shall be twelve dollars and fifty cents. A copy of such special permit covering the vehicle involved shall be carried in the cab of the vehicle at all times. Upon the third conviction within ~~((a calendar year))~~ the duration of the permit for violation of the terms and conditions of the special permit, the special permit shall be canceled. The vehicle covered by such canceled special permit shall not be eligible for a new special permit until thirty days after the cancellation of the special permit issued to said vehicle. The fee for such renewal shall be at the same rate as set forth in this section which covers the original issuance of such special permit. Each special permit shall be assigned to a three-axle truck tractor in combination with a two-axle pole trailer ~~((and may be transferred upon application to the department of highways with payment of a two-dollar fee))~~. When the highway commission issues a duplicate permit to replace a lost or destroyed permit and where the highway commission transfers a permit, a fee of five dollars shall be charged for each such duplicate issued or each such transfer.

All fees collected hereinabove shall be deposited with the state treasurer and credited to the motor vehicle fund.

Permits involving city streets or county roads or using city streets or county roads to reach or leave state highways, authorized for permit by the state highway department may be issued by the city or county or counties involved. A fee of five dollars for such city or county permit may be assessed by the city or by the board of county commissioners which shall be deposited in the city or county road fund. The special permit provided for herein shall be known as a "log tolerance permit" and shall designate the route or routes to be used, which shall first be approved by the city or county engineer involved. Authorization of additional route or routes may be made at the discretion of the city or county by amending the original permit or by issuing a new permit. Said permits shall be issued on a yearly basis expiring on March 31st of each calendar year. Any person, firm, or corporation who uses any city street or county road for the purpose of transporting logs with weights authorized by state highway log tolerance permits, to reach or leave a state highway route, without first obtaining a city or county permit when required

by the city or board of county commissioners shall be subject to the penalties prescribed by ~~((RCW 46.44.045))~~ section 23 of this 1976 amendatory act. For the purpose of determining gross weight the actual scale weight taken by the officer shall be prima facie evidence of such total gross weight. In the event the gross weight is in excess of the weight permitted by law, the officer may, within his discretion, permit the operator to proceed with his vehicles in combination.

The chief of the state patrol, with the advice of the state highway commission, may make reasonable rules and regulations to aid in the enforcement of the provisions of this section.

Sec. 12. Section 46.44.050, chapter 12, Laws of 1961 and RCW 46.44.050 are each amended to read as follows:

It shall be unlawful to operate any vehicle upon public highways with a wheelbase between any two axles thereof of less than three feet, six inches when weight exceeds that allowed for one axle under RCW 46.44.042 or section 22 of this 1976 amendatory act. It shall be unlawful to operate any motor vehicle upon the public highways of this state with a wheelbase between the frontmost axle and the rearmost axle of less than three feet, six inches.

For the purposes of this section, wheelbase shall be measured upon a straight line from center to center of the vehicle axles designated.

Sec. 13. Section 46.44.090, chapter 12, Laws of 1961 and RCW 46.44.090 are each amended to read as follows:

The state highway commission with respect to primary and secondary state highways and local authorities with respect to public highways under their jurisdiction may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle, or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible.

~~((No overweight permit shall be issued to any vehicle or combination of vehicles unless such vehicle or combination of vehicles is licensed for the maximum gross weight allowed by law.))~~

Sec. 14. Section 46.44.091, chapter 12, Laws of 1961 as last amended by section 1, chapter 168, Laws of 1975 1st 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 state highway or route of a state 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 dual axles having a wheelbase between the first and 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 and specially designed vehicles manufactured and certified for special permits prior to July 1, 1975.

(4) Permits may be issued for weights in excess of the 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 for any shipment duly certified as necessary by military officials, or by officials of public or private power facilities, or when in the opinion of the highway commission ((such) the movement or action is a necessary movement or action ((and the commission further determines that)): **PROVIDED, That in the judgment of the highway commission** the structures and highway surfaces on the routes involved are 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. 15. Section 46.44.092, chapter 12, Laws of 1961 as last amended by section 1, chapter 9, Laws of 1970 ex. sess. and RCW 46.44.092 are each amended to read as follows:

No special permit shall be issued for movement on any two lane state highway outside the limits of any city or town where the overall width of load exceeds

fourteen feet, or on any multiple lane state highway where the overall width of load exceeds thirty-two feet; except that on multiple lane state highways where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes, no special permit shall be issued for width in excess of twenty feet: ~~PROVIDED, ((That (1) these width limitations may be exceeded on state highways where the latest available traffic figures show that the highway or section of highway carries less than one hundred vehicles per day: PROVIDED FURTHER;))~~ That (1) in the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) ~~((Uninterrupted))~~ Controlled vehicular traffic shall be maintained in one direction at all times; (b) maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: ~~PROVIDED, That~~ when in the opinion of the highway commission a hardship would result, this limitation may be exceeded upon approval of the commission; (c) prior to issuing a permit a qualified highway department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement of the building; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made; (2) permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations; (3) these limitations may be rescinded when certification is made by military officials, or by officials of public or private power facilities, or when in the opinion of the highway commission~~(;))~~ the movement or action is a necessary ~~((emergency))~~ movement or action: ~~PROVIDED FURTHER, That in the judgment of the highway commission the structures and highway surfaces on the routes involved are ((determined to be))~~ capable of sustaining widths in excess of such limitation; (4) ~~((these limitations shall not apply to farmers moving farm machinery between farms during daylight hours if the movement does not pass along and upon any primary or secondary state highway for a distance greater than one hundred miles, if properly patrolled and flagged; (5)))~~ these limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed forty-five thousand pounds and the overall width of load does not exceed sixteen feet: ~~PROVIDED, That~~ the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the highway commission or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

Sec. 16. Section 2, chapter 137, Laws of 1965 as last amended by section 2, chapter 168, Laws of 1975 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 overheight 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-five feet overall length which may contain a permanent structure vehicle not in excess of forty-seven feet 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)) <u>width</u> 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 ex- ceed 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((5)) or 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) the fee for issuance of a duplicate permit shall be \$5.00, (3) 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. 17. Section 46.44.095, chapter 12, Laws of 1961 as last amended by section 1, chapter 76, Laws of 1974 ex. sess. and RCW 46.44.095 are each amended to read as follows:

~~((When fully licensed to the maximum gross weight permitted under RCW 46.44.040, a two-axle truck or a three-axle truck operated as a solo unit and not in combination shall be eligible to carry gross weight in excess of that permitted for such a vehicle in RCW 46.44.040 upon the payment to the state highway commission of a fee of thirty dollars for each one thousand pounds of excess weight: PROVIDED, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042 or the wheelbase requirements specified in RCW 46.44.044.~~

~~When fully licensed to a minimum gross weight of seventy-two thousand pounds a three or more axle truck tractor and a three or more axle dromedary truck tractor, and a three or more axle truck, when operating in combination with another vehicle or vehicles (the licensed gross weight of which, if any, shall be included when computing the minimum gross weights set forth above), shall be eligible under special permits to be issued by the state highway commission to carry~~

additional gross loads beyond the licensed capacity of the combination of vehicles upon the payment of a fee based upon thirty dollars per year for each one thousand pounds of such additional gross weight but not to exceed one hundred and twenty dollars for the total additional weight. ~~PROVIDED, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042. AND PROVIDED FURTHER, That the gross weight of a three or more axle truck operated in combination with a two or three axle trailer shall not exceed seventy six thousand pounds, and the gross weight for a three or more axle truck tractor operated in combination with a semitrailer shall not exceed seventy three thousand two hundred eighty pounds except where the semitrailer is eligible to carry a gross load of thirty six thousand pounds pursuant to the provisions of RCW 46.44.040, in which event the maximum gross weight of the combination shall not exceed seventy six thousand pounds. The minimum additional tonnage to be purchased pursuant to this paragraph for a three or more axle tractor to be operated in combination with a semitrailer shall be not less than one thousand two hundred and eighty pounds. The permits provided for in the two preceding paragraphs shall be known as class A additional tonnage permits.~~

In addition to the gross weight purchased pursuant to RCW 46.16.070, 46.16.115, 46.44.037, and the foregoing provisions of this section and where, in the case of combinations of vehicles, the maximum gross weight permitted by law, including the preceding provisions of this section, has been purchased, a special permit for additional gross weight may be issued by the state highway commission upon the payment of thirty seven dollars and fifty cents per year for each one thousand pounds of such additional gross weight. ~~PROVIDED, The tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds and the gross load on any group of axles shall not exceed the following table:~~

~~Dis-~~
~~tance~~
~~in feet~~
~~between~~
~~the ex-~~
~~tremes~~
~~of any~~
~~group~~ _____ Maximum load in pounds
~~of 2~~ _____ carried on any group of 2
~~or more~~ _____ or more consecutive axles
~~consecu-~~

tive	2	3	4	5	6	7	8	9
axles	axles	axles	axles	axles	axles	axles	axles	axles
4	34,000							
5	34,000							
6	34,000							
7	34,000							

Dis- tance in feet between the ex- tremes of any group of 2 or more consecu-	Maximum load in pounds carried on any group of 2 or more consecutive axles								
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles	
8	34,000	42,000							
9	39,000	42,500							
10	40,000	43,500							
11		44,000							
12		45,000	50,000						
13		45,500	50,500						
14		46,500	51,500						
15		47,000	52,000						
16		48,000	52,500	58,000					
17		48,500	53,500	58,500					
18		49,500	54,000	59,000					
19		50,000	54,500	60,000					
20		51,000	55,500	60,500	66,000				
21		51,500	56,000	61,000	66,500				
22		52,500	56,500	61,500	67,000				
23		53,000	57,500	62,500	68,000				
24		54,000	58,000	63,000	68,500	74,000			
25		54,500	58,500	64,500	69,000	74,500			
26		55,500	59,500	65,000	69,500	75,000			
27		56,000	60,000	65,000	70,000	75,500			
28		57,000	60,500	65,500	71,000	76,500	82,000		
29		57,500	61,500	66,000	71,500	77,000	82,500		
30		58,500	62,000	66,500	72,000	77,500	83,000		
31		59,000	62,500	67,500	72,500	78,000	83,500		
32		60,000	63,500	68,000	73,000	78,500	84,500	90,000	
33			64,000	68,500	74,000	79,000	85,000	90,500	
34			64,500	69,000	74,500	80,000	85,500	91,000	
35			65,500	70,000	75,000	80,500	86,000	91,500	
36			66,000	70,500	75,500	81,000	86,500	92,000	
37			66,500	71,000	76,000	81,500	87,000	93,000	
38			67,500	72,000	77,000	82,000	87,500	93,500	
39			68,000	72,500	77,500	82,500	88,500	94,000	
40			68,500	73,000	78,000	83,500	89,000	94,500	

Distance in feet between the ex- tremes of any group of 2 or more consecu- tive axles	Maximum load in pounds carried on any group of 2 or more consecutive axles								
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles	
41			69,500	73,500	78,500	84,000	89,500	95,000	
42			70,000	74,000	79,000	84,500	90,000	95,500	
43			70,500	75,000	80,000	85,000	90,500	96,000	
44			71,500	75,500	80,500	85,500	91,000	96,500	
45			72,000	76,000	81,000	86,000	91,500	97,500	
46			72,500	76,500	81,500	87,000	92,500	98,000	
47			73,500	77,500	82,000	87,500	93,000	98,500	
48			74,000	78,000	83,000	88,000	93,500	99,000	
49			74,500	78,500	83,500	88,500	94,000	99,500	
50			75,500	79,000	84,000	89,000	94,500	100,000	
51			76,000	80,000	84,500	89,500	95,000	100,500	
52			76,500	80,500	85,000	90,500	95,500	101,000	
53			77,500	81,000	86,000	91,000	96,500	102,000	
54			78,000	81,500	86,500	91,500	97,000	102,500	
55			78,500	82,500	87,500	92,000	97,500	103,000	
56			79,500	83,000	87,500	92,500	98,000	103,500	
57			80,000	83,500	88,000	93,000	98,500	104,000	
58				84,000	89,000	94,000	99,000	104,500	
59				85,000	89,500	94,500	99,500	105,000	
60				85,500	90,000	95,000	100,500	105,500	

Permits issued pursuant to the foregoing paragraph shall be known as class-B additional tonnage permits.))

Until December 31, 1976, a combination of vehicles lawfully licensed to a total gross weight of seventy two thousand pounds, and a three or more axle single unit vehicle lawfully licensed to a total gross weight of forty thousand pounds, and on January 1, 1977, and thereafter, when a combination of vehicles has been lawfully licensed to a total gross weight of eighty thousand pounds and when a three or more axle single unit vehicle has been lawfully licensed to a total gross weight of forty thousand pounds pursuant to provisions of section 22 of this 1976 amendatory act, a permit for additional gross weight may be issued by the state highway commission upon the payment of thirty-seven dollars and fifty cents per year for each one thousand pounds or fraction thereof of such additional gross weight:

PROVIDED, That the tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds, and the gross load on any group of axles shall not exceed the limits set forth in section 22 of this 1976 amendatory act: PROVIDED FURTHER, That an additional two thousand pounds may be purchased for an amount not to exceed thirty dollars per thousand for the rear axle of a two-axle garbage truck. Such additional weight shall not be valid or permitted on any part of the federal interstate highway system where the maximum single axle load shall not exceed twenty thousand pounds.

The ~~((special))~~ annual additional tonnage permits provided for in this section shall be issued under such rules and regulations and upon such terms and conditions as may be prescribed by the state highway commission. Such ~~((special))~~ permits shall entitle the permittee to carry such additional load in such an amount and upon such highways or sections of highways as may be determined by the state highway commission to be capable of withstanding such increased gross load without undue injury to the highway: PROVIDED, That the permits shall not be valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

The annual additional tonnage permits provided for in this section shall commence on the first of January of each year. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one-twelfth of the full fee multiplied by the number of months, including any fraction thereof, covered by the permit. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit from one vehicle to another a fee of five dollars shall be charged for each such duplicate issued or each such transfer. The state highway commission shall issue such ~~((special))~~ permits on a temporary basis for periods not less than ~~((ten days at a fee of one dollar per day in the case of class A permits and not less than))~~ five days at ~~((two dollars))~~ one dollar per day ((in the case of class B permits)) for each two thousand pounds or fraction thereof.

The fees levied in RCW ~~((46.44.094))~~ 46.44.0941 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state or any city or town or metropolitan municipal corporation within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.85 RCW the fees provided for in ~~((RCW 46.44.037 and 46.44.095))~~ this section shall be computed by the state highway commission by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.85 RCW to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The state highway commission shall prorate the fees provided in ~~((RCW 46-44.037 and 46.44.095))~~ this section only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of motor vehicles. Listings furnished shall also include the percentage of mileage operated in Washington, which shall be the same percentage as determined by the department of motor vehicles, for purposes of prorating license fees.

Sec. 18. Section 46.44.096, chapter 12, Laws of 1961 as last amended by section 4, chapter 248, Laws of 1971 ex. sess. and RCW 46.44.096 are each amended to read as follows:

In determining fees according to RCW (~~46.44.094~~) 46.44.0941, mileage on state primary and secondary highways shall be determined from the planning survey records of the department of highways and the gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

Fees established in RCW (~~46.44.094~~) 46.44.0941 shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets, or highways for which that political body is responsible; when a movement involves a combination of state highways, county roads, and/or city streets the fee shall be paid to the state highway commission. When a movement is confined within the city limits of a city or town upon city streets, including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town authorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved. Fees established shall be paid to the political body issuing the permit if the entire use of the vehicle during the period covered by the permit shall be confined to the roads, streets, or highways for which that political body is responsible.

If, pursuant to RCW 46.44.090, cities or counties issue additional tonnage permits similar to those provided for issuance by the state highway commission in RCW 46.44.095, the state highway commission shall authorize the use of such additional tonnage permits on state highways subject to the following conditions:

(1) The owner of the vehicle covered by such permit shall establish to the satisfaction of the state highway department that the primary use of the vehicle is on the streets or roads of the city or county issuing the additional tonnage permit(~~(:)~~);

(2) That the fees paid for such additional tonnage are not less than those established in RCW 46.44.095(~~(:)~~);

(3) That the city or county issuing such permit shall allow the use of permits issued by the state pursuant to RCW 46.44.095 on the streets or roads under its jurisdiction(~~(:)~~);

(4) That all of the provisions of RCW (~~46.44.040~~;) 46.44.042 and (~~46.44.044~~) section 22 of this 1976 amendatory act shall be observed.

When the department of highways is satisfied that the above conditions have been complied with the state highway department by suitable endorsement on the permit shall authorize its use on such highways as the state highway commission has authorized for such permits pursuant to RCW 46.44.095, and all such use of

such highways shall be subject to whatever rules and regulations the state highway commission has adopted for such permits.

Sec. 19. Section 1, chapter 38, Laws of 1965 and RCW 46.44.098 are each amended to read as follows:

In the event the congress of the United States further amends section 127, Title 23 of the United States Code, authorizing increased sizes and weights, the Washington state highway commission may authorize~~((, by permit,))~~ the operation of vehicles and combinations of vehicles upon completed portions of the interstate highway system and other designated state highways as the commission may authorize if determined to be capable of accommodating the increased sizes and weights in excess of those prescribed in ~~((RCW 46.44.040 and 46.44.044))~~ section 22 of this 1976 amendatory act, or as provided in RCW 46.44.010 and 46.44.037. Such permitted increases shall not in any way exceed the federal limits which would jeopardize the state's allotment of federal funds. ~~((Permits issued under this provision may be issued upon payment of a fee in the amount of sixty dollars per two thousand pounds in excess weight per year over and above the maximum fees levied in RCW 46.44.037, 46.44.047 and 46.44.095 relating to permits issued to combinations of vehicles. Other vehicles or combinations of vehicles, to be eligible for said permit, must be licensed to the maximum limits prescribed in RCW 46.44.040. The fees provided herein shall be subject to quarterly reduction and proration as provided in RCW 46.44.047 and 46.44.095. The fees levied in this section shall not apply to vehicles owned and operated by the state of Washington, any county within the state or any city or town within the state, or by the federal government. All fees collected shall be deposited in the motor vehicle fund.))~~

Sec. 20. Section 1, chapter 1, Laws of 1973 1st ex. sess. as amended by section 3, chapter 168, Laws of 1975 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))~~ section 22 of this 1976 amendatory act 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.

Sec. 21. Section 1, chapter 196, Laws of 1975 1st ex. sess. and RCW 46.44.160 are each amended 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))~~ registration quarters consisting of three registration months. The first quarter shall commence with registration month one.

"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.

NEW SECTION. Sec. 22. There is added to chapter 12, Laws of 1961 and to chapter 46.44 RCW a new section to read as follows:

No vehicle or combination of vehicles shall operate upon the public highways of this state with a gross load on any single axle in excess of twenty thousand pounds, or upon any group of axles in excess of that set forth in the following table, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each, if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

Dis- tance in feet between the ex- tremes of any group of 2 or more consecu- tive axles	Maximum load in pounds carried on any group of 2 or more consecutive axles								
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles	
4	34,000								
5	34,000								
6	34,000								
7	34,000								
8	34,000	36,500							
9	39,000	38,000							
10	40,000	39,500							
11		41,000							
12		42,500	42,500						
13		44,000	44,000						
14		45,500	45,500						
15		47,000	47,000						

Dis-
tance
in feet
between
the ex-
tremes
of any
group
of 2
or more
consecu-

Maximum load in pounds
carried on any group of 2
or more consecutive axles

*(Maximum load in pounds carried
on any group of 2 consecutive
sets of tandum axles)

axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
16		48,000	48,000	48,000				
17		48,500	48,500	49,000				
18		49,500	49,500	50,000				
19		50,000	50,000	51,000				
20		51,000	51,000	52,000	52,000			
21		51,500	51,500	53,000	53,000			
22		52,500	52,500	54,000	54,000			
23		53,000	53,000	55,000	55,000			
24		54,000	54,000	55,500	56,000	56,000		
25		54,500	55,000	56,500	57,000	57,000		
26		55,500	56,000	57,500	58,000	58,000		
27		56,000	57,000	58,500	59,000	59,000		
28		57,000	58,000	60,000	60,000	60,000	60,000	
			(60,500)*					
29		57,500	59,000	60,500	61,000	61,000	61,000	
			(61,500)*					
30		58,500	59,000	61,500	62,000	62,000	62,000	
			(62,000)*					
31		59,000	60,500	62,500	63,000	63,000	63,000	
			(62,500)*					
32		60,000	61,500	63,500	64,000	64,000	64,000	64,000
			(63,500)*					
33			62,500	64,500	65,000	65,000	65,000	65,000
			(64,000)*					
34			63,500	65,000	66,500	66,500	66,500	66,500
			(64,500)*					
35			64,500	66,500	67,500	67,500	67,500	67,500
			(65,500)*					
36			65,500	67,500	68,500	68,500	68,500	68,500
			(68,000)*					
37			66,500	68,500	69,500	69,500	69,500	69,500
38			67,500	69,000	70,500	70,500	70,500	70,500
39			68,000	70,000	71,500	71,500	71,500	71,500

Dis-
tance
in feet
between
the ex-
tremes
of any
group
of 2
or more
consecu-

Maximum load in pounds
carried on any group of 2
or more consecutive axles

*(Maximum load in pounds carried
on any group of 2 consecutive
sets of tandum axles)

	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
40			68,500	71,000	72,500	72,500	72,500	72,500
41			69,500	72,000	73,500	73,500	73,500	73,500
42			70,000	73,000	74,500	74,500	74,500	74,500
43			70,500	74,000	75,500	75,500	75,500	75,500
44			71,500	75,000	76,500	76,500	76,500	76,500
45			72,000	76,000	78,000	78,000	78,000	78,000
46			72,500	76,500	79,000	79,000	79,000	79,000
47			73,500	77,500	80,000	80,000	80,000	80,000
48			74,000	78,000	81,000	81,000	81,000	81,000
49			74,500	78,500	82,000	82,000	82,000	82,000
50			75,500	79,000	83,000	83,000	83,000	83,000
51			76,000	80,000	84,000	84,000	84,000	84,000
52			76,500	80,500	85,000	85,000	85,000	85,000
53			77,500	81,000	86,000	86,000	87,000	87,000
54			78,000	81,500	86,500	87,500	89,000	89,000
55			78,500	82,500	87,000	88,000	91,000	91,000
56			79,500	83,000	87,500	90,000	93,000	93,000
57			80,000	83,500	88,000	91,000	95,000	95,000
58				84,000	89,000	92,500	97,000	97,000
59				85,000	89,500	93,500	99,000	99,000
60				85,500	90,000	95,000	100,500	100,500
61				86,000	90,500	95,500	101,000	102,500
62				86,500	91,000	96,000	101,500	104,000
63				87,500	92,000	96,500	102,000	105,500
64				88,000	92,500	97,000	102,500	105,500
65				88,500	93,000	98,000	103,000	105,500
66				89,000	93,500	98,500	103,500	105,500
67				90,000	94,000	99,000	104,000	105,500
68				90,500	94,500	99,500	104,500	105,500
69				91,000	95,500	100,000	105,500	105,500
70				91,500	96,000	101,000	105,500	105,500

When inches are involved: Under six inches take lower, six inches or over take higher. When wheelbase of a group of axles is less than the wheelbase required by the above table to attain maximum single axle and tandem axle allowance, no axle shall exceed any axle in such group by more than two thousand five hundred pounds in weight. For this purpose of determining equal axle weight distribution, the front axle of a unit supplying motive power shall not be included in the axle group.

The maximum axle and gross weights specified in this section are subject to the braking requirements set up for the service brakes upon any motor vehicle or combination of vehicles as provided by law.

It is unlawful to operate upon the public highways any single unit vehicle, supported upon three axles or more with a gross weight including load in excess of forty thousand pounds or any combination of vehicles having a gross weight in excess of eighty thousand pounds without first obtaining an additional tonnage permit as provided for in RCW 46.44.095: PROVIDED, That when a combination of vehicles has purchased license tonnage in excess of seventy-two thousand pounds as provided by RCW 46.16.070, such excess license tonnage may be applied to the power unit subject to limitations of RCW 46.44.042 and this section when such vehicle is operated without a trailer.

It is unlawful to operate any vehicle upon the public highways equipped with two axles spaced less than seven feet apart, unless the two axles are so constructed and mounted in such a manner as to provide oscillation between the two axles and that either one of the two axles will not at any one time carry more than the maximum gross weight allowed for one axle specified in this section.

NEW SECTION. Sec. 23. There is added to chapter 12, Laws of 1961 and to chapter 46.44 RCW a new section to read as follows:

(1) Any person violating any of the provisions of RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, and section 22 of this 1976 amendatory act, or who fails to obtain a permit as provided by RCW 46.44.090 and 46.44.095, or misrepresents the size or weight of any load or does not follow the requirements and conditions of a permit issued hereunder shall be guilty of a misdemeanor, and upon first conviction thereof shall be fined a basic fine of not less than fifty dollars; and upon second conviction thereof shall be fined a basic fine of not less than seventy-five dollars; and upon a third or subsequent conviction shall be fined a basic fine of not less than one hundred dollars.

(2) In addition to the fines levied in subsection (1) of this section any person violating RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, or section 22 of this 1976 amendatory act shall be fined three cents for each pound of excess weight: PROVIDED, That upon a first violation in any calendar year, the court may suspend the fine for five hundred pounds of excess weight for each axle on any vehicle or combination of vehicles, not to exceed a two thousand pound suspension. In no case shall the basic fine levied in subsection (1) of this section be suspended.

(3) Whenever any vehicle or combination of vehicles is involved in two violations of RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, or section 22 of this 1976 amendatory act during any twelve month period, the court may suspend the certificate of license registration of the vehicle or combination of vehicles

for not less than thirty days. Upon a third or succeeding violation in any twelve month period, the court shall suspend the certificate of license registration for not less than thirty days. For purposes of this section, bail forfeiture shall be given the same effect as a conviction. Whenever the certificate of license registration is suspended, the court shall secure such certificate and immediately forward the same to the director with information concerning the suspension.

(4) Any person convicted of violating any posted limitations of a highway or section of highway shall be fined not less than one hundred and fifty dollars, and the court shall in addition thereto upon second violation within a twelve month period involving the same power unit, suspend the certificate of license registration for not less than thirty days.

(5) Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing either by means of a portable or stationary scale and may require that such vehicle be driven to the nearest public scale. Whenever a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, such officer may require the driver to stop the vehicle in a suitable location and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to such limit as permitted by law.

Any vehicle whose driver or owner represents that the vehicle is disabled or otherwise unable to proceed to a weighing location shall have its load sealed or otherwise marked by any police officer. The owner or driver shall be directed that upon completion of repairs, the vehicle shall submit to weighing with the load and markings and/or seal intact and undisturbed. Failure to report for weighing, appearing for weighing with the seal broken or the markings disturbed, or removal of any cargo prior to weighing shall be unlawful. Any person so convicted shall be fined five hundred dollars, and in addition the certificate of license registration shall be suspended for not less than thirty days.

(6) Any other provision of law to the contrary notwithstanding, justice courts having venue shall have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(7) For the purpose of determining additional fines as provided by subsection (2) of this section, "excess weight" shall mean the poundage in excess of the maximum gross weight prescribed by RCW 46.44.042 and section 22 of this 1976 amendatory act plus the weights allowed by RCW 46.44.047, 46.44.091, and 46.44.095.

(8) The basic fine provided in subsection (1) of this section shall be distributed as prescribed in RCW 46.68.050: 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 it now exists or is later amended. For the purpose of computing the basic fines and additional fines to be imposed under the provisions of subsections (1) and (2) of this section the convictions shall be on the same vehicle or combination of vehicles within a twelve month period under the same ownership.

(9) The additional fine for excess poundage provided in subsection (2) of this section shall be transmitted by the court to the county treasurer and by him

transmitted to the state treasurer for deposit in the motor vehicle fund: 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 it now exists or is later amended. It shall then be allocated annually on or before June 30th of each year in the amounts prescribed in RCW 46.68.100 as now or hereafter amended.

(10) Any state patrol officer or any weight control officer who shall find any person operating a vehicle or a combination of vehicles in violation of the conditions of a permit issued under RCW 46.44.037, 46.44.090, and 46.44.095 may confiscate such permit and forward the same to the state highway commission which may return it to the permittee or revoke, cancel, or suspend it without refund. The state highway commission shall keep a record of all action taken upon permits so confiscated, and if a permit shall be returned to the permittee the action taken by the commission shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the commission or person designated by the commission. The commission after such hearing may reinstate any permit or revise its previous action.

Every permit issued as provided for in this chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such a permit.

Upon the third conviction within a calendar year for violation of the requirements and conditions of a permit issued under RCW 46.44.095 as now or hereafter amended, the permit shall be canceled, and the canceled permit shall be immediately transmitted by the court or the arresting officer to the department of highways, and for the purposes of this section bail forfeiture shall be considered to be a conviction. The vehicle covered by such canceled permit shall not be eligible for a new permit for a period of thirty days.

(11) For the purposes of determining gross weights the actual scale weight taken by the arresting officer shall be prima facie evidence of such total gross weight.

The chief of the state patrol, with the advice of the state highway commission, may adopt reasonable rules to aid in the enforcement of the provisions of this section.

NEW SECTION. Sec. 24. The following acts or parts of acts are each repealed:

(1) Section 46.16.100, chapter 12, Laws of 1961, section 5, chapter 170, Laws of 1969 ex. sess., section 10, chapter 231, Laws of 1971 ex. sess., section 18, chapter 25, Laws of 1975 and RCW 46.16.100;

(2) Section 46.44.040, chapter 12, Laws of 1961, section 1, chapter 244, Laws of 1971 ex. sess., section 1, chapter 150, Laws of 1973 1st ex. sess., section 1, chapter 86, Laws of 1974 ex. sess. and RCW 46.44.040;

(3) Section 46.44.044, chapter 12, Laws of 1961 and RCW 46.44.044;

(4) Section 46.44.045, chapter 12, Laws of 1961, section 34, chapter 21, Laws of 1961 ex. sess., section 50, chapter 32, Laws of 1967, section 22, chapter 199, Laws of 1969 ex. sess., section 1, chapter 17, Laws of 1971 and RCW 46.44.045;

(5) Section 46.44.046, chapter 12, Laws of 1961 and RCW 46.44.046;

(6) Section 46.44.097, chapter 12, Laws of 1961, section 1, chapter 249, Laws of 1971 ex. sess. and RCW 46.44.097; and

(7) Section 2, chapter 38, Laws of 1965 and RCW 46.44.099.

NEW SECTION. Sec. 25. Sections 1, 2, and 5 through 24 of this 1976 amendatory act shall take effect on July 1, 1976, and sections 3 and 4 of this 1976 amendatory act shall take effect on January 1, 1977. All current and outstanding valid licenses and permits held by licensees on July 1, 1976, shall remain valid until their expiration dates, but renewals and original applications made after July 1, 1976, shall be governed by the law in effect at the time such renewal or application is made.

NEW SECTION. Sec. 26. If any provision of this 1976 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 5, 1976.

Passed the House February 23, 1976.

Approved by the Governor March 2, 1976.

Filed in Office of Secretary of State March 2, 1976.

CHAPTER 65

[Senate Bill No. 3074]

COUNTY FERRIES—FRANCHISES, TOLLS, ROUTES, REGULATIONS

AN ACT Relating to county ferries; adding a new section to chapter 13, Laws of 1961 and to chapter 47.04 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, Laws of 1961 and to chapter 47.04 RCW a new section to read as follows:

Whenever a county which operates or proposes to operate ferries obtains federal aid for the construction, reconstruction, or modification of any ferry boat under Title 23, United States Code, the following provisions shall apply to the county's operation of its ferries:

(1) The county shall obtain from the Washington state highway commission a franchise authorizing such ferry operations. The county's application for a franchise or amended franchise shall designate all ferry routes it proposes to operate. The commission shall issue the franchise or amended franchise for the operation of each route which it finds is not otherwise served by adequate transportation facilities. A county may terminate any ferry route without approval of the commission.

(2) At least thirty days before applying for federal aid for the construction, reconstruction, or modification of any of its ferries, and thereafter whenever new tolls or charges are proposed for use of its ferries, the county shall file with the commission for its approval, the current or proposed schedule of tolls and charges for use of its ferries. The commission shall approve such tolls and charges, unless

it finds that the aggregate revenues to be derived from the county's ferry operations will exceed the amount required to pay the actual and necessary costs of operation, maintenance, and repair of the county's ferries.

(3) The commission shall adopt regulations for the implementation of this section including provisions affording the right to a hearing to any county prior to finally denying approval of any proposed ferry route or schedule of tolls and charges for use of the county's ferries.

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 5, 1976.

Passed the House February 23, 1976.

Approved by the Governor March 2, 1976.

Filed in Office of Secretary of State March 2, 1976.

CHAPTER 66

[Engrossed Senate Bill No. 3148]

STATE HIGHWAY CONSTRUCTION BONDS

AN ACT Relating to state highway construction bonds; providing for the sale and issuance of general obligation bonds; and adding new sections to chapter 47.10 RCW.

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

NEW SECTION. Section 1. It is the purpose of sections 1 through 9 of this act to provide sufficient reserve funds (to the extent that the authorization of bonds in section 2 of this act permits) to ensure that there shall be available for expenditure by the state highway commission from the motor vehicle fund, the sum of thirty-eight million dollars in state moneys for the location, design, right of way, and construction of state highways in the biennium ending June 30, 1979, after first deducting all other sums appropriated and duly allotted for expenditure from the motor vehicle fund (1) to other agencies, (2) for debt service requirements, and (3) for other state highway purposes.

As used in this section the term "state moneys" shall mean moneys derived from state taxes, fees, fines, and forfeitures, and the proceeds from the sale of highway construction bonds including bonds authorized by section 2 of this act.

NEW SECTION. Sec. 2. In order to provide reserve funds for the purposes specified in section 1 of this act, there shall be issued and sold general obligation bonds of the state of Washington in the sum of thirty million dollars or such amount thereof and at such times as may be determined to be necessary by the state highway commission. The issuance, sale, and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the state highway commission, shall provide for the issuance, sale, and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as the state highway commission shall determine to be necessary to meet the purposes specified in section 1 of this act, but in no event shall any bonds authorized herein be sold after July 31, 1979.

NEW SECTION. Sec. 3. Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

NEW SECTION. Sec. 4. The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If the bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of section 2 of this act shall be legal investment for any of the funds of the state, except the permanent school fund.

NEW SECTION. Sec. 5. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the purposes enumerated in section 1 of this act and for payment of the expense incurred in the drafting, printing, issuance, and sale of any such bonds.

NEW SECTION. Sec. 6. Bonds issued under the provisions of section 2 of this act shall distinctly 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 principal of and interest on such bonds shall be first payable in the manner provided in this act from the proceeds of state excise taxes on motor vehicle fuels imposed by chapters 82.36, 82.37, and 82.38 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of section 2 of this act, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of this act.

NEW SECTION. Sec. 7. Any funds required to repay such bonds, or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds

to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements, for bond retirement or interest on any such bonds.

NEW SECTION. Sec. 8. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any such bonds, the state finance committee shall estimate, subject to the provisions of section 7 of this act, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the bond retirement fund, hereby created, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the state treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

NEW SECTION. Sec. 9. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle fuels payable into the bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act shall be added to chapter 47.10 RCW.

Passed the Senate January 30, 1976.

Passed the House February 23, 1976.

Approved by the Governor March 2, 1976.

Filed in Office of Secretary of State March 2, 1976.

CHAPTER 67

[Senate Bill No. 3247]

VOLUNTEER FIRE DEPARTMENTS— EMERGENCY MEDICAL PERSONNEL

AN ACT Relating to volunteer fire departments; and amending section 5, chapter 261, Laws of 1945 and RCW 41.24.050.

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

Section 1. Section 5, chapter 261, Laws of 1945 and RCW 41.24.050 are each amended to read as follows:

Each municipal corporation shall by appropriate legislation limit the membership of its volunteer fire department to not to exceed twenty-five firemen for each

one thousand population or fraction thereof: PROVIDED, That any fire department maintaining and operating an emergency first aid and ambulance service requiring emergency medical training under chapter 18.73 RCW shall be permitted to increase its membership by the number of firemen obtaining and maintaining such qualification: PROVIDED FURTHER, That no person serving as an emergency medical technician or first aid vehicle operator under chapter 18.73 RCW shall be permitted to join the law enforcement officers' and fire fighters' retirement system solely on the basis of such service: PROVIDED FURTHER, That in no case shall the membership of any fire department coming under the provisions of this chapter be limited to less than fifteen firemen.

Passed the Senate February 23, 1976.

Passed the House February 20, 1976.

Approved by the Governor March 2, 1976.

Filed in Office of Secretary of State March 2, 1976.

CHAPTER 68

[Substitute Senate Bill No. 3271]

BUSINESS COORDINATION ACT

AN ACT Relating to commerce and economic development; and adding new sections to chapter 43.31 RCW.

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

NEW SECTION. Section 1. There is added to chapter 43.31 RCW a new section to read as follows:

It is the sense of the legislature that the heavy burdens placed upon persons proposing to undertake certain types of businesses in this state through requirements to obtain numerous permits and related documents from various state agencies are undesirable and should be alleviated. The legislature further finds that present methods for obtaining such permits from state agencies are cumbersome and place undue hardships on persons attempting to go into business for themselves. The legislature further finds that multiple inspections related to these permits by the various state agencies is also a burden on many businesses which should be alleviated.

It is hereby declared to be the policy of the state that a pilot program be established to seek to alleviate these problems for one type of business, grocery stores, with the intent that additional businesses will be assisted as the mechanics of this pilot program are established and proven workable.

NEW SECTION. Sec. 2. There is added to chapter 43.31 RCW a new section to read as follows:

For purposes of sections 1 through 8 of this act the following words mean, unless the context clearly indicates otherwise:

(1) "Department" means the department of commerce and economic development.

(2) "Permit" means any license, permit, certificate, certification, approval, compliance schedule, or other similar document pertaining to regulation of businesses in general, and handling the products normally sold in grocery stores, plus

all health, safety, and consumer protection regulations as required by any state agency. For the purposes of sections 1 through 8 of this act, "permit" does not include "permits" issued by the department of ecology.

(3) "Person" means any individual, partnership, cooperative, or private corporation, attempting to establish a grocery operation in a new location, or seeking to continue an existing grocery operation.

(4) "Grocery" means any retail business engaged in the sale of food products (except fully prepared meals), beverages, and common household goods. Businesses offering other products and services are included but only covered under this act to the extent of the grocery related activities.

NEW SECTION. Sec. 3. There is added to chapter 43.31 RCW a new section to read as follows:

(1) Any person proposing a new grocery operation after June 30, 1976 shall submit a master application to the department requesting the issuance of all permits necessary prior to opening a new operation in the state of Washington. The master application shall be on a form furnished by the department and shall contain in consolidated form all information necessary for the various state agencies to issue a permit. These provisions shall apply to persons seeking to continue an existing operation after January 1, 1977.

(2) Upon receipt of a properly completed master application the department shall immediately send a copy to each state agency with potential jurisdiction over the proposed operation. Each notified agency shall respond in writing to the department within a reasonable time, as determined by the department, advising the department and the applicant (a) that it approves the application; (b) that it approves with certain conditions as specified; or, (c) that it denies the application with reasons given for the denial.

The department will then issue a master permit covering all the approvals and conditions excluding any denials. It shall be the responsibility of the applicant to make appeals on conditions imposed or on permit denials through that normal appeal process established by the agency with jurisdiction for the issuances of such permit.

(3) A total fee based on the sum of fees for individual permits requested will accompany each master application and will be collected by the department and used to reimburse the various state agencies as per their schedules. The issuance of a master permit shall be in lieu of any permit, certificate, or similar document required by any agency listed in subsection (4) of this section.

(4) All permits and inspections related to grocery operations by the following state agencies are covered under sections 1 through 8 of this act.

- (a) Department of Revenue;
- (b) Department of Labor and Industries;
- (c) Department of Employment Security;
- (d) Department of Agriculture;
- (e) Department of Fisheries;
- (f) Liquor Control Board;
- (g) State Pharmacy Board;
- (h) Department of Highways; and

(i) any other state agency, that may now or in the future issue permits or make inspections of grocery operations: PROVIDED, That nothing in this section shall be construed to eliminate state or local governmental health or safety inspections.

(5) All individual permits covered by this act shall expire according to a staggered schedule to be specified by the department of commerce and economic development. Costs for permits issued in the interim will be prorated according to the time each permit is in force.

(6) Starting January 1, 1977, annual renewals for all individual permits will be replaced by a master permit issued by the department of commerce and economic development. Renewals will be automatically granted under conditions originally imposed unless one of the regulatory agencies informs the department of revised restrictions to be imposed prior to such issuance.

NEW SECTION. Sec. 4. There is added to chapter 43.31 RCW a new section to read as follows:

The director of the department is authorized to establish a program for coordinating all inspections by state agencies of grocery establishments. Where practicable under existing law, he is authorized to require that inspections with similar objectives or involving common expertise be consolidated and performed by one inspector at one time. The director shall be authorized to provide special training to inspectors where it is determined that such training will assure the consolidation of certain inspections.

NEW SECTION. Sec. 5. There is added to chapter 43.31 RCW a new section to read as follows:

The department shall establish permit issuing centers in its office at Olympia and in all of its regional offices.

NEW SECTION. Sec. 6. There is added to chapter 43.31 RCW a new section to read as follows:

The department, after consultation with other state agencies and affected businesses, shall submit to the legislature by January 1, 1977, a report setting forth the results of the experience under sections 1 through 8 of this act together with any recommendations for: (1) Consolidating inspections further by change in existing statutes; (2) expanding the program to include other types of business; and (3) further improving procedures.

NEW SECTION. Sec. 7. There is added to chapter 43.31 RCW a new section to read as follows:

The rule of strict construction shall have no application to this chapter and it shall be liberally construed in order to carry out its purposes.

NEW SECTION. Sec. 8. There is added to chapter 43.31 RCW a new section to read as follows:

Sections 1 through 8 of this act shall be known as the "Business Coordination Act".

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 Senate February 23, 1976.

Passed the House February 20, 1976.

Approved by the Governor March 2, 1976.

Filed in Office of Secretary of State March 2, 1976.

CHAPTER 69

[Substitute Senate Bill No. 3274]

PARKING FACILITIES NEAR FERRY TERMINALS—USE—FUNDING

AN ACT Relating to the financing of certain public improvements which may be used in whole or in part for Washington state ferry system purposes; and adding a new section to chapter 47.60 RCW.

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

NEW SECTION. Section 1. There is added to chapter 47.60 RCW a new section to read as follows:

(1) Whenever any county, city or other municipal corporation acquires or constructs any facility to be used in whole or in part for off-street parking of motor vehicles which is in the immediate vicinity of an existing or planned ferry terminal, the Washington toll bridge authority may enter into an agreement with such local governmental body providing for the use in part or at specified times of such facility as a holding area for traffic waiting to board a ferry or for parking by ferry patrons.

(2) As a part of an agreement authorized by subsection (1) of this section, the authority, subject to the limitations contained in RCW 47.60.380, may pledge any moneys in the Puget Sound capital construction account in the motor vehicle fund, or to be deposited in said account, to guarantee the payment of principal and interest on bonds issued by a county, city or other municipal corporation to finance the acquisition or construction of such a parking facility. In making any such pledge, the authority shall reserve the right to issue its own bonds for the purpose of paying the costs of acquiring ferry vessels with the provision that such bonds shall rank on parity with the bonds authorized by this section as a lien upon moneys in or to be deposited in the Puget Sound capital construction account.

The authority shall also reserve the right to pledge moneys in the Puget Sound capital construction account to guarantee subsequent bonds issued by any county, city or other municipal corporation to finance parking facilities as authorized in subsection (1) of this section with the provision that such subsequent bonds shall rank on parity with prior bonds guaranteed pursuant to this section as a lien upon moneys in or to be deposited in the Puget Sound capital construction account. To the extent of any pledge herein authorized, the authority shall use the first moneys

available in the Puget Sound capital construction account to meet such obligations as they arise.

Passed the Senate February 6, 1976.

Passed the House February 23, 1976.

Approved by the Governor March 2, 1976.

Filed in Office of Secretary of State March 2, 1976.

CHAPTER 70

[Substitute Senate Bill No. 3268]
STATE GENERAL FUND—RESERVE
FOR ACCRUED REVENUE ACCOUNT

AN ACT Relating to taxes; and adding a new section to chapter 82.32 RCW.

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

NEW SECTION. Section 1. There is added to chapter 82.32 RCW a new section to read as follows:

The governor's biennial budget document for the 1977-79 biennium and each succeeding biennial budget document through the biennium ending June 30, 1987, shall contain an appropriation request authorizing a transfer from the general fund to the "reserve for accrued revenue account" which is hereby created as an account in the general fund.

The purpose of the account shall be to accumulate funds, by June 30, 1986, to enable reduction of the period after the close of a biennium during which accrued revenue may be credited back to such biennium, and the account shall not be appropriated for any other purpose. The appropriations for each year through June 30, 1986 shall be in an amount equal to not less than one and one tenths percent of the general state revenues for the previous fiscal year, as the term general state revenues is defined by Article VIII, section 1(c), of the state Constitution.

Transfers from such appropriations shall be made by the state treasurer during each biennium in eight equal amounts on the first day of each quarter commencing each July 1. On June 30, 1986, the reserve for accrued revenue account shall be abolished and all funds therein shall be transferred to the general fund.

Notwithstanding the provisions of RCW 82.32.090 to the contrary, beginning July 1, 1986, if payment of any tax is received within the first ten days of the month next succeeding the month in which the due date falls, the amount of such payment shall be credited to, and shall be treated for all purposes as having been collected during, the fiscal year in which such due date falls.

Passed the Senate February 24, 1976.

Passed the House February 25, 1976.

Approved by the Governor March 2, 1976.

Filed in Office of Secretary of State March 2, 1976.

CHAPTER 71

[Engrossed Senate Bill No. 3116]

JUVENILES—DEPENDENT CHILDREN—INCORRIGIBLES

AN ACT Relating to juveniles; amending section 6, chapter 302, Laws of 1961 as amended by section 1, chapter 137, Laws of 1967 and RCW 13.04.095; amending section 3, chapter 30, Laws of 1965 as amended by section 66, chapter 292, Laws of 1971 ex. sess. and RCW 74.13.020; amending section 17, chapter 172, Laws of 1967 as amended by section 2, chapter 101, Laws of 1973 1st ex. sess. and RCW 74.13.031; creating new sections; and providing an effective date.

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

NEW SECTION. Sec. 1. The purpose of this 1976 amendatory act is to provide a program of protective supervision, care and rehabilitation in the community for children adjudicated as incorrigible as defined by 13.04.010(7) RCW, with primary emphasis on achieving the foregoing purpose in a family environment whenever possible, separating the child from his or her parents only when necessary for his or her welfare.

Sec. 2. Section 6, chapter 302, Laws of 1961 as amended by section 1, chapter 137, Laws of 1967 and RCW 13.04.095 are each amended to read as follows:

When any child shall be found to be delinquent or dependent, within the meaning of this chapter, the court shall make such order for the care, custody, or commitment of the child as the child's welfare in the interest of the state require. Subject to further order, the court may commit the child:

(1) To the care of such child's parents, subject to supervision of the probation officer; or

(2) To the custody of a probation officer, subject to such conditions as the judge may impose; or

(3) To a reputable citizen or association able and willing to receive and care for such child; or

(4) To an appropriate private agency authorized to care for children; or

~~((5) To the department of public assistance; or~~

~~((6))~~ (5) To the department of ((institutions)) social and health services: PROVIDED, That only a child found to be delinquent may be placed in a facility established pursuant to chapter 72.05 RCW or chapters 72.16 through 72.20 RCW ((if the court finds such child to be delinquent, or a dependent child whose dependency arises from incorrigibility as defined by RCW 13.04.010(7))) except that a dependent child whose dependency arises from incorrigibility as defined by RCW 13.04.010(7) may be committed to a diagnostic and treatment facility for not more than thirty days if the court finds that (a) the conduct of the child evidences a substantial likelihood of degenerating into serious delinquent or criminal behavior if not corrected, and (b) other, less restrictive alternatives have failed, and (c) custodial treatment in a diagnostic and treatment facility is available and is reasonably expected to correct such degeneration: PROVIDED, That such housing and treatment shall be entirely separate from that of delinquents.

In no case shall a child be committed beyond the age of twenty-one years. A child committed to the department of institutions shall be subject to the supervision and control thereof and the department shall have the power to parole such child under such conditions as may be prescribed.

The department of ~~((institutions))~~ social and health services shall have the power to discharge such child from custody, and the court shall have the power to rescind the commitment of such child, whenever his or her reformation shall be deemed complete.

The court shall rescind the commitment of any dependent child who was, prior to March 21, 1967, committed to the department of institutions unless such child is incorrigible or delinquent within the meaning of this chapter and the department of institutions shall return the child forthwith to the committing court for such action: PROVIDED, That the court may commit such dependent child as otherwise provided in this chapter.

Sec. 3. Section 3, chapter 30, Laws of 1965 as amended by section 66, chapter 292, Laws of 1971 ex. sess. and RCW 74.13.020 are each amended to read as follows:

As used in Title 74 RCW, child welfare services shall be defined as public social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(1) Preventing or remedying, or assisting in the solution of problems which may result in the neglect, abuse, exploitation, or delinquency of children;

(2) Protecting and caring for homeless, dependent, incorrigible as defined in RCW 13.04.010(7) or neglected children;

(3) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(4) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

As used in this chapter, child means a person less than eighteen years of age.

Sec. 4. Section 17, chapter 172, Laws of 1967 as amended by section 2, chapter 101, Laws of 1973 1st ex. sess. and RCW 74.13.031 are each amended to read as follows:

The department shall have the duty to provide child welfare services as defined in RCW 74.13.020, and shall:

(1) Develop, administer, and supervise a plan that establishes, extends aid to, and strengthens services for the protection and care of homeless, dependent ~~((or))~~ children, incorrigible children as defined by RCW 13.04.010(7), neglected children, or children in danger of becoming delinquent.

(2) Investigate complaints of neglect, abuse, or abandonment of children by parents, guardians, custodians, or persons serving in loco parentis, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, guardians, custodians or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. If the investigation reveals that a crime may have been committed, notify the appropriate law enforcement agency.

(3) Cooperate with other public and voluntary agencies and organizations in the development and coordination of programs and activities in behalf of children

including but not limited to contracting with private and public entities to provide basic education and vocational training.

(4) Have authority to accept custody of children from parents, guardians, and/or juvenile courts, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and to make payment of maintenance costs if needed. A child in need of detention, whether alleged to be dependent or delinquent, shall, prior to findings and disposition by the court pursuant to RCW 13.04.095 as now or hereafter amended, be the responsibility of and provided for by the juvenile court.

(5) Have authority to purchase care for children and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(6) Establish a child welfare and day care advisory committee who shall act as an advisory committee to the state advisory committee and to the secretary in the development of policy on all matters pertaining to child welfare, day care, licensing of child care agencies, and services related thereto.

NEW SECTION. Sec. 5. The department of social and health services shall begin immediately to prepare for the effect of section 1 of this 1976 amendatory act, and shall submit a report to the legislature by December 1, 1976, regarding its preparation of alternatives to the commitment of incorrigibles to institutions which shall be consistent with the purposes of chapter 74.13 RCW. Such report shall also include:

(1) An inventory and evaluation of services for incorrigibles, in addition to institutions maintained by the department of social and health services;

(2) The efforts of the department of social and health services to augment such services; and

(3) The fiscal impact, if any, of section 1 of this 1976 amendatory act.

NEW SECTION. Sec. 6. Appropriations made to the department of social and health services for expenditure within the institutional rehabilitation services program pursuant to section 52(2), chapter 269, Laws of 1975 1st ex. sess. may be transferred upon approval by the legislative budget committee to the extent of savings made possible by the provisions of sections 1, 2, 3, and 4 of this 1976 amendatory act to provide child welfare services mandated by RCW 74.13.031 as now or hereafter amended for the care of dependent children whose dependency arises from an adjudication of incorrigibility as defined by RCW 13.04.010(7), notwithstanding the provision of section 50(3), chapter 269, Laws of 1975 ex. sess.

NEW SECTION. Sec. 7. Notwithstanding the effective date of this 1976 amendatory act, the amendment of RCW 13.04.095 accomplished by this amendatory act shall become effective on July 1, 1977, and shall apply retroactively to all persons previously committed pursuant to chapter 13.04 RCW.

Passed the Senate February 24, 1976.

Passed the House February 23, 1976.

Approved by the Governor March 3, 1976.

Filed in Office of Secretary of State March 3, 1976.

CHAPTER 72

[Engrossed Senate Bill No. 3129]

RURAL ELECTRICAL COOPERATIVES—
NUCLEAR, THERMAL POWER FACILITIES

AN ACT Relating to electric utilities; amending section 1, chapter 159, Laws of 1967 as amended by section 1, chapter 7, Laws of 1973 1st ex. sess. and RCW 54.44.010; and amending section 2, chapter 159, Laws of 1967 as last amended by section 1, chapter 72, Laws of 1974 ex. sess. and RCW 54.44.020.

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

Section 1. Section 1, chapter 159, Laws of 1967 as amended by section 1, chapter 7, Laws of 1973 1st ex. sess. and RCW 54.44.010 are each amended to read as follows:

It is declared to be in the public interest and for a public purpose that cities of the first class, public utility districts, joint operating agencies organized under chapter 43.52 RCW, ~~((and))~~ regulated electrical companies and, rural electrical cooperatives including generation and transmission cooperatives be permitted to participate together in the development of nuclear and other thermal power facilities and transmission facilities as hereinafter provided as one means of achieving economies of scale and thereby promoting the economic development of the state and its natural resources to meet the future power needs of the state and all its inhabitants.

Sec. 2. Section 2, chapter 159, Laws of 1967 as last amended by section 1, chapter 72, Laws of 1974 ex. sess. and RCW 54.44.020 are each amended to read as follows:

In addition to the powers heretofore conferred upon cities of the first class, public utility districts organized under chapter 54.08 RCW, and joint operating agencies organized under chapter 43.52 RCW, any such cities and public utility districts which operate electric generating facilities or distribution systems and any joint operating agency shall have power and authority to participate and enter into agreements with each other and with electrical companies which are subject to the jurisdiction of the Washington utilities and transportation commission or the public utility commissioner of Oregon, hereinafter called "regulated utilities", and with rural electric cooperatives, including generation and transmission cooperatives for the undivided ownership of any type of electric generating plants and facilities, including, but not limited to nuclear and other thermal power generating plants and facilities and transmission facilities including, but not limited to, related transmission facilities, hereinafter called "common facilities", and for the planning, financing, acquisition, construction, operation and maintenance thereof. It shall be provided in such agreements that each city, public utility district, or joint operating agency shall own a percentage of any common facility equal to the percentage of the money furnished or the value of property supplied by it for the acquisition and construction thereof and shall own and control a like percentage of the electrical output thereof.

Each participant shall defray its own interest and other payments required to be made or deposited in connection with any financing undertaken by it to pay its

percentage of the money furnished or value of property supplied by it for the planning, acquisition and construction of any common facility, or any additions or betterments thereto. The agreement shall provide a uniform method of determining and allocating operation and maintenance expenses of the common facility.

Each city, public utility district, joint operating agency (~~and~~), regulated utility, and cooperatives participating in the ownership or operation of a common facility shall pay all taxes chargeable to its share of the common facility and the electric energy generated thereby under applicable statutes as now or hereafter in effect, and may make payments during preliminary work and construction for any increased financial burden suffered by any county or other existing taxing district in the county in which the common facility is located, pursuant to agreement with such county or taxing district.

NEW SECTION. Sec. 3. If any provision of this 1976 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 9, 1976.

Passed the House February 26, 1976.

Approved by the Governor March 4, 1976.

Filed in Office of Secretary of State March 4, 1976.

CHAPTER 73

[Substitute Senate Bill No. 3158]

CIVIL AIR PATROL—AERONAUTICS
COMMISSION—APPROPRIATION

AN ACT Relating to the Washington wing civil air patrol; adding a new section to chapter 14.04 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 14.04 RCW a new section to read as follows:

It is declared to be the public policy of the state of Washington to direct the financial resources of this state toward the support and aid of air search, rescue, and emergency services within the state in order to promote the general welfare of its citizens. The legislature further declares that the operation of crash, rescue, emergency operations, and organization communications in the event of natural or other disasters, the performance of emergency missions for other federal and state agencies such as the patrol of forests, pipelines, flood areas, the transportation of critical parts and supplies, and the education and character development of our young people with the cadet program of the Washington wing civil air patrol serves the public interest. The Washington wing civil air patrol is a nonprofit, federally chartered, private corporation, which is an auxiliary of the United States Air Force and is engaged in cooperation with the national, state, and local emergency services effort and the Washington aeronautics commission, which serves

the public interest and purpose, and is staffed by civilian volunteers engaged in their contribution to the public welfare at no reimbursement for their efforts.

In expending moneys appropriated by the legislature, the Washington wing civil air patrol shall consult and cooperate with the Washington aeronautics commission so that maximum education and development in aeronautical matters can be accomplished and the maximum contribution to emergency services can be made.

The Washington aeronautics commission is hereby authorized to contract with the Washington wing civil air patrol to accomplish the purposes set forth in this section, and to furnish accommodations, goods, and services to the Washington wing civil air patrol as may be necessary to accomplish the purposes of this section.

NEW SECTION. Sec. 2. To carry out the provisions of this act there is appropriated to the aeronautics commission from the aeronautics account in the general fund for the biennium ending June 30, 1977, the sum of thirty-eight thousand dollars, or so much thereof as may be necessary, to be used for actual and necessary expenses, including the acquisition, installation, conditioning, and maintenance of equipment and facilities, and for defraying expenses incurred in actual training, or rescue work, or mercy missions, for aviation and emergency services training.

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 February 23, 1976.

Passed the House February 26, 1976.

Approved by the Governor March 4, 1976.

Filed in Office of Secretary of State March 4, 1976.

CHAPTER 74

[Substitute House Bill No. 771] ALCOHOLIC BEVERAGES—SALES AND SERVICE ACTIVITIES

AN ACT Relating to intoxicating liquor; amending section 23-I, added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 1, chapter 138, Laws of 1971 ex. sess. and RCW 66.24.310; amending section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 6, chapter 173, Laws of 1975, 1st ex. sess. and RCW 66.28.010; amending section 42, chapter 62, Laws of 1933 ex. sess. as last amended by section 8, chapter 21, Laws of 1969 ex. sess. and RCW 66.28.050; and prescribing an effective date.

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

Section 1. Section 23-I, added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 1, chapter 138, Laws of 1971 ex. sess. and RCW 66.24.310 are each amended to read as follows:

(1) No person shall canvass for, solicit, receive, or take orders for the purchase or sale of (~~beer or wine at wholesale~~) liquor, nor contact any (~~retail~~) licensees

of the board in goodwill activities, unless such person shall be the accredited representative of a person, firm, or corporation holding a certificate of approval issued pursuant to RCW 66.24.270 or 66.24.206, a beer wholesaler's license, a brewer's license, a beer importer's license, a domestic winery license, a wine importer's license, or a wine wholesaler's license within the state of Washington, or the accredited representative of a distiller, manufacturer, importer, or distributor of spiritous liquor, or foreign produced beer or wine, and shall have applied for and received an agent's license: PROVIDED, HOWEVER, That the provisions of this section shall not apply to drivers who deliver beer or wine;

(2) Every agent's license issued under this title shall be subject to all conditions and restrictions imposed by this title or by the rules and regulations of the board; the board, for the purpose of maintaining an orderly market, may limit the number of agent's licenses issued for representation of specific classes of eligible employers;

(3) Every application for an agent's license must be approved by a holder of a certificate of approval issued pursuant to RCW 66.24.270 or 66.24.206, a licensed beer wholesaler, a licensed brewer, a licensed beer importer, a licensed domestic winery, a licensed wine importer, ~~((or))~~ a licensed wine wholesaler, or by a distiller, manufacturer, importer, or distributor of spiritous liquor, or foreign produced beer or wine, as the rules and regulations of the board shall require;

(4) The fee for an agent's license shall be fifteen dollars per annum;

(5) ~~((No holder of an agent's license shall contact any retail licensee of the board in goodwill activities relative to the promotion of any liquor other than beer or wine.))~~ An accredited representative of a distiller, manufacturer, importer, or distributor of spiritous liquor may, after he has applied for and received an agent's license, contact retail licensees of the board only in goodwill activities pertaining to spiritous liquor products.

Sec. 2. Section 42, chapter 62, Laws of 1933 ex. sess. as last amended by section 8, chapter 21, Laws of 1969 ex. sess. and RCW 66.28.050 are each amended to read as follows:

No person shall canvass for, solicit, receive, or take orders for the purchase or sale of any liquor, or act as agent for the purchase or sale of liquor~~((:PROVIDED, That nothing in this title shall prevent any wholesaler, by his or its authorized licensed agent, from soliciting orders from holders of licenses entitling them to sell beer: PROVIDED, FURTHER, That nothing in this title contained shall prevent any domestic winery, wine importers or wine wholesalers or their proprietors, agents and employees from soliciting orders of persons holding licenses entitling them to sell wine at retail))~~ except as authorized by RCW 66.24.310 as now or hereafter amended. Nothing in this section contained shall apply to agents dealing with the board or to the receipt or transmission of a telegram or letter by any telegraph agent or operator or post office employee in the ordinary course of his employment as such agent, operator or employee.

Sec. 3. Section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 6, chapter 173, Laws of 1975 1st ex. sess. 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, importer, 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, importer, or wholesaler has any interest, nor shall any manufacturer, importer, 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, importer, 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. Pursuant to rules promulgated by the board in accordance with chapter 34.04 RCW manufacturers, wholesalers and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stock room inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; price case goods of their own brands; and perform such similar normal business services as the board may by regulation prescribe.

NEW SECTION. Sec. 4. The effective date of this 1976 amendatory act shall be July 1, 1976.

Passed the House February 25, 1976.

Passed the Senate February 23, 1976.

Approved by the Governor March 5, 1976.

Filed in Office of Secretary of State March 5, 1976.

CHAPTER 75

[House Bill No. 840]

TRAILER, CAMPER EXCISE TAX— DISTRIBUTION OF REVENUE, SCHOOLS

AN ACT Relating to revenue and taxation; and amending section 66, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.510.

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

Section 1. Section 66, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.510 are each amended to read as follows:

The county auditor shall regularly, when remitting motor vehicle excise taxes, pay to the state treasurer the excise taxes collected under this chapter. The treasurer shall then distribute such funds quarterly on the first day of the month of January, April, July and October of each year in the following amount: Fifteen percent to cities and towns for the use thereof apportioned ratably among such cities and towns on the basis of population; fifteen percent to counties for the use thereof to be apportioned ratably among such counties on the basis of moneys collected in such counties from the excise taxes imposed under this chapter; and seventy percent for schools to be ~~((distributed by the superintendent of public instruction and apportioned ratably among such school districts on the basis of moneys collected in such districts from the excise taxes imposed under this chapter. All of the funds distributed to school districts under this section shall be considered available revenues of the school district in computing state equalization support under RCW 28A.41.130))~~ deposited in the state general fund.

Passed the House January 26, 1976.

Passed the Senate February 24, 1976.

Approved by the Governor March 5, 1976.

Filed in Office of Secretary of State March 5, 1976.

CHAPTER 76

[House Bill No. 1255]

VOLUNTEER FIREMEN—DISABILITY, DEATH, SURVIVORS' BENEFITS

AN ACT Relating to volunteer firemen's relief and pensions; amending section 15, chapter 261, Laws of 1945 as last amended by section 4, chapter 118, Laws of 1969 and RCW 41.24.150; amending section 16, chapter 261, Laws of 1945 as last amended by section 74, chapter 154, Laws of 1973 1st ex. sess. and RCW 41.24.160; amending section 1, chapter 26, Laws of 1974 ex. sess. and RCW 41.24.180; amending section 22, chapter 261, Laws of 1945 as last amended by section 3, chapter 86, Laws of 1965 and RCW 41.24.220; and amending section 23, chapter 261, Laws of 1945 as last amended by section 6, chapter 57, Laws of 1961 and RCW 41.24.230.

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

Section 1. Section 15, chapter 261, Laws of 1945 as last amended by section 4, chapter 118, Laws of 1969 and RCW 41.24.150 are each amended to read as follows:

Whenever a fireman serving in any capacity as a member of ~~((a))~~ his own fire department subject to the provisions of this chapter becomes physically or mentally disabled, or sick, in consequence or as the result of the performance of his or her duties, so as to be wholly prevented from engaging in each and every duty ~~((as))~~ of his or her regular occupation, business or profession, he or she shall be paid from the fund monthly, the sum of ~~((five))~~ seven hundred fifty dollars for a period of not to exceed six months, or ~~((sixteen))~~ twenty-five dollars ~~((and sixty-seven cents))~~ per day for such period as is part of a month, after which period, if the member is incapacitated to such an extent that he or she is thereby prevented from engaging in any occupation or performing any work for compensation or profit, he or she shall be entitled to draw from the fund monthly, the sum of ~~((two))~~ three hundred ((fifty)) seventy-five dollars so long as the disability continues, except as hereinafter provided: PROVIDED, That if the member has a wife

or husband and/or a child or children unemancipated or under eighteen years of age, he or she shall be entitled to draw from the fund monthly the additional sums of ~~((fifty))~~ seventy-five dollars because of the fact of his wife or her husband, ~~((twenty-five))~~ thirty-seven dollars and fifty cents because of the fact of his or her youngest or only child unemancipated or under eighteen years of age, and ~~((twenty))~~ thirty dollars because of the fact of each additional child unemancipated or under eighteen years of age, all to a total maximum amount of ~~((five hundred))~~ seven hundred fifty dollars. The board may at any time reopen the grant of such disability pension if the pensioner is gainfully employed, and may reduce it in the proportion that the annual income from such gainful employment bears to the annual income received by the pensioner at the time of his disability: PROVIDED, That where a fireman sustains a permanent partial disability the state board may provide that such injured fireman shall receive a lump sum compensation therefor to the same extent as is provided for permanent partial disability under the workmen's compensation act under Title 51 RCW in lieu of such monthly disability payments.

Sec. 2. Section 16, chapter 261, Laws of 1945 as last amended by section 74, chapter 154, Laws of 1973 1st ex. sess. and RCW 41.24.160 are each amended to read as follows:

Whenever a fireman dies as the result of injuries received, or sickness contracted in consequence or as the result of the performance of his or her duties, the board of trustees shall order and direct the payment of the sum of one thousand five hundred dollars to his widow or her widower, or if there be no widow or widower, then to his or her dependent child or children, or if there be no dependent child or children, then to his or her parents or either of them, and the sum of one hundred fifty dollars per month to his widow or her widower during his or her life together with the additional monthly sums of ~~((twenty-five))~~ thirty-seven dollars and fifty cents for the youngest or only child and ~~((twenty))~~ thirty dollars for each additional child of the member, unemancipated or under eighteen years of age, dependent upon the member for support at the time of his or her death, to a maximum total of ~~((two))~~ three hundred dollars per month: PROVIDED, That if there is no widow or widower, or the widow or widower dies while there are children, unemancipated or under eighteen years of age, then the amount of one hundred fifty dollars per month shall be paid for the youngest or only child together with an additional ~~((twenty))~~ thirty dollars per month for each additional of such children to a maximum of ~~((two-))~~ three hundred dollars per month until they become emancipated or reach the age of eighteen years; and if there are no widow or widower, child or children entitled thereto, then to his or her parents or either of them the sum of one hundred fifty dollars per month for life, if it is proved to the satisfaction of the board that the parents, or either of them, were dependent on the deceased for their support at the time of his or her death: PROVIDED, That if the widow or widower, child or children, or the parents, or either of them, marry while receiving such pension the person so marrying shall thereafter receive no further pension from the fund.

In the case provided for herein, the monthly payment provided may be converted in whole or in part, into a lump sum payment, not in any case to exceed ~~((eight))~~ ten thousand ~~((five hundred))~~ dollars, equal or proportionate, as the case

may be, to the value of the annuity then remaining, to be fixed and certified by the state insurance commissioner, in which event the monthly payments shall cease in whole or in part accordingly or proportionately. Such conversion may be made either upon written application to the state board and shall rest in the discretion of the state board; or the state board is authorized to make, and authority is hereby given it to make, on its own motion, lump sum payments, equal or proportionate, as the case may be, to the value of the annuity then remaining in full satisfaction of claims due to dependents. Within the rule aforesaid the amount and value of the lump sum payment may be agreed upon between the applicant and the state board. Any person receiving a monthly payment hereunder at the time of the effective date of this act may elect, within two years, to convert such payments into a lump sum payment as herein provided.

Sec. 3. Section 1, chapter 26, Laws of 1974 ex. sess. and RCW 41.24.180 are each amended to read as follows:

The board of trustees of any municipal corporation shall direct payment in lump sums from said fund in the following cases:

(1) To any volunteer fireman, upon his or her request, upon attaining the age of sixty-five years, who, for any reason, is not qualified to receive the monthly retirement pension herein provided and who was enrolled in said fund and on whose behalf annual fees for retirement pension were paid, an amount equal to the amount paid by himself or herself.

(2) If any fireman dies before attaining the age at which a pension shall be payable to him or her under the provisions of this chapter, there shall be paid to his widow or her widower, or if there be no widow or widower to his or her child or children, or if there be no widow or widower or child or children then to his or her heirs at law as may be determined by the board of trustees or to his or her estate if it be administered and there be no heirs as above determined, an amount equal to the amount paid into said fund by himself or herself.

(3) If any fireman dies after beginning to receive the pension provided for in this chapter, and before receiving an amount equal to the amount paid by himself or herself and the municipality or municipalities in whose department he or she shall have served, there shall be paid to his widow or her widower, or if there be no widow or widower then to his or her child or children, or if there be no widow or widower or child or children then to his or her heirs at law as may be determined by the board of trustees, or to his or her estate if it be administered and there be no heirs as above determined, an amount equal to the difference between the amount paid into said fund by himself or herself and the municipality or municipalities in whose department he or she shall have served and the amount received by him or her as a pensioner.

(4) If any volunteer fireman retires from the fire service before attaining the age of sixty-five years, he or she may make application for the return of the amount paid into said fund by himself or herself.

Sec. 4. Section 22, chapter 261, Laws of 1945 as last amended by section 3, chapter 86, Laws of 1965 and RCW 41.24.220 are each amended to read as follows:

Whenever any fireman becomes disabled or sick in consequence or as the result of the performance of his or her duties by reason of which he or she is confined to any hospital an amount not exceeding the daily ward rate of the hospital shall be allowed and paid from said fund toward such hospital expenses (~~for a period not exceeding twenty-six weeks~~): PROVIDED, That this allowance shall not be in lieu of but in addition to any other allowance in this chapter provided: PROVIDED FURTHER, That costs of surgery, medicine, laboratory fees, x-ray, special therapies, and similar additional costs shall be paid in addition thereto: PROVIDED FURTHER, That when extended treatment, not available in the injured fireman's home area, is required, such fireman may be reimbursed for actual mileage to and from the place of extended treatment pursuant to RCW 43.03.060 as now existing or hereafter amended.

Sec. 5. Section 23, chapter 261, Laws of 1945 as last amended by section 6, chapter 57, Laws of 1961 and RCW 41.24.230 are each amended to read as follows:

Upon the death of any fireman resulting from injuries or sickness in consequence or as the result of the performance of his or her duties, the board of trustees shall authorize the issuance of a voucher for the sum of ~~((five))~~ seven hundred fifty dollars, and upon the death of any fireman who is receiving any disability pension provided for in this chapter, the board of trustees shall authorize the issuance of a voucher for the sum of two hundred fifty dollars, to help defray the funeral expenses and burial of such fireman, which voucher shall be paid in the manner provided for payment of other charges against the fund.

Passed the House February 6, 1976.

Passed the Senate February 25, 1976.

Approved by the Governor March 5, 1976.

Filed in Office of Secretary of State March 5, 1976.

CHAPTER 77

[House Bill No. 1376]

LOST OR DESTROYED WARRANTS—GOVERNMENTAL EMPLOYEES' PAY OR PENSIONS

AN ACT Relating to lost or destroyed instruments evidencing indebtedness; amending section 4, chapter 61, Laws of 1965 ex. sess. and RCW 39.72.010; and amending section 43.08.064, chapter 8, Laws of 1965, as amended by section 1, chapter 61, Laws of 1965 ex. sess. and RCW 43.08.064.

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

Section 1. Section 4, chapter 61, Laws of 1965 ex. sess. and RCW 39.72.010 are each amended to read as follows:

In case of the loss or destruction of a warrant for the payment of money, or any bond or other instrument or evidence of indebtedness, issued by any county, city or town, district or other political subdivision or municipal corporation of the state of Washington, hereinafter referred to as a municipal corporation, or by any department or agency of such municipal corporation, such municipal corporation may cause a duplicate to be issued in lieu thereof, subject to the same requirements and conditions, and according to the same procedure, as prescribed for the issuance of duplicate state instruments in RCW 43.08.064 and 43.08.066as now or

hereafter amended: PROVIDED, That the requirements of RCW 43.08.066(2) shall not be applicable to instruments received by employees of the above issuers for the payment of salary or wages or as other compensation for work performed nor shall those requirements be applicable to instruments received by former employees or their beneficiaries for the payment of pension benefits.

Sec. 2. Section 43.08.064, chapter 8, Laws of 1965, as amended by section 1, chapter 61, Laws of 1965 ex. sess. and RCW 43.08.064, are each amended to read as follows:

In case of the loss or destruction of a state warrant for the payment of money, or any bond or other instrument or evidence of indebtedness, issued by any state officer, or agency, such officer, or such agency through its appropriate officer may issue or cause to be issued a duplicate in lieu thereof, bearing the same number, class, or designation in all respects and for the same amount as the original, except that the word duplicate shall plainly appear upon the face of the new instrument in such a manner as to clearly identify it as a duplicate instrument. The duplicate instrument so issued shall be subject in all other respects to the same provisions of law as the original instrument: PROVIDED, That the requirements of RCW 43.08.066 (2) shall not be applicable to instruments received by officers or employees of the state for payment of salary or wages or as other compensation for work performed nor shall those requirements be applicable to instruments received by former employees or their beneficiaries for the payment of pension benefits.

Passed the House February 26, 1976.

Passed the Senate February 25, 1976.

Approved by the Governor March 5, 1976.

Filed in Office of Secretary of State March 5, 1976.

CHAPTER 78

[Senate Bill No. 3032]

PUBLIC HOSPITAL DISTRICTS—EXECUTORY CONDITIONAL SALES CONTRACTS

AN ACT Relating to public hospital districts; and adding a new section to chapter 70.44 RCW.

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

NEW SECTION. Section 1. There is added to chapter 70.44 RCW a new section to read as follows:

Any public hospital district may execute an executory conditional sales contract with any other municipal corporation, the state, or any of its political subdivisions, the government of the United States, or any private party for the purchase of any real or personal property, or property rights, in connection with the exercise of any powers or duties which such districts now or hereafter are authorized to exercise, if the entire amount of the purchase price specified in such contract does not result in a total indebtedness in excess of the limitation imposed by RCW 39.36.020, as now or hereafter amended, to be incurred without the assent of the voters of the district: PROVIDED, That if such a proposed contract would result in a total indebtedness in excess of three-fourths of one percent of the value

of taxable property in such public hospital district, a proposition in regard to whether or not such a contract may be executed shall be submitted to the voters for approval or rejection in the same manner that bond issues for capital purposes are submitted to the voters. The term "value of taxable property" shall have the meaning set forth in RCW 39.36.015.

Passed the Senate February 6, 1976.

Passed the House February 27, 1976.

Approved by the Governor March 5, 1976.

Filed in Office of Secretary of State March 5, 1976.

CHAPTER 79

[House Bill No. 1266]

SUPERIOR COURT JUDGES—LEWIS COUNTY

AN ACT Relating to superior courts; amending section 4, chapter 125, Laws of 1951 as last amended by section 4, chapter 83, Laws of 1971 ex. sess. and RCW 2.08.062; and declaring an emergency.

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

Section 1. Section 4, chapter 125, Laws of 1951 as last amended by section 4, chapter 83, Laws of 1971 ex. sess. and RCW 2.08.062 are each amended to read as follows:

There shall be in the county of Chelan one judge of the superior court; in the county of Clark four judges of the superior court; in the county of Grays Harbor two judges of the superior court; in the county of Kitsap three judges of the superior court; in the county of Kittitas one judge of the superior court; in the county of Lewis ((one)) two judges of the superior court.

NEW SECTION. Sec. 2. This 1976 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 5, 1976.

Passed the Senate February 26, 1976.

Approved by the Governor March 6, 1976.

Filed in Office of Secretary of State March 6, 1976.

CHAPTER 80

[House Bill No. 1404]

SCHOOL DISTRICT REALTY— SALE—USE OF PROCEEDS

AN ACT Relating to school district real property; and amending section 2, chapter 243, Laws of 1975 1st ex. sess. and RCW 28A.58.0461.

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

Section 1. Section 2, chapter 243, Laws of 1975 1st ex. sess. and RCW 28A-.58.0461 are each amended 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, or the acquisition of improved or unimproved real property: PROVIDED, That such acquisition shall be made only in contemplation of using such improved or unimproved real property for school district purposes.

Passed the House February 5, 1976.

Passed the Senate February 27, 1976.

Approved by the Governor March 6, 1976.

Filed in Office of Secretary of State March 6, 1976.

CHAPTER 81

[Senate Bill No. 2742]

UNIVERSITY, COLLEGE, POLICE OFFICERS— DEATH, DISABILITY, MEDICAL BENEFITS

AN ACT Relating to duty-related death, disability or injury benefits for duly sworn police officers of state colleges and universities; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 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.10 RCW a new section to read as follows:

The boards of regents of the state universities and the boards of trustees of the state colleges are authorized and empowered, under such rules and regulations as any such board may prescribe for the duly sworn police officers employed by any such board as members of a police force established pursuant to RCW 28B.10-.550, to provide for the payment of death or disability benefits or medical expense reimbursement for death, disability, or injury of any such duly sworn police officer who, in the line of duty, loses his life or becomes disabled or is injured, and for the payment of such benefits to be made to any such duly sworn police officer or his surviving spouse or the legal guardian of his child or children, as defined in RCW 41.26.030(7), or his estate: PROVIDED, That the duty-related benefits authorized by this section shall in no event be greater than the benefits authorized on the effective date of this 1975 act for duty-related death, disability, or injury of a law enforcement officer under chapter 41.26 RCW: PROVIDED FURTHER, That the duty-related benefits authorized by this section shall be reduced to the extent of any amounts received or eligible to be received on account of the duty-related death, disability, or injury to any such duly sworn police officer, his surviving spouse, the legal guardian of his child or children, or his estate, under workmen's compensation, social security including the changes incorporated under Public Law 89-97 as now or hereafter amended, or disability income insurance and health care plans under chapter 41.05 RCW.

Passed the Senate March 1, 1976.

Passed the House March 2, 1976.

Approved by the Governor March 6, 1976.

Filed in Office of Secretary of State March 6, 1976.

CHAPTER 82

[Engrossed Substitute Senate Bill No. 3003]

ARCHAEOLOGICAL RESOURCES

AN ACT Relating to archaeological resources; amending section 2, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.020; amending section 6, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.060; amending section 7, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.070; amending section 9, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.090; amending section 31, chapter 1, Laws of 1973 as amended by section 17, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.310; and adding a new section to chapter 27.53 RCW.

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

Section 1. Section 2, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.020 are each amended to read as follows:

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, created under the authority of chapter 39.34 RCW as now existing or hereafter amended, is hereby designated as an appropriate agency to carry out these functions. The director of the state parks and recreation commission in consultation with the Washington archaeological research center shall provide guidelines for the selection of depositories designated by the state for archaeological resources. The legislature directs that there shall be full cooperation amongst the office of ((archaeological)) archaeology and historic preservation, the Washington archaeological research center, and other agencies of the state.

Sec. 2. Section 6, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.060 are each amended to read as follows:

On the private and public lands of this state it shall be unlawful for any person, firm, ((or)) corporation, or any agency or institution of the state or a political subdivision thereof 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)) from the director of the state parks and recreation commission for such activities on public property or from the private landowner for such activities on private land. A private landowner may request the director of the state parks and recreation commission to assume the duty of issuing such permits. The director must obtain the

consent of the public property owner or agency responsible for the management thereof, prior to issuance of the permit. The director of the state parks and recreation commission in consultation with the Washington state archaeological research center shall develop guidelines for the issuance and processing of such permits. 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.

Sec. 3. Section 7, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.070 are each amended to read as follows:

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. Such information shall not constitute a public record which requires disclosure pursuant to the exception authorized in RCW 42.17.310, as now or hereafter amended, to avoid site depredation.

Sec. 4. Section 9, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.090 are each amended to read as follows:

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. Violations shall be reported to the appropriate law enforcement agency or to the director of the state parks and recreation commission.

Sec. 5. Section 31, chapter 1, Laws of 1973 as amended by section 17, chapter 294, Laws of 1975 1st ex. sess. 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 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.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(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.

Passed the Senate February 27, 1976.

Passed the House February 26, 1976.

Approved by the Governor March 6, 1976.

Filed in Office of Secretary of State March 6, 1976.

CHAPTER 83

[Senate Bill No. 3040]

STATE BUDGET AND ACCOUNTING—EMERGENCY
EXPENDITURES—DEFICIENCIES—FISCAL YEAR

AN ACT Relating to budget and accounting; amending section 43.88.020, chapter 8, Laws of 1965 as last amended by section 2, chapter 100, Laws of 1973 1st ex. sess. and RCW 43.88.020; adding new sections to chapter 43.88 RCW; repealing section 43.86.090, chapter 8, Laws of 1965 and RCW 43.86.090; repealing section 43.86.100, chapter 8, Laws of 1965 and RCW 43.86.100; repealing section 43.86.130, chapter 8, Laws of 1965 and RCW 43.86.130; repealing section 43.86.140, chapter 8, Laws of 1965 and RCW 43.86.140; 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 43.88 RCW a new section to read as follows:

Whenever an emergency shall arise necessitating an expenditure for the preservation of peace, health or safety, or for the carrying on of the necessary work required by law of any state agency for which insufficient or no appropriations have been made, the head of such agency shall submit to the governor, duplicate copies of a sworn statement, setting forth the facts constituting the emergency and the estimated amount of money required therefor. If the governor approves such estimate in whole or in part, the governor shall indorse on each copy of the statement the governor's approval, together with a statement of the amount approved as an allocation from any appropriation available for allocation for emergency purposes and transmit one copy to the head of the agency thereby authorizing the emergency expenditures.

NEW SECTION. Sec. 2. There is added to chapter 43.88 RCW a new section to read as follows:

It shall be unlawful for any agency head or disbursing officer to incur any deficiency and any appointive officer or employee violating the provisions of this section shall be subject to summary removal.

NEW SECTION. Sec. 3. There is added to chapter 43.88 RCW a new section to read as follows:

Any officer or employee violating, or wilfully refusing or failing to comply with, any provision of this chapter shall be guilty of a misdemeanor.

Sec. 4. Section 43.88.020, chapter 8, Laws of 1965 as last amended by section 2, chapter 100, Laws of 1973 1st ex. sess. and RCW 43.88.020 are each amended to read as follows:

(1) "Budget" shall mean a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures;

(2) "Budget document" shall mean a formal, written statement offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of program planning and fiscal management" shall mean the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties

as provided in this chapter. The director of program planning and fiscal management shall be head of the office of program planning and fiscal management which shall be in the office of the governor.

(4) "Agency" shall mean and include every state office, officer, each institution, whether educational, correctional or other, and every department, division, board and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, shall mean all moneys, including cash, checks, bills, notes, drafts, stocks and bonds, whether held in trust or for operating purposes and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation.

(6) "Regulations" shall mean the policies, standards and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or his designated agent, and which shall have the force and effect of law.

(7) "Ensuing biennium" shall mean the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated or set aside for a limited object or purpose; but "dedicated fund" shall not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

NEW SECTION. Sec. 5. The following acts or parts of acts are each hereby repealed:

- (1) Section 43.86.090, chapter 8, Laws of 1965 and RCW 43.86.090;
- (2) Section 43.86.100, chapter 8, Laws of 1965 and RCW 43.86.100;
- (3) Section 43.86.130, chapter 8, Laws of 1965 and RCW 43.86.130; and
- (4) Section 43.86.140, chapter 8, Laws of 1965 and RCW 43.86.140.

Passed the Senate February 5, 1976.

Passed the House March 1, 1976.

Approved by the Governor March 6, 1976.

Filed in Office of Secretary of State March 6, 1976.

CHAPTER 84

[Engrossed Senate Bill No. 3149]

STATE TOXICOLOGICAL LABORATORY—FUNDING

AN ACT Relating to funding the state toxicological laboratory; and amending section 13, chapter 188, Laws of 1953 as amended by section 1, chapter 24, Laws of 1970 ex. sess. and RCW 68.08.107.

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

Section 1. Section 13, chapter 188, Laws of 1953 as amended by section 1, chapter 24, Laws of 1970 ex. sess. and RCW 68.08.107 are each amended to read as follows:

There shall be established at the University of Washington Medical School a state toxicological laboratory under the direction of the state toxicologist whose duty it will be to perform all necessary toxicologic procedures requested by all coroners and prosecuting attorneys. Annually the president of the University of Washington shall appoint a competent toxicologist as state toxicologist who shall serve a one year term. The state toxicologist may be reappointed to as many additional one year terms as the president of the university in his discretion deems proper. The facilities of the police school of the Washington State University and the services of its professional staff shall be made available to the coroners and the prosecuting attorneys in their investigations under this chapter. This laboratory shall be deemed to be within the meaning of medical and biological research as defined in RCW 66.08.180, and funds for this purpose not to exceed ~~((twenty-five thousand dollars shall be provided for setting up such laboratory and an additional amount not to exceed))~~ one hundred fifty thousand dollars per biennium ~~((may))~~ shall be provided for salaries and operations of said laboratory, and the funds so provided ~~((may))~~ shall take priority over disbursements of any other sums from said medical and biological research fund.

Passed the Senate February 23, 1976.

Passed the House March 1, 1976.

Approved by the Governor March 6, 1976.

Filed in Office of Secretary of State March 6, 1976.

CHAPTER 85

[Engrossed Senate Bill No. 3257]

TEACHERS' RETIREMENT ALLOWANCE—
PAYMENT, SOURCE

AN ACT Relating to the teachers' retirement system; adding a new section to chapter 41.32 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 41.32 RCW a new section to read as follows:

Notwithstanding any provision of this chapter, moneys necessary to pay the combined pension and annuity service retirement allowance provided for in RCW

41.32.498(2) may be payable for the 1975-77 biennium from interest earnings on the pension reserve fund as provided for in RCW 41.32.030.

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 13, 1976.

Passed the House March 2, 1976.

Approved by the Governor March 6, 1976.

Filed in Office of Secretary of State March 6, 1976.

CHAPTER 86

[Substitute Senate Bill No. 3267]
VOCATIONAL EDUCATION

AN ACT Relating to vocational education; amending section 12, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.510; creating new sections; and declaring an emergency.

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

Section 1. Section 12, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C-.04.510 are each amended to read as follows:

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; the employment security department; the state library, 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 chapter shall remain within the jurisdiction of the commission.

NEW SECTION. Sec. 2. It is the intent of the legislature that the governor instruct the office of program planning and fiscal management to carry out the recommendations of the governor's report of January 1, 1976, to the standing ways and means committees of the house and senate, filed with the office of the speaker of the house of representatives and the office of the president of the senate, with regard to the staffing level of the commission for vocational education pursuant to section 81(2), chapter 269, Laws of 1975 1st ex. sess. The office of program planning and fiscal management is hereby directed to make the necessary transfers and abolishments of staff and appropriated funds to effect these recommendations not later than September 30, 1976.

NEW SECTION. Sec. 3. This 1976 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 March 1, 1976.

Passed the Senate February 24, 1976.

Passed the House March 3, 1976.

Approved by the Governor March 6, 1976.

Filed in Office of Secretary of State March 6, 1976.

CHAPTER 87

[Substitute House Bill No. 90]

GAMBLING

AN ACT Relating to gambling; amending section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 259, Laws of 1975 1st 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 259, Laws of 1975 1st 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 259, Laws of 1975 1st ex. sess. and RCW 9.46.070; adding a new section to chapter 218, Laws of 1973 1st ex. sess. and chapter 9.46 RCW; prescribing a penalty; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 218, Laws of 1973 1st ex. sess. and chapter 9.46 RCW a new section to read as follows:

(1) In addition to any other fees and taxes imposed by this chapter, or by commission rule, there is hereby imposed a special tax to be paid by every person who maintains for use or permits the use of, on any place or premises occupied by him a coin-operated gaming device which is subject to the federal tax on coin-operated devices imposed by section 4461 of the Internal Revenue Code (79 Stat. 148; 26 U.S.C. Sec. 4461), as amended and in effect on the effective date of this 1976 amendatory act and any subsequent amendments thereto. The amount of such tax shall be equal to eighty percent of the amount of the tax required to be paid to the federal government pursuant to section 4461 of the Internal Revenue Code (79 Stat. 148; 26 U.S.C. Sec. 4461), as amended and in effect on the effective date of this 1976 amendatory act and any subsequent amendments thereto: **PROVIDED**, That such tax shall not exceed the amount of the credit for state taxes allowed by section 4464 of the Internal Revenue Code (85 Stat. 534, 26 U.S.C. Sec. 4464), as amended and in effect on the effective date of this 1976 amendatory act and any subsequent amendments thereto.

This tax shall be imposed on any coin-operated gaming device as defined in section 4462 of the Internal Revenue Code (79 Stat. 149; 26 U.S.C. Sec. 4462), as amended and in effect on the effective date of this 1976 amendatory act and any amendments thereto.

(2) The tax established in subsection (1) of this section shall be payable to the commission on or before June 20 of each year in advance of the following fiscal year, July 1 through June 30, pursuant to rules and regulations adopted by the commission. Payment of any tax due shall be a condition precedent to the issuance or renewal of any license of any nature by the commission to the taxpayer. The tax shall apply to each such device so maintained or permitted at any time during the year and no such device shall be placed out for public play unless and

until the tax due respecting it has first been paid: PROVIDED, That a replacement for such a device removed from play shall not be deemed an additional device for that year. Proceeds from the tax shall be deposited in the gambling revolving fund and used by the commission for its expenses of administering this chapter.

The commission shall issue a stamp showing that the tax has been paid which shall be affixed to the coin-operated gaming device prior to being placed out for public play.

(3) The tax imposed by subsection (1) of this section shall be in addition to any tax imposed upon such coin-operated gaming devices, or the income therefrom, by any municipal corporation or political subdivision of the state.

(4) Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Sec. 2. Section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 259, Laws of 1975 1st 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.

Cake walks as commonly known and fish ponds as commonly known shall be treated as amusement games for all purposes under this chapter.

(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 prizes are awarded 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((f-r)), 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; or

(i) The payment of an admission fee to gain admission to any agricultural fair authorized under chapters 15.76 or 36.37 RCW where (i) the scheme is conducted

for promotional or advertising purposes, not including the promotion or advertisement of the scheme itself; and (ii) 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" 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 259, Laws of 1975 1st 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, 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) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of such activities are hereby authorized to conduct bingo, raffles, and amusement games, without obtaining a license to do so from the commission but only when:

(a) Such activities are held in accordance with all other requirements of chapter 9.46 RCW as now or hereafter amended, other applicable laws, and rules of the commission; and

(b) Said activities are conducted no more than twice each calendar year over a period of no more than twelve consecutive days each time, notwithstanding the limitations of RCW 9.46.020(2) as now or hereafter amended; and

(c) Only bona fide members of that organization, who are not paid for such services, participate in the management or operation of the activities; and

(d) Gross revenues to the organization from all the activities together does not exceed five thousand dollars during any calendar year; and

(e) All revenue therefrom, after deducting the cost of prizes and other expenses of the activity, is devoted solely to the purposes for which the organization qualifies as a bona fide charitable or nonprofit organization; and

(f) The organization gives notice at least five days in advance of the conduct of any of the activities to the local police agency of the jurisdiction within which the

activities are to be conducted of the organization's intent to conduct the activities, the location of the activities, and the date or dates they will be conducted; and

(g) The organization conducting the activities maintains records for a period of one year from the date of the event which accurately show at a minimum the gross revenue from each activity, details of the expenses of conducting the activities, and details of the uses to which the gross revenue therefrom is put.

(4) 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.))~~

(5) The legislature hereby authorizes any person to conduct or operate amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted by the commission at such locations as the commission may authorize.

(6) The legislature hereby authorizes any person, association, or organization to conduct sports pools without a license to do so from the commission but only when 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 one dollar 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 is 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 person or organization conducting the pool is conducting no other sports pool on the same athletic event; and

(h) The sports pool conforms to any rules and regulations of the commission applicable thereto.

The penalties provided for professional gambling in this chapter(;) shall not apply to sports pools as described in this subsection, social card games, bingo games, raffles, punch boards, pull-tabs, or amusement games 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 259, Laws of 1975 1st 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, 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 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 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 as are 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; and (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 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.

NEW SECTION. Sec. 5. This 1976 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 30, 1976.

Passed the Senate March 4, 1976.

Approved by the Governor March 11, 1976.

Filed in Office of Secretary of State March 11, 1976.

 CHAPTER 88

[Substitute House Bill No. 1366]

MT. SI AND LITTLE SI—PRESERVATION

AN ACT Relating to the preservation of Mt. Si and Little Si; creating new sections; and making an appropriation.

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

NEW SECTION. Section 1. Mt. Si and Little Si offer unique scenic and geological features which can be viewed from the I-90 highway. They also afford outstanding recreational opportunities enjoyed by the citizens of this state and tourists alike. Therefore, the legislature declares this area to be one of state-wide significance. It further recognizes the importance of safeguarding this area from those types of development which would alter its natural form and beauty.

NEW SECTION. Sec. 2. The state parks and recreation commission and the department of natural resources are directed jointly to undertake a study and complete a report regarding methods for safeguarding the natural form, beauty, and recreational values of Mt. Si and Little Si. Both agencies shall coordinate and cooperate with private interests and federal, state, and local government interests, and shall determine the ownerships, proposed boundaries, acquisition cost, and a management plan for those lands determined in the report to be necessary for safeguarding the scenic, geological, and recreational values described in section 1 of this act. The completed report shall be presented to the senate and house committees on parks and recreation by December 31, 1976.

NEW SECTION. Sec. 3. There is hereby appropriated five thousand dollars, or so much thereof as may be necessary, from the state general fund to complete the study directed in section 2 of this act, such sum to be divided equally by the department of natural resources and the state parks and recreation commission, and to be available on the effective date of this act.

Passed the House February 12, 1976.

Passed the Senate March 4, 1976.

Approved by the Governor March 11, 1976.

Filed in Office of Secretary of State March 11, 1976.

CHAPTER 89

[House Bill No. 1496]

HIGHWAYS APPROPRIATIONS

AN ACT Relating to highways; making appropriations for the operations and capital improvements of the state highway commission 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. 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 \$2,000,000 of local funds for the construction of city, county and federal facilities associated with Program C construction of state

highways: PROVIDED, That this appropriation or so much thereof as shall be expended shall be fully reimbursed to the motor vehicle fund by agencies for which such construction is performed.

NEW SECTION. Sec. 2. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1977, the sum of \$15,500 of state funds for deposit in the ferry improvement fund (created by Resolution No. 362 of the authority as amended by Resolution No. 363 of the authority) for the purpose of reimbursing the ferry improvement fund for moneys contributed therefrom to pay just compensation for the acquisition of terminal facilities of Olympic Ferries, Inc.

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 10, 1976.

Passed the Senate March 4, 1976.

Approved by the Governor March 11, 1976.

Filed in Office of Secretary of State March 11, 1976.

CHAPTER 90

[Senate Bill No. 3026]

EDUCATION—STUDENT LEARNING OBJECTIVES

AN ACT Relating to education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and providing penalties.

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:

Every school district board of directors, being accountable to the citizens within its district as to the education offered to the students therein, on or before September 1, 1977, by rule and regulation, shall develop a program identifying student learning objectives for their district for grades kindergarten through eight in the areas of language arts, reading, and math, and initiate implementation of such program on or before September 1, 1978: PROVIDED, That the school district must evidence community participation in defining the objectives of such a program: PROVIDED FURTHER, That nothing in this section shall be deemed to exclude those courses made mandatory under chapter 28A.05 RCW or courses prescribed for study by the state board of education under RCW 28A.04.120. Such program of student learning objectives shall assure that the district's resources in such educational program, such as money, facilities, time, materials and personnel, shall be utilized so as to provide both economies in management and operation, and quality education in the aforesaid areas: PROVIDED FURTHER, That such learning objectives shall be measurable as to the actual student attainment and evaluated at least annually.

The state board of education shall examine the programs in each school district in the state for reasons of program approval as required in accordance with RCW 28A.41.130, as now or hereafter amended.

School districts may obtain assistance in carrying out their duties under this section from the educational service district of which they are a part.

Passed the Senate March 4, 1976.

Passed the House March 2, 1976.

Approved by the Governor March 11, 1976.

Filed in Office of Secretary of State March 11, 1976.

CHAPTER 91

[Senate Bill No. 3036]

VEHICLES, WATERCRAFT, CAMPERS—TAMPERED IDENTIFICATION—IMPOUNDMENT, DISPOSITION— VEHICLE TITLE GUARANTEE ACCOUNT

AN ACT Relating to certificates of ownership and registration; adding new sections to chapter 12, Laws of 1961 and to chapter 46.12 RCW; prescribing penalties; making an appropriation; 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 46.12 RCW a new section to read as follows:

Whoever knowingly buys, sells, receives, disposes of, conceals, or has knowingly in his possession any vehicle, watercraft, camper, or component part thereof, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed for the purpose of concealment or misrepresenting the identity of the said vehicle, watercraft, camper, or component part thereof shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 2. There is added to chapter 12, Laws of 1961 and to chapter 46.12 RCW a new section to read as follows:

(1) Any vehicle, watercraft, camper, or any component part thereof, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, obliterated, or destroyed, there being reasonable grounds to believe that such was done for the purpose of concealing or misrepresenting identity, shall be impounded and held by the seizing law enforcement agency for the purpose of conducting an investigation to determine the identity of the article or articles, and to determine whether it had been reported stolen.

(2) Within five days of the impounding of any vehicle, watercraft, camper, or component part thereof, the law enforcement agency seizing the article or articles shall send written notice of such impoundment by certified mail to all persons known to the agency as claiming an interest in the article or articles. The seizing agency shall exercise reasonable diligence in ascertaining the names and addresses of those persons claiming an interest in the article or articles. Such notice shall advise the person of the fact of seizure, the possible disposition of the article or

articles, the requirement of filing a written claim requesting notification of potential disposition, and the right of the person to request a hearing to establish a claim of ownership. Within five days of receiving notice of other persons claiming an interest in the article or articles, the seizing agency shall send a like notice to each such person.

(3) If reported as stolen, the seizing law enforcement agency shall promptly release such vehicle, watercraft, camper, or parts thereof as have been stolen, to the person who is the lawful owner or the lawful successor in interest, upon receiving proof that such person presently owns or has a lawful right to the possession of the article or articles.

NEW SECTION. Sec. 3. There is added to chapter 12, Laws of 1961 and to chapter 46.12 RCW a new section to read as follows:

Unless a claim of ownership to the article or articles is established pursuant to section 4 of this act, the law enforcement agency seizing the vehicle, watercraft, camper, or component part thereof may dispose of them by destruction, by selling at public auction to the highest bidder, or by holding the article or articles for the official use of the agency, when:

(1) The true identity of the article or articles cannot be established by restoring the original manufacturer's serial number or other distinguishing numbers or identification marks or by any other means;

(2) After the true identity of the article or articles has been established, the seizing law enforcement agency cannot locate the person who is the lawful owner or if such lawful owner or his successor in interest fails to claim the article or articles within forty-five days after receiving notice from the seizing law enforcement agency that the article or articles is in its possession.

No disposition of the article or articles pursuant to this section shall be undertaken until at least sixty days have elapsed from the date of seizure and written notice of the right to a hearing to establish a claim of ownership pursuant to section 4 of this act and of the potential disposition of the article or articles shall have first been served upon the person who held possession or custody of the article when it was impounded and upon any other person who, prior to the final disposition of the article, has notified the seizing law enforcement agency in writing of a claim to ownership or lawful right to possession thereof.

NEW SECTION. Sec. 4. There is added to chapter 12, Laws of 1961 and to chapter 46.12 RCW a new section to read as follows:

(1) Any person may submit a written request for a hearing to establish a claim of ownership or right to lawful possession of the vehicle, watercraft, camper, or component part thereof seized pursuant to this section.

(2) Upon receipt of a request for hearing, one shall be held before the chief law enforcement officer of the seizing agency or his designee.

(3) Such hearing shall be held within a reasonable time after receipt of a request therefor. Reasonable investigative activities, including efforts to establish the identity of the article or articles and the identity of the person entitled to the lawful possession or custody of the article or articles shall be considered in determining the reasonableness of the time within which a hearing must be held.

(4) The hearing and any appeal therefrom shall be conducted in accordance with chapter 34.04 RCW.

(5) The burden of producing evidence shall be upon the person claiming to be the lawful owner or to have the lawful right of possession to the article or articles.

(6) Any person claiming ownership or right to possession of an article or articles subject to disposition under sections 2 through 5 of this act may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is two hundred dollars or more. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to judgment for costs and reasonable attorney's fees. For purposes of this section the seizing law enforcement agency shall not be considered a claimant.

(7) The seizing law enforcement agency shall promptly release the article or articles to the claimant upon a determination by the hearing officer or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof.

NEW SECTION. Sec. 5. There is added to chapter 12, Laws of 1961 and to chapter 46.12 RCW a new section to read as follows:

The seizing law enforcement agency may release the article or articles impounded pursuant to this section to the person claiming ownership without a hearing pursuant to section 4 of this act when such law enforcement agency is satisfied after an appropriate investigation as to the claimant's right to lawful possession. If no hearing is contemplated as provided for in section 4 of this act such release shall be within a reasonable time following seizure. Reasonable investigative activity, including efforts to establish the identity of the article or articles and the identity of the person entitled to lawful possession or custody of the article or articles shall be considered in determining the reasonableness of the time in which release must be made.

NEW SECTION. Sec. 6. There is added to chapter 12, Laws of 1961 and to chapter 46.12 RCW a new section to read as follows:

An identification number shall be assigned to any article impounded pursuant to section 2 of this act in accordance with the rules promulgated by the department of motor vehicles prior to:

- (1) The release of the article from the custody of the seizing agency; or
- (2) The use of the article by the seizing agency.

NEW SECTION. Sec. 7. There is added to chapter 12, Laws of 1961 and to chapter 46.12 a new section to read as follows:

There is hereby created in the motor vehicle fund the vehicle title guarantee account which shall be used to reimburse a vehicle owner when: (1) His vehicle identification number was physically inspected and verified pursuant to RCW 46.12.030(3); and (2) The vehicle is determined subsequently to have been reported stolen at the time of the inspection. Such reimbursement shall be for the value of the vehicle as determined by criteria set forth in RCW 82.44.040: PROVIDED, That no claim shall be allowed under this section following a satisfactory showing by the department that errors, omissions, or transpositions were made in entering the vehicle's identity in the stolen vehicle file.

NEW SECTION. Sec. 8. The state treasurer shall transfer fifty thousand dollars from the motor vehicle fund to the vehicle title guarantee account within ten days after the effective date of this act.

NEW SECTION. Sec. 9. There is appropriated fifty thousand dollars or so much thereof as may be necessary from the vehicle title guarantee account to the department of motor vehicles for the biennium ending June 30, 1977 for reimbursement to vehicle owners pursuant to section 7 of this 1976 act.

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. This act shall take effect on July 1, 1976.

Passed the Senate March 4, 1976.

Passed the House February 27, 1976.

Approved by the Governor March 11, 1976.

Filed in Office of Secretary of State March 11, 1976.

CHAPTER 92

[Senate Bill No. 3091]

SCHOOL PERSONNEL CERTIFICATION

AN ACT Relating to education; amending section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 50, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.04.120; amending section 28A.70.005, chapter 223, Laws of 1969 ex. sess. and RCW 28A.70.005; amending section 28A.70.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 135, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.130; amending section 28A.70.140, chapter 223, Laws of 1969 ex. sess. as last amended by section 136, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.140; creating a new section; and reenacting section 28A.70.110, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 192, Laws of 1975 1st ex. sess. and section 134, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.110.

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

Section 1. Section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 50, chapter 275, Laws of 1975 1st 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, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive ~~((teachers^d))~~ such 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^d))~~ such certification as provided for in subsection (1) above, and prepare ~~((an accredited list of those higher institutions of))~~ a list of accredited institutions of higher education of this and other states whose graduates may be awarded ~~((teachers^d))~~ such certificates.

(3) Supervise the issuance of ~~((teachers^d))~~ such certificates as provided for in subsection (1) above 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 of accredited schools 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, 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. 2. Section 28A.70.005, chapter 223, Laws of 1969 ex. sess. and RCW 28A.70.005 are each amended to read as follows:

The state board of education shall establish, publish and enforce rules and regulations determining eligibility for and certification of ~~((teachers))~~ personnel employed in the common schools of this state, including certification for emergency or temporary, substitute or provisional duty and under such certificates or permits as the board shall deem proper or as otherwise prescribed by law. The superintendent of public instruction shall act as the administrator of any such rules and regulations and have the power to issue any certificates or permits and revoke the same in accordance with board rules and regulations.

Sec. 3. Section 28A.70.110, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 192, Laws of 1975 1st ex. sess. and section 134, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.110 are each reenacted to read as follows:

The fee for any 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 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 educational service district superintendent is located, to be by him placed to the credit of said school district or educational service district: PROVIDED, That if any school district collecting fees for the certification of professional staff does not hold a professional training institute separate from the educational service district then all such moneys shall be placed to the credit of the educational service district.

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. 4. Section 28A.70.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 135, chapter 275, Laws of 1975 1st ex. sess. 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))~~ employment in any ~~((county))~~ school district of the state upon being registered by the school district, or the educational service district ~~((superintendent thereof))~~, if designated to do so by the school district, which fact shall be evidenced ~~((by him))~~ on the certificate in the words, "Registered for use in ~~((county))~~ district," together with the date of registry, and ~~((his))~~ an official signature of the person registering the same: 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. 5. Section 28A.70.140, chapter 223, Laws of 1969 ex. sess. as last amended by section 136, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.140 are each amended to read as follows:

Before registering any certificate, the school district or educational service district ~~((superintendent of the county))~~, as the case may be, in which application is made ~~((for certificate))~~ shall ~~((satisfy himself))~~ be satisfied 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 school district superintendent or educational service district superintendent, as the case may be,

shall immediately notify the superintendent of public instruction of ~~((his))~~ the action and shall fully and clearly state ~~((his))~~ the 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.

NEW SECTION. Sec. 6. If any provision of this 1976 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 4, 1976.

Passed the House March 3, 1976.

Approved by the Governor March 11, 1976.

Filed in Office of Secretary of State March 11, 1976.

CHAPTER 93

[Engrossed Senate Bill No. 3017]

DEPARTMENT OF SOCIAL AND HEALTH SERVICES—APPROPRIATION— MENTAL HEALTH FACILITIES

AN ACT Relating to appropriations; making an appropriation to the department of social and health services; 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 department of social and health services from the department of social and health services construction account (HJR 52), the sum of eight hundred one thousand three hundred twenty-eight dollars, or so much thereof as may be necessary, to supplement federal and local funds under Community Mental Health Centers construction grant number 10-C-530-03-1-67-0 for construction of a mental health wing at Children's Orthopedic Hospital located in Seattle, Washington and a mental health facility at Seattle Mental Health Institute.

NEW SECTION. Sec. 2. Notwithstanding the provisions of chapter 276, section 5(3)(g), Laws of 1975 1st ex. sess. (uncodified), \$800,000 appropriated from the DSHS construction account (HJR 52) to construct and equip one community health center shall not be expended.

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 February 6, 1976.

Passed the House March 10, 1976.

Approved by the Governor March 12, 1976.

Filed in Office of Secretary of State March 12, 1976.

 CHAPTER 94

[House Bill No. 1311]

 DEPARTMENT OF REVENUE—AUDITS—
 PERSONAL PROPERTY ACCOUNTS

AN ACT Relating to property taxes; amending section 84.08.030, chapter 15, Laws of 1961 as amended by section 30, chapter 149, Laws of 1967 ex. sess. and RCW 84.08.030; and declaring an emergency.

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

Section 1. Section 84.08.030, chapter 15, Laws of 1961 as amended by section 30, chapter 149, Laws of 1967 ex. sess. and RCW 84.08.030 are each amended to read as follows:

The department of revenue shall examine and test the work of county assessors at any time, and have and possess all rights and powers of such assessors for the examination of persons, and property, and for the discovery of property subject to taxation, and if it shall ascertain that any taxable property is omitted from the assessment list, or not assessed or valued according to law, it shall bring the same to the attention of the assessor of the proper county in writing, and if such assessor shall neglect or refuse to comply with the request of the department of revenue to place such property on the assessment list, or to correct such incorrect assessment or valuation the department of revenue shall have the power to prepare a supplement to such assessment list, which supplement shall include all property required by the department of revenue to be placed on the assessment list and all corrections required to be made. Such supplement shall be filed with the assessor's assessment list and shall thereafter constitute an integral part thereof to the exclusion of all portions of the original assessment list inconsistent therewith, and shall be submitted therewith to the county board of equalization. As part of the examining and testing of the work of county assessors to be accomplished pursuant to this section, the department of revenue shall audit statewide at least ~~((five))~~ one-half of one percent of all personal property accounts listed ~~((in any county))~~ each calendar year.

NEW SECTION. Sec. 2. This 1976 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 5, 1976.

Passed the Senate March 4, 1976.

Approved by the Governor March 13, 1976.

Filed in Office of Secretary of State March 13, 1976.

 CHAPTER 95

[House Bill No. 1340]

TRAFFIC VIOLATIONS—PUNISHMENT

AN ACT Relating to traffic laws; amending section 2, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.010; amending section 46.64.015, chapter 12, Laws of 1961 as last amended by section 1,

chapter 56, Laws of 1975 and RCW 46.64.015; amending section 46.64.050, chapter 12, Laws of 1961 and RCW 46.64.050; providing penalties; and declaring an emergency.

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

Section 1. Section 2, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.010 are each amended to read as follows:

~~((It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail))~~ Failure to perform any act required in this chapter or performance of any act forbidden by this chapter or violation of any local ordinance relating to traffic, parking, standing, stopping, and pedestrian offenses is a misdemeanor. A misdemeanor under this chapter shall be punishable by imposition of a fine not to exceed two hundred fifty dollars, and shall not be punishable by confinement in any jail or correctional institution: PROVIDED, That offenses described in the following sections of RCW shall be classified and punishable as prescribed by this Title and where the offense is classified as a misdemeanor and no specific penalty is prescribed shall be punishable by imprisonment in the county jail for a maximum term of not more than 90 days or by a fine of not more than five hundred dollars or by both such imprisonment and fine:

<u>RCW 46.20.342</u>	<u>Relating to driving while license suspended or revoked;</u>
<u>RCW 46.52.010</u>	<u>Relating to duty on striking unattended car or other property;</u>
<u>RCW 46.52.020</u>	<u>Relating to duty in case of injury to or death of person or damage to attended vehicle;</u>
<u>RCW 46.61.500</u>	<u>Relating to reckless driving;</u>
<u>RCW 46.61.506</u>	<u>Relating to persons under influence of intoxicating liquor or drugs;</u>
<u>RCW 46.61.520</u>	<u>Relating to negligent homicide by motor vehicle— Penalty;</u>
<u>RCW 46.61.530</u>	<u>Relating to racing of vehicles on highways—Reckless driving;</u>
<u>RCW 46.61.535</u>	<u>Relating to advertising of unlawful speed attained— Reckless driving.</u>

Sec. 2. Section 46.64.015, chapter 12, Laws of 1961 as last amended by section 1, chapter 56, Laws of 1975 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 or by imposition of a fine, 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 or violation 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 RCW 46.64.017.

Sec. 3. Section 46.64.050, chapter 12, Laws of 1961 and RCW 46.64.050 are each amended to read as follows:

It shall be a misdemeanor for any person to violate any of the provisions of this title unless violation is by this title or other law of this state declared to be a felony ((or)), a gross misdemeanor, or a violation.

Unless another penalty is in this title provided, every person convicted of a misdemeanor for violation of any provisions of this title shall be punished accordingly.

NEW SECTION. Sec. 4. This 1976 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 5, 1976.

Passed the Senate March 4, 1976.

Approved by the Governor March 13, 1976.

Filed in Office of Secretary of State March 13, 1976.

CHAPTER 96

[House Bill No. 1342]

CRIMINAL PROCEDURE—CONVICTED DEFENDANTS— FINES AND COSTS, LIABILITY

AN ACT Relating to criminal procedure; and adding new sections 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:

- (1) The court may require a convicted defendant to pay costs.
- (2) Costs shall be limited to expenses specially incurred by the state in prosecuting the defendant. They cannot include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law.
- (3) The court shall not sentence a defendant to pay costs unless the defendant is or will be able to pay them. In determining the amount and method of payment of costs, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.
- (4) A defendant who has been sentenced to pay costs and who is not in contumacious default in the payment thereof may at any time petition the court which sentenced him for remission of the payment of costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or his immediate

family, the court may remit all or part of the amount due in costs, or modify the method of payment under section 2 of this act.

NEW SECTION. Sec. 2. There is added to chapter 10.01 RCW a new section to read as follows:

When a defendant is sentenced to pay a fine or costs, the court may grant permission for payment to be made within a specified period of time or in specified installments. If no such permission is included in the sentence the fine or costs shall be payable forthwith.

NEW SECTION. Sec. 3. There is added to chapter 10.01 RCW a new section to read as follows:

(1) When a defendant sentenced to pay a fine or costs defaults in the payment thereof or of any installment, the court on motion of the prosecuting attorney or upon its own motion may require him to show cause why his default should not be treated as contempt of court, and may issue a show cause citation or a warrant of arrest for his appearance.

(2) Unless the defendant shows that his default was not attributable to an intentional refusal to obey the order of the court or to a failure on his part to make a good faith effort to make the payment, the court may find that his default constitutes contempt and may order him committed until the fine or costs, or a specified part thereof, is paid.

(3) When a fine or assessment of costs is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the fine or costs from those assets, and his failure to do so may be held to be contempt unless he makes the showing required in subsection (2) of this section.

(4) The term of imprisonment for contempt for nonpayment of a fine or costs shall be set forth in the commitment order, and shall not exceed one day for each twenty-five dollars of the fine or costs, thirty days if the fine or assessment of costs was imposed upon conviction of a violation or misdemeanor, or one year in any other case, whichever is the shorter period. A person committed for nonpayment of a fine or costs shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.

(5) If it appears to the satisfaction of the court that the default in the payment of a fine or costs is not contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount thereof or of each installment or revoking the fine or costs or the unpaid portion thereof in whole or in part.

(6) A default in the payment of a fine or costs or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of a fine or costs shall not discharge a defendant committed to imprisonment for contempt until the amount of the fine or costs has actually been collected.

Passed the House February 12, 1976.

Passed the Senate March 6, 1976.

Approved by the Governor March 13, 1976.

Filed in Office of Secretary of State March 13, 1976.

CHAPTER 97

[House Bill No. 1314]

SCHOOLS—STUDENT DISCIPLINE

AN ACT Relating to education; amending section 2, chapter 268, Laws of 1971 ex. sess. and RCW 28A.04.132; and amending section 28A.58.101, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 254, Laws of 1975 1st ex. sess. and RCW 28A.58.101 and adding a new section to chapter 28A.58 RCW.

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

Section 1. Section 2, chapter 268, Laws of 1971 ex. sess. and RCW. 28A.04.132 are each amended to read as follows:

The state board of education shall adopt and distribute to all school districts lawful and reasonable rules and regulations prescribing the substantive and procedural due process guarantees of pupils in the common schools. Such rules and regulations shall authorize a school district to use informal due process procedures in connection with the short term suspension of students to the extent constitutionally permissible: PROVIDED, That the state board deems the interest of students to be adequately protected.

Sec. 2. Section 28A.58.101, chapter 223, Laws of 1969, ex. sess. as last amended by section 1, chapter 254, Laws of 1975 1st 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))~~ authority of teachers and principals with respect to the discipline of pupils as prescribed by state ~~((and local))~~ statutory law, superintendent of public instruction and state board of education rules and regulations and rules and regulations of the school district.

(3) Suspend, expel, or discipline pupils in accordance with RCW 28A.04.132.

NEW SECTION. Sec. 3. There is added to chapter 28A.58 RCW a new section to read as follows:

Within each school the school principal shall determine that appropriate student discipline is established and enforced.

Passed the House March 8, 1976.

Passed the Senate March 6, 1976.

Approved by the Governor March 15, 1976.

Filed in Office of Secretary of State March 15, 1976.

CHAPTER 98

[Substitute House Bill No. 1345]

STUDENT ACHIEVEMENT SURVEYS AND TESTS

AN ACT Relating to education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; making an appropriation; 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 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

(1) It shall be the intent and purpose of this 1976 act to direct the office of superintendent of public instruction to conduct standardized reading, mathematics, and language arts achievement level surveys of approximately two thousand students distributed throughout the state in each of the grade levels eight and eleven during such testing cycles as provided for in subsection (2) of this section. The survey testing shall be based on a statistical random sample of students from these grade levels sufficient to generalize about all of the students at each of the selected grade levels from the state's school districts. The purpose of these surveys is to allow the public and the legislature to evaluate how Washington students in these grades compare to students in the same grades tested in other comparable national achievement surveys. The office of superintendent of public instruction shall coordinate such tests and provide such information as obtained therefrom to the legislature no less often than once every four years.

(2) The superintendent of public instruction shall prepare a report to the legislature on the achievement levels of students in grades eight and eleven based on the achievement level surveys conducted in the 1975-77 biennium and for each of the subsequent testing cycles as designated by the superintendent of public instruction's office. Such report shall include a comparison of the achievement levels attained by Washington students to the levels attained by students outside of the state, with special emphasis placed on the basic skills of reading, mathematics, and language arts. Such report shall also focus on appropriate input variables and comparisons of variables reported by other states' testing programs.

(3) Results of the first survey test shall be made available to the school districts and the legislature no later than June 30, 1977.

(4) In addition to the survey testing for grades eight and eleven as set forth in this 1976 act, every school district is encouraged to test pupils in grade two by an assessment device designed or selected by the local school districts. This test shall be used to help teachers in identifying those pupils in need of assistance in the skills of reading, writing, mathematics, and language arts. The test results are not to be compiled by the superintendent of public instruction, but are only to be used by the local school district.

(5) The superintendent of public instruction shall prepare, with the assistance of local school districts, and conduct a standardized achievement test to be given annually to all pupils in grade four. The test shall assess students' skill in reading, mathematics, and language arts and shall focus upon appropriate input variables. Results of such tests shall be compiled by the superintendent of public instruction, who shall make those results available annually to the legislature, to all local

school districts and subsequently to parents of those children tested. The results shall allow parents to ascertain the achievement levels and input variables of their children as compared with the other students within the district, the state and, if applicable, the nation.

NEW SECTION. Sec. 2. There is hereby appropriated to the superintendent of public instruction the sum of three hundred thousand dollars from the state general fund to be expended only in the amount necessary and exclusively for implementing the provisions of this 1976 amendatory act.

NEW SECTION. Sec. 3. This 1976 amendatory act shall take effect on July 1, 1976.

Passed the House March 8, 1976.

Passed the Senate March 6, 1976.

Approved by the Governor March 15, 1976.

Filed in Office of Secretary of State March 15, 1976.

CHAPTER 99

[Substitute House Bill No. 1612]
ENVIRONMENTAL POLICY—LOCAL
GOVERNMENT, REFERENCE
ADOPTION OF RULES,
GUIDELINES AND
MODEL ORDINANCES

AN ACT Relating to local government; and adding a new section to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW.

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

NEW SECTION. Section 1. There is added to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW a new section to read as follows:

(1) All public and municipal corporations, political subdivisions, and counties of the state are authorized to adopt rules, ordinances, and resolutions which incorporate any of the following by reference to the appropriate sections of the Washington Administrative Code:

(a) Rules and guidelines adopted under RCW 43.21C.110(1) in accordance with the administrative procedure act, chapter 34.04 RCW;

(b) Model ordinances adopted by the department of ecology under RCW 43.21C.130 in accordance with the administrative procedure act, chapter 34.04 RCW.

(2) If any rule, ordinance, or resolution is adopted by reference pursuant to subsection (1) of this section, any publication of such rule, ordinance, or resolution shall be accompanied by a summary of the contents of the sections of the Washington Administrative Code referred to. Such summaries shall be provided to the adopting units of local government by the department of ecology: PROVIDED, That any proposal for a rule, ordinance or resolution which would adopt by reference rules and guidelines or model ordinances pursuant to this section shall be accompanied by the full text of the material to be adopted which need not be published but shall be maintained on file for public use and examination.

(3) Whenever any rule, ordinance, or resolution is adopted by reference pursuant to subsection (1) of this section, the corporation, political subdivision, or county of the state adopting the rule, ordinance, or resolution shall maintain on file for public use and examination not less than three copies of the sections of the Washington Administrative Code referred to.

Passed the House March 8, 1976.

Passed the Senate March 6, 1976.

Approved by the Governor March 15, 1976.

Filed in Office of Secretary of State March 15, 1976.

CHAPTER 100

[Engrossed Senate Bill No. 3038]

SCHOOLS—CONTROL OF DISTURBANCES AND INTERFERENCE

AN ACT Relating to education; amending section 1, page 85, Laws of 1875 as last amended by section 29, chapter 122, Laws of 1972 ex. sess. and RCW 9.87.010; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.87 RCW; providing for the expiration of a section hereof; and providing penalties.

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.87 RCW a new section to read as follows:

(1) It shall be unlawful for any person to willfully disobey the order of the chief administrative officer of a public school district, or of an authorized designee of any such administrator, to leave any motor vehicle, building, grounds or other property which is owned, operated or controlled by the school district if the person so ordered is committing, threatens to imminently commit or incites another to imminently commit any act which would disturb or interfere with or obstruct any lawful task, function, process or procedure of the school district or any lawful task, function, process or procedure of any student, official, employee or invitee of the school district.

(2) It shall be unlawful for any person to refuse to leave public property immediately adjacent to a building, grounds or property which is owned, operated or controlled by a school district when ordered to do so by a law enforcement officer if such person is engaging in conduct which creates a substantial risk of causing injury to any person, or substantial harm to property, or such conduct amounts to disorderly conduct under RCW 9A.84.030.

(3) Nothing in this section shall be construed to prohibit or penalize activity consisting of the lawful exercise of freedom of speech, freedom of press and the right to peaceably assemble and petition the government for a redress of grievances: **PROVIDED**, That such activity neither does or threatens imminently to materially disturb or interfere with or obstruct any lawful task, function, process or procedure of the school district, or any lawful task, function, process or procedure of any student, official, employee or invitee of the school district: **PROVIDED FURTHER**, That such activity is not conducted in violation of a prohibition or limitation lawfully imposed by the school district upon entry or use of any

motor vehicle, building, grounds or other property which is owned, operated or controlled by the school district.

(4) Any person guilty of violating this section shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not more than five hundred dollars, or imprisoned in jail for not more than six months or both so fined and imprisoned.

Sec. 2. Section 1, page 85, Laws of 1875 as last amended by section 29, chapter 122, Laws of 1972 ex. sess. and RCW 9.87.010 are each amended to read as follows:

Every—

(1) Person who asks or receives any compensation, gratuity or reward for practicing fortune telling, palmistry or clairvoyance; or,

(2) Person who keeps a place where lost or stolen property is concealed; or,

(3) Person practicing or soliciting prostitution or keeping a house of prostitution; or,

(4) Common gambler found in any place where gambling is conducted or where gambling paraphernalia or devices are kept; or,

(5) Healthy person who solicits alms; or,

(6) Lewd, disorderly or dissolute person; or,

(7) Person who lodges in any barn, shed, shop, outhouse, vessel, car, saloon or other place not kept for lodging purposes, without the permission of the owner or person entitled to the possession thereof; or,

(8) Person who lives or works in a house of prostitution or solicits for any prostitute or house of prostitution; or,

(9) Person who solicits business for an attorney around any court, jail, morgue or hospital, or elsewhere; or,

(10) Habitual user of opium, morphine, alkaloid-cocaine or alpha or beta eucaine, or any derivation, mixture or preparation of any of them(, or,

~~(11) Person, except a person enrolled as a student in or parents or guardians of such students or person employed by such school or institution, who without a lawful purpose therefor wilfully loiters about the building or buildings of any public or private school or institution of higher learning or the public premises adjacent thereto))—~~

Is a vagrant, and shall be punished by imprisonment in the county jail for not more than six months, or by a fine of not more than five hundred dollars.

This section shall be deemed void and of no effect at such time as Title 9A RCW shall become effective.

NEW SECTION. Sec. 3. If any provision of this 1976 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 9, 1976.

Passed the House March 8, 1976.

Approved by the Governor March 16, 1976.

Filed in Office of Secretary of State March 16, 1976.

CHAPTER 101

[Substitute Senate Bill No. 2038]
HAZARDOUS WASTE DISPOSAL

AN ACT Relating to hazardous wastes; adding a new chapter to Title 70 RCW; defining crimes; prescribing penalties; and making an appropriation.

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

NEW SECTION. Section 1. The words and phrases defined in this section shall have the meanings indicated when used in this chapter unless the context clearly requires otherwise.

- (1) "Department" means the department of ecology.
- (2) "Director" means the director of the department of ecology or his designee.
- (3) "Disposal site" means a geographical site in or upon which extremely hazardous wastes are disposed of in accordance with the provisions of this chapter.
- (4) "Dispose or disposal" means the discarding or abandoning of extremely hazardous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned.
- (5) "Dangerous wastes" means any discarded, useless, unwanted, or abandoned nonradioactive substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:
 - (a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or
 - (b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.
- (6) "Extremely hazardous waste" means any dangerous waste which
 - (a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form
 - (i) presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife, and
 - (ii) is highly toxic to man or wildlife
 - (b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.
- (7) "Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.
- (8) "Pesticide" shall have the meaning of the term as defined in RCW 15.58-.030 as now or hereafter amended.
- (9) "Solid waste advisory committee" means the same advisory committee as per RCW 70.95.040 through 70.95.070.

NEW SECTION. Sec. 2. The department after notice and public hearing shall:

(1) Adopt regulations designating as extremely hazardous wastes subject to the provisions of this chapter those substances which exhibit characteristics consistent with the definition provided in section 1(6) of this act;

(2) Adopt and may revise when appropriate, minimum standards and regulations for disposal of extremely hazardous wastes to protect against hazards to the public, and to the environment. Before adoption of such standards and regulations, the department shall consult with appropriate agencies of interested local governments and secure technical assistance from the department of agriculture, the department of social and health services, the department of game, the department of natural resources, the department of fisheries, the department of labor and industries, and the state fire marshal.

NEW SECTION. Sec. 3. (1) After the effective date of the regulations adopted by the department designating extremely hazardous wastes, any person planning to dispose of extremely hazardous waste as designated by the department shall provide the operator of the disposal site with a list setting forth the extremely hazardous wastes for disposal, the amount of such wastes, the general chemical and mineral composition of such waste listed by approximate maximum and minimum percentages, and the origin of any such waste. Such list, when appropriate, shall include information on antidotes, first aid, or safety measures to be taken in case of accidental contact with the particular extremely hazardous waste being disposed.

(2) The department shall adopt and enforce all rules and regulations including the form and content of the list, necessary and appropriate to accomplish the purposes of subsection (1) of this section.

NEW SECTION. Sec. 4. (1) The department through the department of general administration, is authorized to acquire interests in real property from the federal government on the Hanford Reservation by gift, purchase, lease, or other means, to be used for the purpose of developing, operating, and maintaining an extremely hazardous waste disposal site or facility by the department, either directly or by agreement with public or private persons or entities: PROVIDED, That lands acquired under this section shall not be inconsistent with a local comprehensive plan approved prior to January 1, 1976: AND PROVIDED FURTHER, That no lands acquired under this section shall be subject to land use regulation by a local government.

(2) The department may establish an appropriate fee schedule for use of such disposal facilities to offset the cost of administration of this chapter and the cost of development, operation, maintenance, and perpetual management of the disposal site. If operated by a private entity, the disposal fee may be such as to provide a reasonable profit.

NEW SECTION. Sec. 5. No person shall dispose of designated extremely hazardous wastes at any disposal site in the state other than the disposal site established and approved for such purpose under provisions of this chapter, except when such wastes are going to a processing facility which will result in the waste being reclaimed, treated, detoxified, neutralized, or otherwise processed to remove its harmful properties or characteristics.

NEW SECTION. Sec. 6. All rules, regulations, criteria, and fee schedules adopted by the department to implement the provisions of this chapter shall be reviewed by the solid waste advisory committee for the purpose of recommending revisions, additions, or modifications thereto as provided for the review of solid waste regulations and standards pursuant to chapter 70.95 RCW.

NEW SECTION. Sec. 7. The department may elect to receive dangerous waste at the site provided under this chapter, provided

(1) it is upon request of the owner, producer, or person having custody of the waste, and

(2) upon the payment of a fee to cover disposal

(3) it can be reasonably demonstrated that there is no other disposal sites in the state that will handle such dangerous waste, and

(4) the site is designed to handle such a request or can be modified to the extent necessary to adequately dispose of the waste, or

(5) if a demonstrable emergency and potential threat to the public health and safety exists.

NEW SECTION. Sec. 8. (1) Every person who fails to comply with any provision of sections 1 through 9 of this act or of the rules adopted thereunder shall be subjected to a penalty in an amount of not more than one thousand dollars per day for every such violation. Each and every such violation shall be a separate and distinct offense. In case of continuing violation, 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.

(2) The penalty provided for in this section 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, 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 for the remission or mitigation of such penalty. Upon receipt of the application, the department may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper, provided the department deems such remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department of ecology shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper. Any penalty imposed by the provisions of this section shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

(3) Any penalty imposed by this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or petition for review by the hearings board is filed. When such an application for remission or mitigation is made, any penalty incurred pursuant to this section shall become due and payable thirty days after receipt of notice setting forth the disposition of such application. Any penalty resulting from a decision of the hearings board shall become due and payable thirty days after receipt of the notice setting forth the decision.

(4) If the amount of any penalty is not paid to the department of ecology within thirty days after it becomes due and payable, the attorney general, upon the request of the director, 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.

NEW SECTION. Sec. 9. In addition to the penalties imposed pursuant to section 8 of this act, any person who violates any provisions of sections 1 through 9 of this act, or of the rules implementing sections 1 through 9 of this act, and any person who knowingly aids or abets another in conducting any violation of any provisions of sections 1 through 9 of this act, or of the rules implementing sections 1 through 9 of this act, shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, for each separate violation.

NEW SECTION. Sec. 10. The department in performing its duties under this chapter may:

(1) Conduct studies and coordinate research programs pertaining to extremely hazardous waste management;

(2) Render technical assistance to generators of dangerous and extremely hazardous wastes and to state and local agencies in the planning and operation of hazardous waste programs;

(3) Encourage and provide technical assistance to waste generators to form and operate a "waste exchange" for the purpose of finding users for dangerous and extremely hazardous wastes that would otherwise be disposed of: PROVIDED, That such technical assistance shall not violate the confidentiality of manufacturing processes; and

(4) Provide for appropriate surveillance and monitoring of extremely hazardous waste disposal practices in the state.

NEW SECTION. Sec. 11. (1) Nothing in this act shall apply to any radioactive waste or radioactive material.

(2) Nothing in this chapter shall alter, amend, or supersede the provisions of chapter 80.50 RCW, as now existing or hereafter amended, or grant to the department or to the solid waste advisory committee any authority regarding the regulation, certification, construction, or siting of thermal power plants, as defined in such acts.

NEW SECTION. Sec. 12. There is appropriated to the department of ecology from the state and local improvements revolving account of the general fund out of the proceeds of the sale of bonds or notes as authorized in chapter 43.83A RCW (Referendum 26) the sum of one million three hundred fifty-three thousand dollars, or as much thereof as may be necessary, for the following purposes:

(1) The sum of one hundred fifty-three thousand dollars for the department to develop a comprehensive plan for the adequate treatment of extremely hazardous

wastes being generated in the state, and the techniques and requirements necessary for adequately disposing of such wastes and for securing and monitoring disposal sites. The objective of such a comprehensive plan shall be to determine the statewide facility requirements for the adequate disposal of extremely hazardous wastes being generated in the state and for those expected to be generated in the future.

(2) The sum of one million two hundred thousand dollars for the purchase of real property on the Hanford Reservation by the department for the construction of a disposal site for extremely hazardous wastes and for the construction of facilities necessary for the operation of the disposal site including, but not limited to, security and monitoring facilities.

NEW SECTION. Sec. 13. Sections 1 through 11 of this act shall constitute a new chapter in Title 70 RCW.

Passed the Senate March 10, 1976.

Passed the House March 6, 1976.

Approved by the Governor March 16, 1976.

Filed in Office of Secretary of State March 16, 1976.

CHAPTER 102

[Engrossed Senate Bill No. 2537]

HANDICAPPED PARKING PRIVILEGE

AN ACT Relating to motor vehicles ; amending section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 297, Laws of 1975 1st ex. sess. and RCW 46.16.380; amending section 2, chapter 128, Laws of 1961 as amended by section 2, chapter 297, Laws of 1975 1st ex. sess. and RCW 46.61.580; and declaring an emergency.

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

Section 1. Section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 297, Laws of 1975 1st ex. sess. 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 or who has lost both hands, shall be entitled to receive a special card to be left in a vehicle in a conspicuous place, bearing distinguishing marks, letters or numerals indicating that the vehicle is 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 as amended by section 2, chapter 297, Laws of 1975 1st ex. sess. 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, or who has lost both hands, shall be allowed to park 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 1976 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 6, 1976.

Passed the House March 9, 1976.

Approved by the Governor March 16, 1976.

Filed in Office of Secretary of State March 16, 1976.

CHAPTER 103

[Senate Bill No. 3281]

DRUG TREATMENT PROGRAMS

AN ACT Relating to drug treatment programs; amending section 2, chapter 2, Laws of 1973 2nd ex. sess. and RCW 69.50.410; amending section 2, chapter 123, Laws of 1969 ex. sess. and RCW 72.49.020; repealing section 69.32.070, chapter 27, Laws of 1959 and RCW 69.32.070; repealing section 69.32.080, chapter 27, Laws of 1959 and RCW 69.32.080; repealing section 69.32.090, chapter 27, Laws of 1959 and RCW 69.32.090; repealing section 69.32.100, chapter 27, Laws of 1959 and RCW 69.32.100; repealing section 69.32.110, chapter 27, Laws of 1959 and RCW 69.32.110; repealing section 69.32.120, chapter 27, Laws of 1959 and RCW 69.32.120; repealing section 69.32.130, chapter 27, Laws of 1959 and RCW 69.32.130; repealing section 72.48.010, chapter 28, Laws of 1959 and RCW 72.48.010; repealing section 72.48.020, chapter 28, Laws of 1959 and RCW 72.48.020; repealing section 72.48.030, chapter 28, Laws of 1959 and RCW 72.48.030; repealing section 72.48.040, chapter 28, Laws of 1959 and RCW 72.48.040; repealing section 72.48.050, chapter 28, Laws of 1959 and RCW 72.48.050; repealing section 72.48.060, chapter 28, Laws of 1959 and RCW 72.48.060; repealing section 72.48.070, chapter 28, Laws of 1959 and RCW 72.48.070; repealing section 72.48.080, chapter 28, Laws of 1959 and RCW 72.48.080; repealing section 72.48.090, chapter 28, Laws of 1959 and RCW 72.48.090; repealing section 72.48.100, chapter 28, Laws of 1959 and RCW 72.48.100; and repealing section 72.48.110, chapter 28, Laws of 1959 and RCW 72.48.110.

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

Section 1. Section 2, chapter 2, Laws of 1973 2nd ex. sess. and RCW 69.50.410 are each amended to read as follows:

(1) Except as authorized by this chapter it shall be unlawful for any person to sell for profit any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana.

For the purposes of this section only, the following words and phrases shall have the following meanings:

(a) "To sell" means the passing of title and possession of a controlled substance from the seller to the buyer for a price whether or not the price is paid immediately or at a future date.

(b) "For profit" means the obtaining of anything of value in exchange for a controlled substance.

(c) "Price" means anything of value.

(2) Any person convicted of a violation of subsection (1) of this section shall receive a sentence of not more than five years in a correctional facility of the department of social and health services for the first offense. Any person convicted on a second or subsequent cause, the sale having transpired after prosecution and conviction on the first cause, of subsection (1) of this section shall receive a mandatory sentence of five years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for the second or subsequent violation of subsection (1) of this section.

(3) Any person convicted of a violation of subsection (1) of this section by selling heroin shall receive a mandatory sentence of two years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for such violation. Any person convicted on a second or subsequent sale of heroin, the sale having transpired after prosecution and conviction on the first cause of the sale of heroin shall receive a mandatory sentence of ten years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for this second or subsequent violation: PROVIDED, That the board of prison terms and paroles under RCW 9.95.040 shall not reduce the minimum term imposed for a violation under this subsection.

(4) In addition to the sentences provided in subsection (2) of this section, any person convicted of a violation of subsection (1) of this section shall be fined in an amount calculated to at least eliminate any and all proceeds or profits directly or indirectly gained by such person as a result of sales of controlled substances in violation of the laws of this or other states, or the United States, up to the amount of five hundred thousand dollars on each count.

(5) Any person, addicted to the use of controlled substances, who voluntarily ~~((places himself in the custody of))~~ applies to the department of social and health services for the purpose of participating in a rehabilitation program ~~((of))~~ approved by the department for addicts of controlled substances shall be immune from prosecution for subsection (1) offenses unless a filing of an information or indictment against such person for a violation of subsection (1) of this section is made prior to his voluntary participation in the program of the department of social and health services. All applications for immunity under this section shall be sent to the department of social and health services in Olympia. It shall be the

duty of the department to stamp each application received pursuant to this section with the date and time of receipt.

This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.401 as now or hereafter amended.

Sec. 2. Section 2, chapter 123, Laws of 1969 ex. sess. and RCW 72.49.020 are each amended to read as follows:

There ~~((shall))~~ may be established at an institution, or portion thereof, to be designated by the ~~((director))~~ secretary of the department of ~~((institutions))~~ social and health services, programs for treatment and rehabilitation of persons in need of medical care and treatment due to narcotic abuse or dangerous drug abuse. Such programs ~~((shall))~~ may include facilities for both residential and outpatient treatment. The ~~((director))~~ secretary of the department of ~~((institutions))~~ social and health services shall promulgate rules and regulations~~(s)~~ governing the voluntary admission, ~~((the))~~ treatment, and release of such patients, and all other matters incident to the proper administration of this section.

NEW SECTION. Sec. 3. The following acts or parts of acts are each repealed:

- (1) Section 69.32.070, chapter 27, Laws of 1959 and RCW 69.32.070;
 - (2) Section 69.32.080, chapter 27, Laws of 1959 and RCW 69.32.080;
 - (3) Section 69.32.090, chapter 27, Laws of 1959 and RCW 69.32.090;
 - (4) Section 69.32.100, chapter 27, Laws of 1959 and RCW 69.32.100;
 - (5) Section 69.32.110, chapter 27, Laws of 1959 and RCW 69.32.110;
 - (6) Section 69.32.120, chapter 27, Laws of 1959 and RCW 69.32.120;
 - (7) Section 69.32.130, chapter 27, Laws of 1959 and RCW 69.32.130;
 - (8) Section 72.48.010, chapter 28, Laws of 1959 and RCW 72.48.010;
 - (9) Section 72.48.020, chapter 28, Laws of 1959 and RCW 72.48.020;
 - (10) Section 72.48.030, chapter 28, Laws of 1959 and RCW 72.48.030;
 - (11) Section 72.48.040, chapter 28, Laws of 1959 and RCW 72.48.040;
 - (12) Section 72.48.050, chapter 28, Laws of 1959 and RCW 72.48.050;
 - (13) Section 72.48.060, chapter 28, Laws of 1959 and RCW 72.48.060;
 - (14) Section 72.48.070, chapter 28, Laws of 1959 and RCW 72.48.070;
 - (15) Section 72.48.080, chapter 28, Laws of 1959 and RCW 72.48.080;
 - (16) Section 72.48.090, chapter 28, Laws of 1959 and RCW 72.48.090;
 - (17) Section 72.48.100, chapter 28, Laws of 1959 and RCW 72.48.100;
- and
- (18) Section 72.48.110, chapter 28, Laws of 1959 and RCW 72.48.110.

Passed the Senate March 5, 1976.

Passed the House March 11, 1976.

Approved by the Governor March 18, 1976.

Filed in Office of Secretary of State March 18, 1976.

CHAPTER 104

[Engrossed Senate Bill No. 3261]

PUBLIC DISCLOSURE—(REFERENDUM BILL NO. 36)

AN ACT Relating to state government; amending section 24, chapter 1, Laws of 1973 as amended by section 13, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.240; and providing for a referendum to the people.

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

Section 1. Section 24, chapter 1, Laws of 1973 as amended by section 13, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.240 are each amended to read as follows:

(1) Every elected official (except president, vice president and precinct committeemen), every chief executive state officer as specified in RCW 43.17.020, as now or hereafter amended, the director of the office of program planning and fiscal management, the director of the department of personnel, and every member appointed to the state board for community college education, office of community development, data processing authority, state finance committee, department of fisheries, forest practices board, forest practices appeals board, gambling commission, game commission, department of game, each professional staff member of the office of the governor, and each professional staff member of the legislature, higher education personnel board, state highway commission, horse racing commission, human rights commission, board of industrial insurance appeals, liquor control board, interagency commission for outdoor recreation, parks and recreation commission, personnel board, board of prison terms and paroles, public disclosure commission, public employees' retirement system, public pension commission, University of Washington board of regents, Washington State University board of regents, board of tax appeals, teachers' retirement system, Central Washington State College board of trustees, Eastern Washington State College board of trustees, Evergreen State College board of trustees, Western Washington State College board of trustees, board of trustees of each community college, and the utilities and transportation commission, and each chief executive officer of the various state boards, authorities, commissions, councils, and other political agencies enumerated in this section in addition to those specified in RCW 43.17.020 shall 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, and every person appointed to the appointive positions enumerated herein shall, within two weeks of being so appointed, 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 bank or savings account or 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, 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 any legislation, or any rule, rate, or standard 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 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 (1)(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))~~: PROVIDED, FURTHER, That with respect to any bank or commercial lending institution in which is held any such office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of such bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by such bank or commercial lending institution from the governmental entity for which the individual is an elected official or candidate, 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)~~) All persons 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.

NEW SECTION. Sec. 2. The 1976 amendatory act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding

general election to be held in this state, in accordance with the provisions of section 1, Article II of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.

Passed the Senate March 14, 1976.

Passed the House March 12, 1976.

Filed in Office of Secretary of State March 19, 1976.

CHAPTER 105

[Engrossed Substitute Senate Bill No. 3246]

DEPARTMENT OF RETIREMENT SYSTEMS— OFFICE OF THE STATE ACTUARY

AN ACT Relating to the creation of a department of retirement systems, providing for a state actuary, and estopping a member of a retirement system created by the general laws of the state from becoming a member of or accruing any contractual rights in another such retirement system under certain conditions; amending section 1, chapter 11, Laws of 1971 and RCW 43.17.010; amending section 2, chapter 11, Laws of 1971 and RCW 43.17.020; amending section 9, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.33.070; creating a new chapter in Title 41 RCW; creating a new chapter in Title 44 RCW; adding new sections to chapter 41.04 RCW; defining crimes; prescribing penalties; and declaring an emergency.

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

NEW SECTION. Section 1. Notwithstanding any other provision of law to the contrary, on and after the effective date of this 1976 amendatory act, any member or former member who

(1) receives a retirement allowance earned by said former member as deferred compensation from any public retirement system authorized by the general laws of this state, or

(2) is eligible to receive a retirement allowance from any public retirement system listed in section 5 of this act, but chooses not to apply, or

(3) is the beneficiary of a disability allowance from any public retirement system listed in section 5 of this act shall be estopped from becoming a member of or accruing any contractual rights whatsoever in any other public retirement system listed in section 5 of this act: PROVIDED, That subsections (1) and (2) of this section shall not apply to persons who have accumulated less than fifteen years service credit in any such system.

NEW SECTION. Sec. 2. No director or board of any public retirement system shall issue any written or printed report to the members of a public retirement system on the assets of the system without also reporting the unfunded liability of such system.

NEW SECTION. Sec. 3. As used in this chapter, unless the context clearly indicates otherwise:

(1) "Department" means the department of retirement systems;

(2) "Director" means the director of the department of retirement systems.

NEW SECTION. Sec. 4. There is created a department of state government to be known as the department of retirement systems. The executive and administrative head of the department shall be the director, who shall be appointed by the governor with the consent of the senate. The director shall serve at the pleasure of

the governor and may be removed upon written notification by the governor to the respective retirement boards.

The director shall have complete charge of and supervisory powers over the department and shall be paid a salary fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in the position of director while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate at which time he shall present to that body the name of the person appointed to the position of director.

NEW SECTION. Sec. 5. As soon as possible but not more than one hundred and eighty days after the effective date of this 1976 amendatory act, there is transferred to the department of retirement systems, except as otherwise provided in this chapter, all powers, duties, and functions of:

(1) The Washington public employees' retirement system and the retirement board thereof;

(2) The Washington state teachers' retirement system and the board of trustees thereof;

(3) The Washington law enforcement officers' and fire fighters' retirement system and the retirement board thereof;

(4) The Washington state patrol retirement system and the retirement board thereof;

(5) The Washington judicial retirement system and the retirement board thereof; and

(6) The state treasurer with respect to the administration of the judges' retirement fund imposed pursuant to chapter 2.12 RCW.

NEW SECTION. Sec. 6. This chapter shall not affect the manner for selecting members of the boards affected by section 5 of this amendatory act, nor shall it affect the terms of any members serving on such boards.

NEW SECTION. Sec. 7. The director shall:

(1) Have the authority to organize the department into not more than two divisions, each headed by an assistant director;

(2) Have free access to all files and records of various funds assigned to the department for investment purposes and inspect and audit the files and records as deemed necessary;

(3) Prepare written reports at least quarterly summarizing the investment and bond management activities of the department, which reports shall be sent to the governor, to ways and means committees of the house and senate, to members of the finance advisory committee, to all agencies having a direct financial interest in the investment of funds or issuance and sale of bonds by the director, and to other persons on request;

(4) Employ personnel to carry out the general administration of the department;

(5) Submit an annual written report of the activities of the department to the governor and the legislature, including recommendations for statutory changes the director believes to be desirable;

(6) Adopt such rules and regulations as are necessary to carry out the powers, duties, and functions of the department pursuant to the provisions of chapter 34-.04 RCW.

NEW SECTION. Sec. 8. The director may delegate the performance of such powers, duties, and functions, other than those relating to rule making, to employees of the department, but the director shall remain and be responsible for the official acts of the employees of the department.

The director shall be responsible for the public employees' retirement system, the teachers' retirement system, the judicial retirement system, the law enforcement officers' and fire fighters' retirement system, and the Washington state patrol retirement system.

NEW SECTION. Sec. 9. In addition to the exemptions set forth in RCW 41-.06.070, the assistant directors, not to exceed two, and an internal auditor shall also be exempt from the application of the state civil service law, chapter 41.06 RCW.

The officers and exempt personnel appointed by the director pursuant to this section shall be paid salaries fixed by the governor in accordance with the procedure established by law for fixing salaries for officers exempt from the operation of the state civil service law.

All employees classified under chapter 41.06 RCW and engaged in duties pertaining to the functions transferred by this chapter shall be assigned to the department 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 merit system.

NEW SECTION. Sec. 10. The director, with the approval of the respective boards, shall provide for the investment of all funds of the Washington public employees' retirement system, the teachers' retirement system, the Washington law enforcement officers' and fire fighters' retirement system, the Washington state patrol retirement system, the Washington judicial retirement system, and the judges' retirement fund, pursuant to RCW 43.84.150, and shall authorize the state finance committee to execute all such transactions.

NEW SECTION. Sec. 11. (1) Except as otherwise provided in this section, on the effective date of transfer as provided in section 5 of 1976 amendatory act, the department shall succeed to and is vested with all powers, duties, and functions now or by any concurrent act of this 1976 legislature vested in the individual retirement boards set forth in section 5 of this 1976 amendatory act relating to the administration of their various retirement systems, including but not limited to the power to appoint a staff and define the duties thereof: PROVIDED, That actuarial services required by the department shall be performed by the state actuary as provided in section 22 of this amendatory act.

(2) The department shall keep each retirement board fully informed on the administration of the corresponding retirement system, and shall furnish any information requested by a retirement board.

(3) Rules proposed by the director under RCW 2.10.050, 2.10.070, 41.26.060, 41.32.160, 41.40.020, or 43.43.140 shall be submitted to the appropriate retirement boards for review prior to adoption. After receiving approval of the members of

the appropriate board, such rules shall become effective as provided by the Administrative Procedure Act, chapter 34.04 RCW.

(4) Each retirement board shall continue to perform all functions as are vested in it by law with respect to applications for benefits paid upon either temporary or permanent disability, with such staff assistance from the department as may be required.

NEW SECTION. Sec. 12. All proposed legislation to be submitted by a retirement board as a departmental request shall be first submitted to the director for evaluation. The director shall obtain an initial actuarial estimate of the costs on each system of the changes contained in the proposed legislation as if the legislation were applicable to each system. The results of such estimate shall be then transmitted to the retirement board which has requested the proposed legislation. The board may modify its legislative proposal into final form for introduction as a bill on the basis of the estimate. The final form of the legislative proposal shall be returned to the director who shall obtain a final actuarial estimate of the costs applied in the same manner as the initial estimate. On or before September 1, the director shall transmit the final legislative proposal together with the actuarial estimates to the governor for consideration in his budget requests and to the chairmen of the ways and means committees of the legislature.

NEW SECTION. Sec. 13. If apportionments of budgeted funds are required because of the transfers herein authorized, the director of the office of program planning and fiscal management shall certify such apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustment in funds and appropriation accounts and equipment records in accordance with such certification.

NEW SECTION. Sec. 14. On the effective date of transfer as provided in section 5 of this 1976 amendatory act, all rules and regulations, and all pending business before any of the retirement boards whose powers, duties, and functions are transferred to the department by this chapter shall be continued and acted upon by the department.

All existing contracts and obligations pertaining to the functions herein transferred shall remain in full force and effect, and shall be performed by the department. None of the transfers directed by this chapter shall affect the validity of any act performed by a retirement board or by any official or employee thereof prior to the effective date of transfer as provided in section 5 of this 1976 amendatory act.

None of the transfers involving investment of funds by any of the retirement boards shall affect the validity of any act performed by such boards or by any official or employee thereof prior to the effective date of transfer as provided in section 5 of this 1976 amendatory act.

NEW SECTION. Sec. 15. All reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of the powers, duties, and functions transferred by this chapter shall be made available to the department and to the state actuary.

All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers, duties, and functions transferred by this chapter shall be made available to the department.

All funds, credits, or other assets held in connection with powers, duties, and functions transferred by this chapter shall be assigned to the department.

Any appropriations made to any committee, division, board, or any other state agency for the purpose of carrying out the powers, duties, and functions transferred by this chapter shall, in the manner prescribed by the director of the office of program planning and fiscal management, be transferred and credited to the department for the purpose of carrying out such transferred powers, duties, and functions.

NEW SECTION. Sec. 16. Nothing in this chapter nor in the amendment of RCW 43.17.010, 43.17.020, or 43.33.070 shall be construed to affect any existing rights acquired under RCW 43.17.010, 43.17.020, or 43.33.070 except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor any administrative action taken thereunder; and neither the abolition of any agency or division thereof nor any transfer of powers, duties, and functions as provided in this chapter shall affect the validity of any act performed by such agency or division thereof or any officer thereof prior to the effective date of transfer as provided in section 5 of this 1976 amendatory act.

NEW SECTION. Sec. 17. Nothing contained in this chapter shall be construed to alter any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 18. Sections 4 through 17 of this amendatory act shall constitute a new chapter in Title 41 RCW.

NEW SECTION. Sec. 19. (1) There is hereby created an office within the legislative branch to be known as the office of the state actuary.

(2) The executive head of the office shall be the state actuary who shall be qualified by education and experience in the field of actuarial science and shall be a member of the American Academy of Actuaries. Such person shall be appointed by a special committee of the legislature consisting of: (a) Three members of the senate selected by the president, two of whom shall be members of the majority party and one of whom shall be a member of the minority party; and (b) three members of the house of representatives selected by the speaker, two of whom shall be members of the majority party and one of whom shall be a member of the minority party. The original appointment shall be made not later than ninety days after the effective date of this 1976 amendatory act. A two-thirds vote of the committee shall be required to make the appointment.

(3) If a vacancy occurs in the position of state actuary it shall be filled in the same manner as the original appointment.

NEW SECTION. Sec. 20. The state actuary shall be appointed for a term of seven years and hold office until a successor is appointed and qualified and a

person holding the office of state actuary shall be ineligible for reappointment to such office.

NEW SECTION. Sec. 21. The state actuary shall have the authority to select and employ such research, technical, clerical personnel, and consultants as the actuary deems necessary, whose salaries shall be fixed by the actuary and approved by the committee of legislators referred to in section 19, and who shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW.

NEW SECTION. Sec. 22. The state actuary shall have the following powers and duties:

(1) Perform all actuarial services for the department of retirement systems, including all studies required by law. Reimbursement for such services shall be made to the state actuary pursuant to the provisions of RCW 39.34.130 as now or hereafter amended.

(2) Advise the legislature and the governor regarding the benefit provisions, funding policies, and investment policies of the department of retirement systems.

(3) Consult with the legislature and the governor concerning determination of actuarial assumptions used by the department of retirement systems.

(4) Prepare a report on each pension bill introduced in the legislature which shall briefly explain the financial impact of the bill.

(5) Provide such actuarial services to the legislature as may be requested from time to time.

NEW SECTION. Sec. 23. Sections 19 through 22 of this amendatory act shall constitute a new chapter in Title 44 RCW.

Sec. 24. Section 1, chapter 11, Laws of 1971 and RCW 43.17.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of highways, (8) the department of motor vehicles, (9) the department of general administration, (10) the department of commerce and economic development, (~~and~~) (11) the department of revenue, and (12) the department of retirement systems, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 25. Section 2, chapter 11, Laws of 1971 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the director of highways, (8) the director of motor vehicles, (9) the director of general administration, (10) the director of commerce and economic development, (~~and~~) (11) the director of revenue, and (12) the director of retirement systems.

Such officers, except the director of highways and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at

the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The director of highways shall be appointed by the state highway commission, and the director of game shall be appointed by the game commission.

Sec. 26. Section 9, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.33.070 are each amended to read as follows:

In addition to its other powers and duties as may be prescribed by law, the investment advisory committee shall:

(1) Make recommendations as to general investment policies, practices, and procedures to the ~~((board of the Washington public employees' retirement system as constituted under RCW 41.40.030 and 41.26.050 and to the board of trustees of the Washington state teachers' retirement system,))~~ director of retirement systems regarding those retirement funds for which ~~((they))~~ the various retirement boards are designated trustees~~((:))~~;

(2) Make recommendations as to general investment policies, practices, and procedures regarding all other investment funds to the state finance committee.

~~((Such boards of trustees))~~ The director of retirement systems and the state finance committee shall make the final decision regarding the advice and recommendations submitted by the investment advisory committee.

NEW SECTION. Sec. 27. Sections 1 and 2 of this 1976 amendatory act are added to chapter 41.04 RCW.

NEW SECTION. Sec. 28. If any provision of this 1976 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. 29. This 1976 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, 1976.

Passed the House March 10, 1976.

Approved by the Governor March 19, 1976.

Filed in Office of Secretary of State March 19, 1976.

CHAPTER 106

[Substitute House Bill No. 779]

PUBLIC EMPLOYEES' INSURANCE PROGRAMS

AN ACT Relating to public employment; amending section 1, chapter 39, Laws of 1970 ex. sess. as amended by section 12, chapter 147, Laws of 1973 1st ex. sess. and RCW 41.05.010; amending section 2, chapter 39, Laws of 1970 ex. sess. as amended by section 1, chapter 147, Laws of 1973 1st ex. sess. and RCW 41.05.020; amending section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 2, chapter 38, Laws of 1975 1st ex. sess. and RCW 41.05.050; amending section 7, chapter 39, Laws of 1970 ex. sess. and RCW 41.05.070; amending section 8, chapter 39, Laws of 1970 ex. sess. as amended by section 7, chapter 147, Laws of 1973 1st ex. sess. and RCW 41.05.080; amending section 36.32.400, chapter 4, Laws of 1963 and RCW 36.32.400; 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:

(1) Notwithstanding the provisions of RCW 41.04.180, the employees, with their dependents, of any county, municipality, or other political subdivision of this state shall be eligible to participate in any insurance program administered under chapter 41.05 RCW if the legislative authority of any such county, municipality, or other political subdivisions of this state determines a transfer to an insurance program administered under chapter 41.05 RCW should be made: PROVIDED, That this section shall have no application to school district personnel provided for in RCW 28A.58.420 and members of the law enforcement officers' and fire fighters' retirement system under chapter 41.26 RCW: PROVIDED FURTHER, That in the event of a special district employee transfer pursuant to this section, members of the governing authority shall be eligible to be included in such transfer if such members are authorized by law as of the effective date of this 1976 amendatory act to participate in the insurance program being transferred from and subject to payment by such members of all costs of insurance for members.

(2) When the legislative authority of a county, municipality, or other political subdivision determines to so transfer, the state employees' insurance board, as defined in RCW 41.05.010 as now or hereafter amended, shall:

(a) Establish the conditions under which the transfer may be made, which shall include the requirements that:

(i) All the eligible employees of the political subdivision transfer as a unit, and
 (ii) the political subdivision involved obligate itself to make employer contributions in an amount at least equal to those provided by the state as employer; and

(b) Hold public hearings on the application for transfer; and

(c) Have the sole right to reject the application.

Approval of the application by the state employees' insurance board shall effect a transfer of the employees involved to the insurance or health care program applied for.

Sec. 2. Section 1, chapter 39, Laws of 1970 ex. sess. as amended by section 12, chapter 147, Laws of 1973 1st ex. sess. and RCW 41.05.010 are each amended to read as follows:

Unless the context clearly indicates otherwise, words used in this chapter have the following meaning:

(1) "Board" means the state employees' insurance board established under the provisions of RCW 41.05.020.

(2) "Employee" shall include all full time and career seasonal employees of the state, a county, a municipality, or other political subdivision of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full time members of boards, commissions, or committees; and shall include any or all part time and temporary employees under the terms and conditions established by the board; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970.

(3) "Panel medicine plan" means a health care plan which can be offered by a health care service contractor which itself furnishes the health care service contracted for by means of a group practice prepaid medical care plan.

(4) "Trustee" shall mean the director of personnel.

Sec. 3. Section 2, chapter 39, Laws of 1970 ex. sess. as amended by section 1, chapter 147, Laws of 1973 1st ex. sess. and RCW 41.05.020 are each amended to read as follows:

(1) There is hereby created a state employees' insurance board to be composed as follows: The governor or his designee; one administrative officer representing all of higher education to be appointed by the governor; two higher education faculty members to be appointed by the governor; the director of the department of personnel who shall act as trustee; one representative of an employee association certified as an exclusive representative of at least one bargaining unit of classified employees and one representative of an employee union certified as exclusive representative of at least one bargaining unit of classified employees, both to be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be appointed by the speaker of the house. The senate and house members of the board shall serve in ex officio capacity only. All appointments shall be made effective immediately. The terms of office of the administrative officer representing higher education, the two higher education faculty members, the representative of an employee association, and the representative of an employee union shall be for four years: PROVIDED, That the first term of one faculty member and one employee association or union representative member shall be for three years. The first meeting of the board shall be held as soon as possible thereafter at the call of the director of personnel. The board shall prescribe rules for the conduct of its business and shall elect a chairman and vice chairman at its first meeting and annually thereafter. Members of the board shall receive no compensation for their services, but shall be paid for their necessary and actual expenses while on official business and legislative members shall receive allowances provided for in RCW 44.04.120.

(2) The board shall study all matters connected with the providing of adequate health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any one of, or a combination of, the enumerated types of insurance and health care plans for state employees, employees of county, municipal, or other political subdivisions of the state, and their dependents on the best basis possible with relation both to the welfare of the employees and to the state: PROVIDED, That liability insurance shall not be made available to dependents. The board shall design benefits, devise specifications, analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board: PROVIDED, That all contracts for insurance, health care plans, or protection applying to employees covered by ((this 1973 amendatory act)) RCW 28B.10.660 and 48.24.010 and chapters 41.04 and 41.05 RCW shall provide that the beneficiaries of such insurance, health care plans, or protection may utilize on an equal

participation basis the services of practitioners licensed pursuant to chapters 18-22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW: PROVIDED FURTHER, That the boards of trustees and boards of regents of the several institutions of higher education shall retain sole authority to provide liability insurance as provided in RCW 28B.10.660. The board shall from time to time review and amend such plans. Contracts for all plans shall be rebid and awarded at least every five years.

(3) The board shall develop and provide employee health care benefit plans; at least one plan will provide major medical benefits as its primary feature, at least one plan will provide basic first-dollar benefits as its primary feature plus major medical, either or all of which may be provided through a contract or contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and another plan to be provided by a panel medicine plan in its service area only when approved by the board. Except for panel medicine plans, no more than one insurance carrier or health care service contractor shall be contracted with to provide the same plan of benefits: PROVIDED, That employees may choose participation in only one of the health care benefit plans sponsored by the board: PROVIDED FURTHER, That employees of the institutions of higher education shall be retained as a separate actuarial and experience group and the board shall report its recommendation on such retention to the legislative budget committee by November 1, 1974.

Sec. 4. Section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 2, chapter 38, Laws of 1975 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, and such county, municipal, or other political subdivisions as are covered by this chapter, 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, which shall be paid by the county, the municipality, or other political subdivision for their employees, 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 for state employees 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 in accordance with RCW 41.05.030.

(2) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, 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)~~) as are covered by this chapter.

Sec. 5. Section 7, chapter 39, Laws of 1970 ex. sess. and RCW 41.05.070 are each amended to read as follows:

The cost of any health care insurance contracts or plans to any department, division or separate agency of state, county, municipal, or other political subdivision of state government shall be deemed additional compensation to the employees or officials covered thereby for services rendered, and any officer authorized to disburse such funds shall pay to the trustee for payment of the contributions due pursuant to any such contract authorized by the board.

Sec. 6. Section 8, chapter 39, Laws of 1970 ex. sess. as amended by section 7, chapter 147, Laws of 1973 1st ex. sess. and RCW 41.05.080 are each amended to read as follows:

Retired or disabled state employees, or employees of county, municipal, or other political subdivisions covered by this chapter who are retired, may continue their participation in insurance plans and contracts after retirement or disablement, under the qualifications, terms, conditions, and benefits set by the board: PROVIDED, That the rates charged such retired or disabled ((state)) employees for health care coverage shall be identical to that charged active participants: PROVIDED FURTHER, That such retired or disabled employees shall bear the full cost of premiums required to provide such coverage. The term "retired state employees" for the purpose of this section shall include but not be limited to members of the legislature whether voluntarily or involuntarily leaving state office.

Sec. 7. Section 36.32.400, chapter 4, Laws of 1963 and RCW 36.32.400 are each amended to read as follows:

Any county by a majority vote of its board of county commissioners may enter into contracts to provide health care services and/or group insurance for the benefit of its employees, and may pay all or any part of the cost thereof. Any two or more counties, by a majority vote of their respective boards of county commissioners may, if deemed expedient, join in the procuring of such health care services and/or group insurance, and the board of county commissioners of each participating county may, by appropriate resolution, authorize their respective counties to pay all or any portion of the cost thereof.

Nothing in this section shall impair the eligibility of any employee of a county, municipality, or other political subdivision under section 1 of this 1976 amendatory act.

Passed the House March 12, 1976.

Passed the Senate March 11, 1976.

Approved by the Governor March 19, 1976.

Filed in Office of Secretary of State March 19, 1976.

CHAPTER 107

[House Bill No. 1441]

COMMUNITY COLLEGE CAPITAL CONSTRUCTION—GENERAL OBLIGATION BONDS

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 the principal of and interest on such bonds and notes; creating new sections; 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 1976 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 1976 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 financing the community college capital projects as determined by the legislature in its capital appropriation act, chapter ..., Laws of 1975-76 2nd ex. sess., 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 twenty-six million four hundred eighty-seven 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 of and redemption premium, if any, 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 1976 act, the proceeds from the sale of the bonds and/or bond anticipation notes authorized in this 1976 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 1976 act shall be administered by the college board exclusively for the purposes specified in this 1976 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 the principal of and interest on the bonds authorized to be issued pursuant to this 1976 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 1976 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 1976 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 1976 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 1976 act, during the life of the bonds proposed to be issued.

NEW SECTION. Sec. 10. Sections 1 through 9 of this 1976 act are added to Title 28B RCW as a new chapter thereof.

NEW SECTION. Sec. 11. If any provision of this 1976 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 1976 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 23, 1976.

Passed the Senate March 12, 1976.

Approved by the Governor March 19, 1976.

Filed in Office of Secretary of State March 19, 1976.

CHAPTER 108

[Engrossed Substitute Senate Bill No. 3172]

ENERGY

AN ACT Relating to energy; amending section 43.31.040, chapter 8, Laws of 1965 as last amended by section 2, chapter 221, Laws of 1967 and RCW 43.31.040; amending section 5, chapter 10, Laws of 1965 and RCW 43.31.300; amending section 1, chapter 207, Laws of 1961 and RCW 70.98.010; amending section 2, chapter 207, Laws of 1961 as amended by section 1, chapter 88, Laws of 1965 and RCW 70.98.020; amending section 24, chapter 207, Laws of 1961 and RCW 70.98.210; amending section 43.06.010, chapter 8, Laws of 1965 as amended by section 8, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.010; amending section 1, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.200; amending section 2, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.210; amending section 3, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.220; amending section 1, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.010; amending section 2, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.020; amending section 3, chapter 45, Laws of 1970 ex. sess. as amended by section 46, chapter 171, Laws of 1974 ex. sess. and RCW 80.50.030; amending section 4, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.040; amending section 5, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.050; amending section 6, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.060; amending section 7, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.070; amending section 10, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.100; amending section 11, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.110; amending section 12, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.120; amending section 1, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.170; amending section 2, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.175; amending section 5, chapter 155, Laws of 1973 and RCW 90.48.262; creating new chapters in Title 43 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 43.06 RCW; adding a new section to chapter 80.50 RCW; repealing section 7, chapter 207, Laws of 1961, section 4, chapter 88, Laws of 1965, section 1, chapter 44, Laws of 1969, section 18, chapter

18, Laws of 1970 ex. sess., section 162, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 70-98.070; defining crimes; prescribing penalties; prescribing an effective date; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds and declares that it is the continuing purpose of state government, consistent with other essential considerations of state policy, to foster wise and efficient energy use and to promote energy self-sufficiency through the use of indigenous and renewable energy sources, consistent with the promotion of reliable energy sources, the general welfare, and the protection of environmental quality.

NEW SECTION. Sec. 2. It is the policy of the state of Washington that:

(1) The development and use of a diverse array of energy resources with emphasis on renewable energy resources shall be encouraged;

(2) The development and use of energy resources shall be consistent with the statutory environmental policies of the state;

(3) Energy conservation and elimination of wasteful and uneconomic uses of energy and materials be encouraged. This conservation should include, but not be limited to, resource recovery and materials recycling;

(4) In energy emergency shortage situations, energy requirements to maintain the public health, safety, and welfare shall be given priority in the allocation of energy resources, and citizens and industry shall be assisted in adjusting to the limited availability of energy in order to minimize adverse impacts on their physical, social, and economic well being; and

(5) State government shall provide a source of impartial and objective information in order that this energy policy may be enhanced.

NEW SECTION. Sec. 3. As used in this chapter:

(1) "Energy" means: Petroleum or other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material; electricity; solar radiation; geothermal resources; organic waste products; wind; tidal activity; or any other substance or process used to produce heat, light, or motion;

(2) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency, or any other entity, public or private, however organized;

(3) "Director" means the director of the state energy office;

(4) "Council" shall mean the energy advisory council created in section 8 of this 1976 amendatory act;

(5) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, municipal utility, public utility district, joint operating agency, or cooperative, which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state; and

(6) "Energy facility" means an energy facility as defined in RCW 80.50.020 as now or hereafter amended.

NEW SECTION. Sec. 4. The "state energy office" is hereby created as an agency of state government, responsible to the governor and the legislature for carrying out the purposes of this chapter. The director shall be appointed by the

governor with the consent of the senate, and shall serve at the pleasure of the governor. The salary of the director shall be determined pursuant to the provisions of RCW 43.03.040. The director shall employ such personnel as are necessary to carry out the provisions of this chapter. The employment of such personnel shall be in accordance with the provisions of chapter 41.06 RCW, except as provided in section 10 of this 1976 amendatory act: PROVIDED, That the state energy office and its powers, duties and functions shall be dissolved and this act as it relates thereto shall have no further force and effect after April 1, 1981: PROVIDED FURTHER, That the legislature may extend this time period through legislative enactment.

NEW SECTION. Sec. 5. The energy office shall have the following duties:

(1) To establish and maintain a central repository in state government for collection of data on energy resources, including but not limited to:

(a) Data on energy supply, demand, costs, projections, and forecasts;

(b) Inventory data on energy research projects in the state conducted under public and/or private auspices, and the results thereof;

(2) To prepare analyses of such data as well as analyses of projections and/or forecasts of energy supply and demand in the state and region as are necessary for development of recommendations with respect to the timing of construction of additional facilities and other energy programs and the development of other information as is necessary to support the performance of its duties;

(3) To carry out energy related administrative and program functions and activities established by federal law, regulations, or guidelines which are and which have previously been or may be determined to be suitable for implementation by the state of Washington;

(4) To develop and disseminate guidelines for the development of conservation plans for use by government, industry, and individual citizens;

(5) To prepare in conjunction with the energy advisory council, contingency plans for implementation by state government in the case of a clear and foreseeable danger of energy shortages or actual energy emergencies. Such plans shall include procedures for determining when such shortages or emergencies exist, the state officers and agencies to participate in such determination, and actions to be taken by various agencies and officers of state government in order to reduce hardship and maintain the general welfare during such emergencies. The components of such plans that require legislation for their implementation shall be presented to the legislature in the form of proposed legislation at the earliest practicable date;

(6) To advise and support agencies of state government whose plans and programs involve the production, conversion, transmission, or end-use of significant amounts of energy, or which require knowledge of the present and projected supply and demand of energy, so that such agencies may evaluate the consequences of such actions with respect to state energy goals;

(7) To advise and support the regulatory functions of state agencies through information, reports, and studies;

(8) To present state interests and concerns on energy matters to local governments, other states, regional interstate energy organizations, federal agencies, and private interests: PROVIDED, That nothing in this subsection shall be construed

to abrogate or diminish the functions, powers, or duties of other state agencies established by law;

(9) To present the state's interests in the field of nuclear energy to federal, regional, and local authorities and to private interests as an identifiable activity within its overall program;

(10) To make periodic reports and policy and program recommendations to the governor and the legislature and to submit proposed legislation to the legislature;

(11) To serve as the official state agency responsible for coordination of energy-related activities;

(12) To adopt rules, pursuant to chapter 34.04 RCW, necessary to carry out the powers and duties enumerated in sections 5 and 6 of this 1976 amendatory act.

NEW SECTION. Sec. 6. In addition to the duties prescribed in section 5 of this 1976 amendatory act, the energy office shall have the authority to:

(1) Obtain all necessary information from energy producers, suppliers, and consumers, doing business within the state of Washington, from political subdivisions in this state, or any person as may be necessary to carry out the provisions of this chapter. Such information may include but not be limited to:

(a) Sales volume;

(b) Forecasts of energy requirements; and

(c) Inventory of energy.

Notwithstanding any other provision of law to the contrary, information furnished under this subsection shall be confidential and maintained as such, if so requested by the person providing the information, if the information is proprietary.

It shall be unlawful to disclose such information except as hereinafter provided. A violation shall be punishable, upon conviction, by a fine of not more than one thousand dollars for each offense. In addition, any person who wilfully or with criminal negligence, as defined in RCW 9A.08.010, discloses confidential information in violation of this subsection may be subject to removal from office or immediate dismissal from public employment notwithstanding any other provision of law to the contrary.

Nothing in this subsection prohibits the use of confidential information to prepare statistics or other general data for publication when it is so presented as to prevent identification of particular persons or sources of confidential information.

(2) Receive and expend funds obtained from the federal government or other sources by means of contracts, grants, awards, payments for services, and other devices in support of energy-related scientific and technical programs, studies, operations, and other activities beneficial to the state of Washington: PROVIDED, That expenditures of such funds shall be subject to prior approval by the legislative budget committee.

NEW SECTION. Sec. 7. In addition to the duties and functions assigned by sections 5 and 6 of this 1976 amendatory act, the director of the state energy office shall:

(1) Supervise the day-to-day functions of the office;

- (2) Assign, reassign, and coordinate personnel of the office and prescribe their duties subject to the provisions of chapter 41.06 RCW;
- (3) Provide staff support to the energy advisory council;
- (4) Advise the governor and the legislature on energy matters and of existing and imminent energy shortages.

***NEW SECTION. Sec. 8. There is hereby created an energy advisory council consisting of eleven members.**

(1) Members of the council shall be named within thirty days of the effective date of this 1976 amendatory act. The membership shall include the following:

- (a) The director of the state energy office;**
- (b) The governor shall appoint four members as follows:**
 - (i) One member experienced and knowledgeable in the affairs and operations of electric utility operations;**
 - (ii) One member experienced and knowledgeable in the affairs and operations of the natural gas industry;**
 - (iii) One member experienced and knowledgeable in the affairs and operations of the petroleum products industry;**
 - (iv) One member shall be from an industrial user of electricity, natural gas, and petroleum products; and**
- (c) The president of the senate shall appoint two members;**
- (d) The speaker of the house of representatives shall appoint two members;**
- (e) In addition to appointments made pursuant to subparagraphs (c) and (d) of this subsection the president of the senate and speaker of the house of representatives shall each appoint one additional member who represents the interests of residential consumers of energy.**

(2) No member appointed to the council under subsections (c), (d), and (e) of subsection (1) of this section shall receive, while a member of the council, any substantial portion of his income directly or indirectly from any utility or other person owning or operating any energy facility, or from any manufacturer or seller of any major component of any energy facility. No such member of the council shall be employed by any utility or other person owning or operating any energy facility, or by any manufacturer or seller of any major component of any energy facility during the three-year period following termination as a member of the council.

(3) No member of the council shall hold any state elected office, or hold an appointment to a state elective office.

(4) Members of the council shall make the same reports as are required of elected officials by chapter 42.17 RCW.

(5) Members except for the director of the state energy office shall be appointed to four-year terms except for initial terms as provided for in this subsection as follows:

(a) Two of the initial terms of members appointed by the governor shall expire on January 15, 1978, and two on January 15, 1980;

(b) One of the initial terms of members appointed by the president of the senate shall expire on January 15, 1978, one on January 15, 1979, and one on January 15, 1980;

(c) *One of the initial terms of members appointed by the speaker of the house shall expire on January 15, 1978, one on January 15, 1979, and one on January 15, 1980.*

(6) *Members may be removed from office only because of inability or failure to perform their duties, as determined by a majority vote of the council, following a recommendation by the governor that a member be removed. Vacancies shall be filled by appointments for the unexpired term.*

(7) *The council shall select one of its members, other than the director of the state energy office, to serve as chairman at the pleasure of the council.*

(8) *Six members of the council shall constitute a quorum for conducting business.*

(9) *Members of the council shall be compensated at the rate of forty dollars per day for each day engaged in the business of the council and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. No person appointed to membership on the council who is compensated for service as a member of the council for less than ten days or seventy hours in any month, whichever amount is less, shall receive service credit for such service for that month.*

**Sec. 8. was vetoed, see message at end of chapter.*

****NEW SECTION. Sec. 9. The council shall have the following duties:***

(1) *To advise, monitor, and review the programs and policies of the state energy office and to provide direction and guidance for the activities of the state energy office; to approve by a majority vote all major programs and policies of the state energy office;*

(2) *To act as a source of innovative ideas and policy approaches in energy matters;*

(3) *To advise and make recommendations to the governor and the legislature on state energy policies, practices, programs, and legislation;*

(4) *To make recommendations to the governor for appropriate emergency curtailment and/or allocation plans and procedures to be used in the event of an energy alert or energy emergency;*

(5) *To advise the governor of the time or times, if any, based on pertinent information, when energy supply conditions require execution of energy alert or energy emergency curtailment and/or allocation procedures, and also the time or times when such procedures can prudently be terminated;*

(6) *To monitor and review in conjunction with the state energy office, compliance with and effectiveness of orders of the governor issued under sections 18, 22, and 28 of this 1976 amendatory act: PROVIDED, That compliance by regulated distributors shall be reviewed by the Washington utilities and transportation commission and the results thereof shall be reported to the council;*

(7) *To interpret and coordinate energy related functions and activities established under federal law, regulations, or guidelines which are assigned to or required to be performed by the state of Washington, or which are determined to be suitable for implementation by the state of Washington: PROVIDED, That the governor may designate, with approval of the energy advisory council, appropriate agencies of the state for implementation of all or parts of certain energy programs of the federal*

government where such designation is in the interest of efficiency, economy, or utilization of special expertise: PROVIDED FURTHER, That the energy advisory council shall advise such agencies and review the work performed pursuant to such designation by the governor: PROVIDED FURTHER, That nothing in this subsection shall be construed as limiting the authority of the governor over operations of state agencies; and

(8) To exercise all other powers and perform all other duties now or hereafter provided by law.

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

NEW SECTION. Sec. 10. There is added to chapter 41.06 RCW a new section to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply within the state energy office to the director, the director's confidential secretary, the director's deputy director, and to no more than two assistant directors.

Sec. 11. Section 5, chapter 10, Laws of 1965 and RCW 43.31.300 are each amended to read as follows:

The director of the department of commerce and economic development through the division of nuclear energy development, known as the office of nuclear energy development, in cooperation with the state energy office, shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) Expend such state funds as may be appropriated by the legislature in order to acquire, develop and operate land and facilities which the director believes will foster the development of the state's nuclear economic potential. Such acquisition may be by lease, dedication, purchase, or other arrangement: PROVIDED, HOWEVER, That nothing herein shall be deemed to authorize the state to acquire nuclear facilities or property to engage in competition with organizations or persons. The leasing from the ~~((Atomic Energy Commission))~~ Energy Research and Development Administration of one thousand acres of land lying within the boundaries of the Hanford works near Richland, Washington, in a lease executed on September 10, 1964, is an example of the proper exercise of powers within the purposes of this chapter.

(2) Lease, sublease, or sell real and personal properties to public or private bodies on a competitive basis and at a fair market value when the director believes that such transactions will foster the development of the state's nuclear economic potential.

The director may, however, on a competitive basis lease real and personal properties at less than fair market value on a short term basis if he believes that the long term gain to the state's economic growth justifies such an agreement. Where the lease or sale requires the lessee or purchaser to use the premises for the operation of a specific type of activity, the notice to bidders shall specify the type of business activity required. Final selection among bidders shall, subject to the provisions herein, be by the director with the advice and consent of the ~~((governor's advisory council on nuclear energy and radiation))~~ state energy office.

(3) Enter into contracts with state and private institutions within the state for the carrying out of basic research in such uses of nuclear energy as may be helpful to the economic development of the state.

(4) Assure the maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state of Washington against nuclear incidents that may occur on privately or state controlled nuclear facilities.

(5) Assume responsibility for perpetual surveillance and/or maintenance of radioactive materials held for waste management purposes at any publicly or privately operated facility located within the state, in the event the parties operating such facilities abandon said responsibility, and whenever the federal government or any of its agencies has not assumed said responsibility.

In order to finance such perpetual surveillance and maintenance as the director may undertake, he may collect fees from private or public parties holding radioactive materials for waste management purposes at a total charge of not less than ~~((five cents per cubic foot of space occupied by materials so held, stored, or buried))~~ the prevailing rates at similar sites in the nation: PROVIDED, That in the event the estimated total of such fees will be insufficient to defray the estimated cost of administration of this responsibility for any next ensuing fiscal biennium, the director may prescribe additional fees ~~((, not exceeding fifty cents per cubic foot,))~~ as may be necessary to defray estimated waste management expenses for future fiscal bienniums. All such fees, when received by the director, shall be transmitted to the state treasurer, who shall act as custodian. The treasurer shall place the money in a special account, in the nature of a revolving fund, which may be designated "perpetual maintenance fund," to be disbursed on authorization of the director, or his designated representative. Disbursement shall be made in the manner prescribed by chapter 42.24 RCW, and shall be subject to post audit by the state auditor. No appropriations shall be required to permit expenditures and payment of obligations from such fund, but the condition of the fund and its administration ~~((by the director))~~ shall be reported biennially to the legislature by the director. Moneys in the perpetual maintenance fund shall be invested by the state finance committee in the manner as other state moneys: PROVIDED, HOWEVER, That any interest accruing as a result of investment shall accrue to the perpetual maintenance fund.

Additional moneys as may be specifically appropriated by the legislature, or received from any public or private source, may be placed in the perpetual maintenance fund. The perpetual maintenance fund shall be used exclusively for surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations.

(6) Enter into an agreement with the federal government or any of its authorized agencies to assume perpetual surveillance and/or maintenance of lands leased or purchased from the federal government or any of its authorized agencies and used as a burial or storage site for radioactive wastes.

Sec. 12. Section 1, chapter 207, Laws of 1961 and RCW 70.98.010 are each amended to read as follows:

It is the policy of the state of Washington in furtherance of its responsibility to protect the public health and safety and to encourage, insofar as consistent with this responsibility, the industrial and economic growth of the state(;

~~(+)) and to institute and maintain a regulatory and inspection program for sources and uses of ionizing radiation so as to provide for ((a)) (1) compatibility with the standards and regulatory programs of the federal government, ((b)) (2) a single, effective system of regulation within the state, and ((c)) (3) a system consonant insofar as possible with those of other states(;~~ and

~~(2) To institute and maintain a program to encourage widespread participation in the development and utilization of sources of ionizing radiation and atomic energy for peaceful purposes to the maximum extent consistent with the health and safety of the public)).~~

Sec. 13. Section 2, chapter 207, Laws of 1961 as amended by section 1, chapter 88, Laws of 1965 and RCW 70.98.020 are each amended to read as follows:

It is the purpose of this chapter to effectuate the policies set forth in RCW 70.98.010 as now or hereafter amended by providing for:

(1) A program of effective regulation of sources of ionizing radiation for the protection of the occupational and public health and safety;

(2) A program to promote an orderly regulatory pattern within the state, among the states and between the federal government and the state and facilitate intergovernmental cooperation with respect to use and regulation of sources of ionizing radiation to the end that duplication of regulation may be minimized;

(3) A program to establish procedures for assumption and performance of certain regulatory responsibilities with respect to byproduct, source, and special nuclear materials(;

~~(4) A program to permit maximum utilization of sources of ionizing radiation consistent with the health and safety of the public)).~~

Sec. 14. Section 24, chapter 207, Laws of 1961 and RCW 70.98.210 are each amended to read as follows:

The agency ~~((and the council))~~ shall study, formulate, and recommend to the legislature from time to time specific recommendations to further the purposes of this chapter.

NEW SECTION. Sec. 15. The legislature finds that energy in various forms is increasingly subject to possible shortages and supply disruptions, to the point that there may be foreseen an emergency situation, and that without the ability to institute appropriate emergency measures to reduce and/or allocate the usage of energy through a program of mandatory usage curtailment and/or allocation, a severe impact on the health, safety, and general welfare of our state's citizens may occur. The prevention or mitigation of the effects of such energy shortages or disruptions is necessary for preservation of the public health and welfare of the citizens of this state.

It is the intent of this chapter to:

(1) Establish necessary energy emergency powers for the governor and define the conditions under which such powers are to be exercised;

(2) Provide penalties for violations of this chapter.

NEW SECTION. Sec. 16. As used in this chapter:

(1) "Energy facility" means a facility which produces, extracts, converts, transports, or stores energy.

(2) "Energy" means petroleum or other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material, or electricity.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency or any other entity, public or private, however organized.

(4) "Council" means the energy advisory council created by section 8 of this 1976 amendatory act.

(5) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, joint operating agencies, municipal utility, public utility district, or cooperative, which engage in or are authorized to engage in the activity of generating, transmitting or distributing energy in this state.

NEW SECTION. Sec. 17. It is the intent of the legislature that the governor and the council, in developing provisions for the allocation, conservation, and consumption of energy give due consideration to supplying vital public services such as essential governmental operations, health and safety functions, emergency services, public mass transportation systems, food production and processing facilities, and energy supply facilities during conditions of an energy supply alert or energy emergency. In developing any energy allocation programs, provisions should be made for the equitable distribution of energy among the geographic areas of the state.

NEW SECTION. Sec. 18. In addition to his existing powers and duties, the governor shall have the following duties and special energy emergency powers subject to the definitions and limitations in this chapter.

(1) The governor may, upon finding that a situation exists which threatens to seriously disrupt or diminish energy supplies to the extent that life, health, or property may be jeopardized, declare a condition or state of "energy supply alert", at which time all of the general and specific emergency powers further enumerated in this section shall become effective. Concurrent with such declaration the governor shall convene the council which shall then meet within five days of the declaration of the alert, if it is not already in session.

(2) The condition of "energy supply alert" shall terminate after sixty consecutive days unless a continuing condition of "energy supply alert" exists, which shall be defined as the occurrence of either of the following: (a) Extension by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply, or (b) declaration of the legislature by concurrent resolution of a continuing condition of "energy supply alert".

(3) The conditions of an energy supply alert shall alternatively cease to exist upon a declaration to that effect by either of the following: (a) The governor; or (b) the legislature, by concurrent resolution, if in regular or extraordinary session.

(4) In a declared state of energy supply alert, the governor may, upon recommendation or approval of the energy advisory council, (a) implement such programs, controls, standards, priorities, and quotas for the production, allocation,

conservation, and consumption of energy; (b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and (c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states and localities.

Nothing in this chapter shall be construed to mean that any program, control, standard, priority quota, or other policy created under the authority of the emergency powers authorized by this chapter shall have any continuing legal effect after the cessation of a declared state of energy supply alert.

If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, this chapter shall govern and control, and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

Because of the emergency nature of this chapter, all actions authorized or required hereunder, or taken pursuant to any order issued by the governor, shall be exempted from any and all requirements and provisions of the state environmental policy act of 1971, chapter 43.21C RCW, including, but not limited to, the requirement for environmental impact statements.

Except as provided in this section nothing in this chapter shall exempt a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor.

NEW SECTION. Sec. 19. To protect the public welfare during conditions of energy alerts or emergencies, the chief executive of each political subdivision of the state and each state agency is hereby authorized and directed to carry out in his jurisdiction such energy supply alert or energy emergency measures as may be ordered by the governor.

NEW SECTION. Sec. 20. In order to attain uniformity, as far as is practicable throughout the country in measures taken to aid in energy crisis management, all action taken under this chapter and all orders and rules made pursuant hereto, shall be taken or made with due consideration for and consistent when practicable with the orders, rules, regulations, actions, recommendations, and requests of federal authorities.

NEW SECTION. Sec. 21. Notwithstanding any provision of law or contract to the contrary, all persons who are affected by an order issued or action taken pursuant to this chapter shall comply therewith immediately.

NEW SECTION. Sec. 22. The governor may order any distributor to take such action on his behalf as may be required to implement orders issued pursuant to this chapter, and no distributor shall be liable for actions taken in accordance with such order: PROVIDED, That orders to regulated distributors shall be issued by the Washington utilities and transportation commission in conformance with orders of the governor.

NEW SECTION. Sec. 23. (1) Any person aggrieved by an order issued pursuant to this chapter may petition the governor and request an exception from or modification of such order. The governor may grant, modify, or deny such petition as the public interest may require.

(2) An appeal from any order issued or action taken pursuant to this chapter may be taken to the state supreme court. Such an appeal shall take the form of a petition for a writ of mandamus or prohibition under Article IV, section 4 of the state Constitution, and the supreme court shall have exclusive jurisdiction to hear and act upon such an appeal. Notwithstanding the provisions of chapter 7.16 RCW, or any other applicable statute, the superior courts of this state shall have no jurisdiction to entertain an action or suit relating to any order issued for action taken pursuant to this chapter, nor to hear and determine any appeal from any such order. The provisions of Rule on Appeal I-58 shall apply to any proceedings in the supreme court brought pursuant to this chapter.

NEW SECTION. Sec. 24. Any person wilfully violating any provision of an order issued by the governor pursuant to this chapter shall be guilty of a gross misdemeanor.

Sec. 25. Section 43.06.010, chapter 8, Laws of 1965 as amended by section 8, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.010 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

- (1) He shall supervise the conduct of all executive and ministerial offices;
- (2) He shall see that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;
- (3) He shall make the appointments and supply the vacancies mentioned in this title;
- (4) He is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;
- (5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, he may direct the attorney general to appear on behalf of the state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session;
- (6) He may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session;
- (7) He may require the attorney general to aid any prosecuting attorney in the discharge of his duties;
- (8) He may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for the apprehension of any person convicted of a felony who has escaped from the state prison or of any person who has committed or is charged with the commission of a felony;
- (9) He shall perform such duties respecting fugitives from justice as are prescribed by law;
- (10) He shall issue and transmit election proclamations as prescribed by law;
- (11) He may require any officer or board to make, upon demand, special reports to him, in writing;

(12) He may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property or the public peace, proclaim a state of emergency in the area affected and the powers granted him during a state of emergency shall be effective only within the area described in the proclamation.

Sec. 26. Section 1, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.200 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 RCW 43.06.010, and 43.06.200 through 43.06.270 each as now or hereafter amended shall have the following meaning:

"State of emergency" means an emergency proclaimed as such by the governor pursuant to RCW 43.06.010 as now or hereafter amended.

"Energy emergency" means a condition in which the unavailability or disruption of energy supply poses an immediate and grave threat to life, health, property, or the public peace in the area in which such condition is declared to exist. "Energy" shall include the following: (1) Petroleum and other liquid fuels; (2) natural or synthetic fuel gas; (3) solid carbonaceous fuels; (4) fissionable nuclear material; and (5) electricity.

"Governor" means the governor of this state or, in case of his removal, death, resignation or inability to discharge the powers and duties of his office, then the person who may exercise the powers of governor pursuant to the Constitution and laws of this state relating to succession in office.

"Criminal offense" means any prohibited act for which any criminal penalty is imposed by law and includes any misdemeanor, gross misdemeanor, or felony.

Sec. 27. Section 2, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.210 are each amended to read as follows:

The proclamation of a state of emergency and other proclamations or orders issued by the governor pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended shall be in writing and shall be signed by the governor and shall then be filed with the secretary of state. The governor shall give as much public notice as practical through the news media of the issuance of proclamations or orders pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended. The state of emergency shall cease to exist upon the issuance of a proclamation of the governor declaring its termination: PROVIDED, That the governor must terminate said state of emergency proclamation when order has been restored in the area affected: PROVIDED, FURTHER, That the condition of a state of emergency declared upon a finding that an energy emergency exists shall terminate after thirty consecutive days unless a continuing condition of state of emergency exists, which shall be defined as the occurrence of any of the following: (1) Extension by the governor based on a declaration by the president of the United States of a national emergency; or (2) declaration of the legislature by concurrent resolution of a continuing condition of a state of emergency.

****NEW SECTION. Sec. 28. There is added to chapter 43.06 RCW a new section to read as follows:***

In the event of an energy emergency as defined in RCW 43.06.200 as now or hereafter amended, the governor, after proclaiming a state of emergency therefor, may order such prohibition or curtailment of energy use or allocation, production, or distribution of energy as he deems necessary to preserve and protect public health, welfare, and safety, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such an emergency: PROVIDED, That in developing such orders, the governor shall implement only the recommendations of the energy advisory council developed for use in the event of an energy alert and energy emergencies: PROVIDED FURTHER, That such controls regarding energy use and any other emergency order made by the governor in the event of an energy emergency shall not have any continuing legal effect after the cessation of the declared state of energy emergency.

Any person wilfully violating any provision of an order issued by the governor under this section shall be guilty of a gross misdemeanor.

*Sec. 28. was vetoed, see message at end of chapter.

Sec. 29. Section 1, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.010 are each amended to read as follows:

The legislature finds that the present and predicted growth in ~~((electric power))~~ energy demands in the state of Washington requires the development of a procedure for the selection and utilization of sites for ~~((thermal generating facilities))~~ energy facilities and the identification of a state position with respect to each proposed site. The legislature recognizes that the selection of sites ~~((and the routing of associated transmission lines))~~ will have a significant impact upon the welfare of the population, the location and growth of industry and the use of the natural resources of the state.

It is the policy of the state of Washington ~~((that, while recognizing))~~ to recognize the pressing need for increased ~~((power generation))~~ energy facilities, ~~((the state shall))~~ and to ensure through available and reasonable methods, that the location and operation of ~~((thermal power plants))~~ such facilities will produce minimal adverse effects on the environment, ecology of the land and its wildlife, and the ecology of state waters and their aquatic life.

It is the intent to seek courses of action that will balance the increasing demands for ~~((thermal power plant))~~ energy facility location and operation in conjunction with the broad interests of the public. Such action will be based on these premises:

(1) To assure Washington state citizens that, where applicable, operational safeguards are at least as stringent as the criteria established by the federal government and are technically sufficient for their welfare and protection.

(2) To preserve and protect the quality of the environment; to enhance the public's opportunity to enjoy the esthetic and recreational benefits of the air, water and land resources; to promote air cleanliness; and to pursue beneficial changes in the environment.

(3) To provide abundant ~~((low-cost electrical))~~ energy at reasonable cost.

Sec. 30. Section 2, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.020 are each amended to read as follows:

(1) "Applicant" means any ~~((electric utility which))~~ person who makes application for a site location certification pursuant to the provisions of this chapter;

(2) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter;

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized;

~~(4) ("Electric utility" means cities and towns, public utility districts, regulated electric companies, electric cooperatives and joint operating agencies, or combinations thereof, engaged in or authorized to engage in the business of generating, transmitting or distributing electric energy;~~

~~(5)) "Site" means any proposed location ((wherein the power plant, related or supporting facilities, and associated transmission lines will be located)) for an energy facility;~~

~~((6)) (5) "Certification" means a binding agreement between an applicant and the state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted ((m)) pursuant to RCW 80.50.050 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any ((thermal power plant coming under this chapter)) energy facility;~~

~~((7) "Associated transmission lines" means new transmission lines constructed to operate at nominal voltages in excess of 200,000 volts to connect a thermal power plant to the northwest power grid;))~~

~~(6) "Associated facilities" means new storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages in excess of 200,000 volts to connect a thermal power plant to the northwest power grid: PROVIDED, That common carrier railroads or motor vehicles shall not be included;~~

~~(7) "Transmission facility" means any of the following together with their associated facilities:~~

~~(a) Crude or refined petroleum or liquid petroleum product transmission pipeline: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;~~

~~(b) Natural gas, synthetic fuel gas, or liquefied petroleum gas transmission pipeline: A pipeline for the purpose of delivering gas to a distribution facility or more specifically, a "gas transmission line" as defined by the office of pipeline safety, United States department of transportation, except an interstate natural gas pipeline regulated by the United States federal power commission;~~

~~(8) "Energy transmission corridor" means land jointly used for more than one new transmission facility;~~

~~((8)) (9) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to~~

evaluate the applicant's proposals, supporting studies, or to conduct additional studies;

~~((9))~~ (10) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel, including nuclear materials, for distribution of electricity by electric utilities;

~~((10))~~ "Thermal power plant site evaluation council" or "council" means the body defined under RCW 80.50.030) (11) "Energy facility" means an energy plant, transmission facilities, or an energy transmission corridor: PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense;

~~((11))~~ (12) "Council" means the energy facility site evaluation council created by section 31 of this 1976 amendatory act;

(13) "Counsel for environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080;

~~((12))~~ (14) "Construction" means on-site work and construction shall not be deemed to have commenced until there has been an expenditure of not less than two hundred fifty thousand dollars in on-site improvements, excluding exploratory work;

~~((13))~~ (15) "Chairman" means the chairman of the ~~((thermal power plant site evaluation))~~ council;

~~((14))~~ (16) "Member agency" means departments, agencies and commissions enumerated in RCW 80.50.030(3) as now or hereafter amended;

(17) "Energy plant" means the following facilities together with their associated facilities:

(a) Any stationary thermal power plant with generating capacity of two hundred fifty thousand kilowatts or more and floating thermal power plants of fifty thousand kilowatts or more, including associated facilities;

(b) Facilities which will result in receipt of liquified natural gas in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

(c) Facilities which will result in the receipt of more than an average of fifty thousand barrels per day of crude or refined petroleum which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

(d) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day; and

(e) Facilities which will result in the processing of more than twenty-five thousand barrels per day of petroleum into refined products.

Sec. 31. Section 3, chapter 45, Laws of 1970 ex. sess. as amended by section 46, chapter 171, Laws of 1974 ex. sess. and RCW 80.50.030 are each amended to read as follows:

(1) There is hereby created and established (~~(a "thermal power plant")~~) the "energy facility site evaluation council".

(2) The nonvoting chairman of the council shall be (~~(appointed by the governor with the advice and consent of the senate and shall serve at the pleasure of the governor. The salary of the chairman shall be determined pursuant to the provisions of RCW 43.03.028 as now or hereafter amended)~~) the director of the state energy office: PROVIDED, That the director may designate a deputy director or assistant director to serve as chairman.

(3) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies (~~(and)~~) , commissions and committees or their statutory successors:

(a) (~~(Water pollution control commission)~~) Department of ecology

(b) (~~(Department of water resources~~

~~(c))~~) Department of fisheries

~~((d))~~) (c) Department of game

~~((e) State air pollution control board~~

~~(f))~~) (d) Department of parks and recreation

~~((g))~~) (e) Department of (~~(health)~~) social and health services

~~((h))~~) (f) Interagency committee for outdoor recreation

~~((i))~~) (g) Department of commerce and economic development

~~((j))~~) (h) Utilities and transportation commission

~~((k))~~) (i) Office of program planning and fiscal management

~~((l))~~) (j) Department of natural resources

~~((m))~~) (k) Planning and community affairs agency

~~((n))~~) (l) Department of emergency services

~~((o))~~) (m) Department of agriculture

(n) Department of highways.

(4) The county legislative authority of every county wherein an application for a proposed (~~(thermal power plant)~~) site is filed shall appoint a member or designee to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he represents and such member or designee shall serve until there has been a final acceptance or rejection of such proposed site;

(5) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he represents and such member or designee shall serve until there has been a final acceptance or rejection of such proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

Sec. 32. Section 4, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.040 are each amended to read as follows:

The council shall have the following powers:

(1) To adopt, promulgate, amend, or rescind suitable rules and regulations to carry out the provisions of this chapter, and the policies and practices of the council in connection therewith;

- (2) To appoint an executive secretary to serve at the pleasure of the council;
- (3) To appoint and prescribe the duties of such clerks, employees and agents as may be necessary to carry out the provisions of this chapter: PROVIDED, That such persons shall be employed pursuant to the provisions of chapter 41.06 RCW;
- (4) To develop and apply topical environmental and ecological guidelines in relation to the type, design, and location of ~~((thermal power plant sites and associated transmission line routes))~~ energy facilities subject to this chapter;
- (5) To establish rules of practice for the conduct of public hearings pursuant to the provisions of the Administrative Procedure Act, as found in chapter 34.04 RCW;
- (6) To prescribe the form, content, and necessary supporting documentation for site certification;
- (7) To receive applications for site locations and to investigate the sufficiency thereof;
- (8) To make and contract, when applicable, for independent studies of ~~((thermal power plant sites and transmission line routes))~~ sites proposed by the applicant;
- (9) To conduct hearings on the proposed location of the ~~((thermal power plant))~~ sites ~~((and, when applicable, the associated transmission line routes))~~;
- (10) To prepare written reports to the governor which shall include: (a) a statement indicating whether the application is in compliance with the council's topical guidelines, (b) criteria specific to the site and transmission line routing, and (c) a council recommendation as to the disposition of the application;
- (11) To prescribe the means for monitoring of the effects arising from the construction and the operation of ~~((thermal power plants, and where applicable, associated transmission lines))~~ energy facilities to assure continued compliance with terms of certification;
- (12) To integrate its site evaluation activity with activities of federal agencies having jurisdiction in such matters to avoid unnecessary duplication; and
- (13) To present state concerns and interests to other states, regional organizations, and the federal government on the location, construction, and operation of any energy facility which may affect the environment, health, or safety of the citizens of the state of Washington.

Sec. 33. Section 5, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.050 are each amended to read as follows:

Promptly after it is organized under this chapter, the council shall give notice, pursuant to the Administrative Procedure Act, chapter 34.04 RCW, of intention to adopt as rules the comprehensive guidelines recommended by the ~~((thermal power plant evaluation))~~ council. The ~~((thermal power plant site evaluation))~~ council shall adopt the proposed guidelines as rules after making any changes or additions that are appropriate in view of facts and testimony presented at the hearing, provided that the guidelines so changed are consistent with the purposes of this chapter.

Sec. 34. Section 6, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.060 are each amended to read as follows:

(1) Provisions of this chapter shall apply to those energy facilities to be newly constructed or installed anywhere within the state of Washington, or to reconstruction or enlargement of such existing energy facilities where the new physical capacity being added meets or exceeds those capacities defined in section 30 of this 1976 amendatory act. No construction of such energy facilities or energy transmission corridors may be undertaken, except as otherwise provided in this chapter, after the effective date of this 1976 amendatory act, without first obtaining certification in the manner provided in this chapter.

(2) Provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity of an energy facility.

(3) Applications for certification of thermal power plants and associated transmission lines made prior to the effective date of this 1976 amendatory act, shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding the effective date of this 1976 amendatory act.

~~(Any stationary thermal power plant with generating capacity of two hundred fifty thousand kilowatts or more and floating thermal power plants of fifty thousand kilowatts or more, including associated transmission lines installed anywhere within the state of Washington. No construction of any such facility may be undertaken, after February 23, 1970, without first obtaining certification in the manner as herein provided, except that this chapter shall not apply to any such thermal power plant presently operating, or under construction, and its associated transmission lines.~~

~~(2))~~ (4) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

Sec. 35. Section 7, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.070 are each amended to read as follows:

(1) The council shall receive all applications for ~~((thermal power plant))~~ energy facility site certification. A fee of twenty-five thousand dollars for each proposed site, to be applied toward the cost of any study authorized in subsection (2) of this section, shall accompany the application and shall be a condition precedent to any further consideration or action on the application by the council.

(2) After receiving an application for site certification, the council shall commission its own, independent consultant study to measure the consequences of the proposed ~~((power plant))~~ energy facility on the environment for each site application. The council shall direct the consultant to study any matter which it deems essential to an adequate appraisal of the site. The full cost of the study shall be paid by the applicant: PROVIDED, That said costs exceeding a total of twenty-five thousand dollars shall be payable subject to applicant giving prior approval to such excess amount.

(3) All payments required of the applicant under this section are to be made to the state treasurer, who in turn shall pay the consultant as instructed by the council. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the applicant.

Sec. 36. Section 10, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.100 are each amended to read as follows:

(1) The council shall report to the governor its recommendations (~~((for the disposition))~~) as to the approval or disapproval of an application for certification within twelve months of receipt by the council of such an application, or such later time as is mutually agreed by the council and the applicant.

(2) Within sixty days of receipt of the council's report the governor shall approve or reject the application for certification.

(3) The issuance of denial of the certification by the governor shall be final as to that application but shall not preclude submission of a subsequent application for the same site on the basis of changed conditions or new information.

(4) Upon approval by the governor of the application for certification the chairman of the council shall within thirty days compose and submit a certification agreement for execution by the governor and the applicant.

Sec. 37. Section 11, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.110 are each amended to read as follows:

(1) If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, or any rule or regulation promulgated thereunder, this chapter shall govern and control and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

(2) The state hereby preempts the regulation and certification of (~~((thermal power plant sites and thermal power plants as defined in RCW 80.50.020))~~) the location, construction, and operational conditions of certification of the energy facilities included under RCW 80.50.060 as now or hereafter amended.

Sec. 38. Section 12, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.120 are each amended to read as follows:

(1) Subject to the conditions set forth therein any certification signed by the governor shall bind the state (~~((or any))~~) and each of its departments, agencies, divisions, bureaus, commissions or boards of this state whether a member of the council or not as to the approval of the site and the construction and operation of the proposed ((thermal power plant and any associated transmission lines)) energy facility.

(2) The certification shall authorize the (~~((electric utility))~~) person named therein to construct and operate the proposed (~~((thermal power plant and any associated transmission lines))~~) energy facility subject only to the conditions set forth in such certification.

(3) The issuance of a certification shall be in lieu of any permit, certificate or similar document required by any department, agency, division, bureau, commission or board of this state whether a member of the council or not.

Sec. 39. Section 1, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.170 are each amended to read as follows:

It is the intent of RCW 80.50.175 as now or hereafter amended to expedite the certification of sites for (~~((thermal power plants and associated transmission lines;))~~) energy facilities subject to this chapter to minimize duplication of effort in conducting studies of and preparing environmental impact statements relating to such sites, to authorize and encourage cooperation between the council and counties, other governmental agencies, and municipal or public corporations in connection

with such sites, and to provide for a single detailed statement in accordance with RCW 43.21C.030(2)(c) where any proposed ~~((thermal power plants and associated transmission lines))~~ energy facilities are subject to certification pursuant to chapter 80.50 RCW, and to further the development of ~~((power generation))~~ facilities to meet pressing needs: PROVIDED, That it is the intent of the legislature that appropriate consideration will be given to protecting and preserving the quality of the environment.

Sec. 40. Section 2, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.175 are each amended to read as follows:

(1) In addition to all other powers conferred on the council under this chapter, the council shall have the powers set forth in this section.

(2) The council, upon request of any potential applicant, is authorized, as provided in this section, to conduct a preliminary study of any potential site prior to receipt of an application for site certification. A fee of ten thousand dollars for each potential site, to be applied toward the cost of any study agreed upon pursuant to subsection (3) of this section, shall accompany the request and shall be a condition precedent to any action on the request by the council.

(3) After receiving a request to study a potential site, the council shall commission its own independent consultant to study matters relative to the potential site. The study shall include, but need not be limited to, the preparation and analysis of environmental impact information for the proposed ~~((thermal power plant and associated transmission lines at the))~~ potential site and any other matter the council and the potential applicant deem essential to an adequate appraisal of the potential site. In conducting the study, the council is authorized to cooperate and work jointly with the county or counties in which the potential site is located, any federal, state, or local governmental agency that might be requested to comment upon the potential site, and any municipal or public corporation having an interest in the matter. The full cost of the study shall be paid by the potential applicant: PROVIDED, That such costs exceeding a total of ten thousand dollars shall be payable subject to the potential applicant giving prior approval to such excess amount.

(4) Any study prepared by the council pursuant to subsection (3) of this section ~~((shall))~~ may be used in place of the "detailed statement" required by RCW 43.21C.030(2)(c) by any branch of government except the ~~((thermal power plant site evaluation))~~ council created pursuant to chapter 80.50 RCW. Except for actions of the ~~((thermal power plant site evaluation))~~ council under chapter 80.50 RCW, all proposals for legislation and other actions of any branch of government of this state, including state agencies, municipal and public corporations, and counties, to the extent the legislation or other action involved approves, authorizes, permits, or establishes procedures solely for approving, authorizing or permitting, the location, financing or construction of ~~((one or more thermal power plants or associated transmission lines))~~ any energy facility subject to certification under chapter 80.50 RCW, shall be exempt from the "detailed statement" required by RCW 43.21C.030. Nothing in this subsection shall be construed as exempting any action of the ~~((thermal power plant site evaluation))~~ council from any provision of chapter 43.21C RCW.

(5) All payments required of the potential applicant under this section are to be made to the state treasurer, who in turn shall pay the consultant as instructed by the council. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the potential applicant.

(6) Nothing in this section shall change the requirements for an application for ~~((thermal power plant))~~ site certification or the requirement of payment of a fee as provided in RCW 80.50.070, or change the time for disposition of an application for certification as provided in RCW 80.50.100.

(7) Nothing in this section shall be construed as preventing a city or county from requiring any information it deems appropriate to make a decision approving a particular location.

Sec. 41. Section 5, chapter 155, Laws of 1973 and RCW 90.48.262 are each amended to read as follows:

(1) The powers established under RCW 90.48.260 shall be implemented by the department through the adoption of rules in every appropriate situation. The permit program authorized under RCW 90.48.260(1) shall constitute a continuation of the established permit program of RCW 90.48.160 and other applicable sections within chapter 90.48 RCW. The appropriate modifications as authorized in this 1973 amendatory act are designed to avoid duplication and other wasteful practices and to insure that the state permit program contains all required elements of and is compatible with the requirements of any national permit system.

(2) Permits for ~~((thermal power plants))~~ energy facilities subject to chapter 80.50 RCW shall be issued by the ~~((thermal power plant))~~ energy facility site evaluation council: PROVIDED, That such permits shall become effective only if the governor approves an application for certification and executes a certification agreement pursuant to said chapter. The council shall have all powers necessary to establish and administer a point source discharge permit program pertaining to such plants, consistent with applicable receiving water quality standards established by the department, and to qualify for full participation in any national waste discharge or pollution discharge elimination permit system. The council and the department shall each adopt, by rules, procedures which will provide maximum coordination and avoid duplication between the two agencies with respect to permits in carrying out the requirements of this act including, but not limited to, monitoring and enforcement of certification agreements, and in qualifying for full participation in any such national system.

NEW SECTION. Sec. 42. There is added to chapter 80.50 RCW a new section to read as follows:

All rules of the thermal power plant site evaluation council in effect on the effective date of this 1976 amendatory act shall continue in full force and effect until amended or rescinded by the energy facility site evaluation council after the effective date of this 1976 amendatory act.

NEW SECTION. Sec. 43. Section 7, chapter 207, Laws of 1961, section 4, chapter 88, Laws of 1965, section 1, chapter 44, Laws of 1969, section 18, chapter 18, Laws of 1970 ex. sess., section 162, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 70.98.070 are each hereby repealed.

NEW SECTION. Sec. 44. (1) Sections 1 through 9 of this 1976 amendatory act shall constitute a new chapter in Title 43 RCW. (2) Sections 15 through 24 of this 1976 amendatory act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 45. If any provision of this 1976 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 1976 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 March 15, 1976.

Passed the Senate March 12, 1976.

Passed the House March 12, 1976.

Approved by the Governor March 19, 1976 with the exception of sections 8, 9, and 28 which are vetoed.

Filed in Office of Secretary of State March 19, 1976.

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

"I am returning herewith without my approval as to several sections Engrossed Substitute Senate Bill No. 3172 entitled:

"AN ACT Relating to energy."

This bill provides for the creation of a state energy office and energy advisory council, sets forth certain powers of the Governor that may be invoked under specified conditions during energy shortage emergencies, and reconstitutes the Thermal Power Plant Site Evaluation Council into the Energy Facility Site Evaluation Council.

Section 8 creates the energy advisory council and specifies the membership of the council. Of the 11 members, six are to be appointed by the Legislature, with the President of the Senate and the Speaker of the House each appointing three. Notwithstanding its name, there is no question but that the council is one charged with substantive powers going well beyond an advisory role. I believe the provision for legislative appointment of six members of the council is a serious breach of the doctrine of separation of powers, and places the legislative branch of government squarely in the realm of the executive. I fully realize that a veto of this section results in no council at all. But it is my intention, until such time as the Legislature can enact into law a new advisory council, to appoint a committee of persons with much the same expertise and experience as contemplated by the Legislature in this section to serve in an advisory capacity to the Governor and the state energy office and to fill thereby a void created by this veto. For these reasons, I have determined to veto section 8.

Section 9 delineates the powers and duties of the energy advisory council. Portions thereof provide for the council to oversee the work of the state energy office by a majority vote of its membership and likewise to oversee certain actions of the Governor with respect to the designation of state agencies to implement federal energy programs on the state level. I must object to these provisions for the same reasons as stated above for section 8. Advice and counsel are both necessary and proper. But to give the council a supervisory role in approving or disapproving the actions of the energy office and the Governor violates the fundamentals of good government. Accordingly, I have vetoed section 9.

Section 28 sets forth the powers of the Governor in the event of an energy emergency. An energy emergency is elsewhere defined to mean a condition involving "immediate and grave threat to life, health, property, or the public peace" resulting from the unavailability or disruption of energy supplies. A proviso in that section restricts the Governor to taking only such actions as have been developed by the advisory council. I believe it is unwise to limit a governor in this manner during a time of obvious catastrophic conditions, and I do not believe it possible for a

council to foresee during times of normalcy the exigencies of such an energy emergency and thereby prescribe all necessary courses of action. Accordingly, I have vetoed section 28.

With the exception of sections 8, 9 and 28 which I have vetoed for the above stated reasons, I have approved the remainder of Engrossed Substitute Senate Bill No. 3172. I wish to take this opportunity also to commend the Legislature for its development of this important legislation, and in particular, to express my appreciation to those members who toiled long and hard in directing the bill through the legislative process."

CHAPTER 109

[House Bill No. 1497]

INSOLVENCY OF INSURERS

AN ACT Relating to the insolvency of insurers; amending section .31.28, chapter 79, Laws of 1947 and RCW 48.31.280; amending section 2, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.020; amending section 3, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.030; amending section 4, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.040; amending section 5, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.050; amending section 6, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.060; amending section 8, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.080; amending section 16, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.160; adding a new section to chapter 79, Laws of 1947 and to chapter 48.30 RCW; adding a new section to chapter 79, Laws of 1947 and to chapter 48.31 RCW; adding a new section to chapter 265, Laws of 1971 ex. sess. and to chapter 48.32 RCW; and declaring an emergency.

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

Section 1. Section .31.28, chapter 79, Laws of 1947 and RCW 48.31.280 are each amended to read as follows:

(1) Compensation actually owing to employees other than officers of an insurer, for services rendered within three months prior to the commencement of a proceeding against the insurer under this chapter, but not exceeding three hundred dollars for each such employee, shall be paid prior to the payment of any other debt or claim, and in the discretion of the commissioner may be paid as soon as practicable after the proceeding has been commenced; except, that at all times the commissioner shall reserve such funds as will in his opinion be sufficient for the expenses of administration. ~~((2))~~ Such priority shall be in lieu of any other similar priority which may be authorized by law as to the wages or compensation of such employees.

(2) The priorities of distribution in a liquidation proceeding shall be in the following order:

- (a) Expenses of administration;
 - (b) Compensation of employees as provided in subsection (1) of this section;
 - (c) Federal, state, and local taxes;
 - (d) Claims arising out of and within the coverages of insurance policies issued by the insurer being liquidated for losses incurred, including:
 - (i) Third party claims and claims for unearned premiums;
 - (ii) Claims presented by the Washington Insurance Guaranty Association which represent "covered claims" as defined in RCW 48.32.030(4) and which have been paid by such association;
 - (iii) Claims to which the Washington life and disability insurance guaranty association shall have become subrogated under the provisions of RCW 48.32A.060;
- and

(iv) Claims similar to those described in parts (ii) and (iii) of this subsection as presented by similar guaranty associations of other states; and

(e) All other claims.

Sec. 2. Section 2, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.020 are each amended to read as follows:

This chapter shall apply to all kinds of direct insurance, except life, title, surety, disability, credit, mortgage guaranty, workmen's compensation and ocean marine insurance.

Sec. 3. Section 3, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.030 are each amended to read as follows:

As used in this chapter:

(1) "Account" means ~~((any))~~ one of the ~~((three))~~ two accounts created in RCW 48.32.040 as now or hereafter amended.

(2) "Association" means the Washington Insurance Guaranty Association created in RCW 48.32.040.

(3) "Commissioner" means the insurance commissioner of this state.

(4) "Covered claim" means an unpaid claim, ~~((excluding))~~ including one for unearned premiums, which arises out of and is within the coverage of an insurance policy to which this chapter applies issued by an insurer, if such insurer becomes an insolvent insurer after the first day of April, 1971 and (a) the claimant or insured is a resident of this state at the time of the insured event; or (b) the property from which the claim arises is permanently located in this state. "Covered claim" shall not include any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise: PROVIDED, That a claim for any such amount asserted against a person insured under a policy issued by an insurer which has become an insolvent insurer, which, if it were not a claim by or for the benefit of a reinsurer, insurer, insurance pool, or underwriting association, would be a "covered claim" may be filed directly with the receiver of the insolvent insurer, but in no event may any such claim be asserted in any legal action against the insured of such insolvent insurer. In addition, "covered claim" shall not include any claim filed with the association subsequent to the final date set by the court for the filing of claims against the liquidator or receiver of an insolvent insurer.

(5) "Insolvent insurer" means an insurer (a) authorized to transact insurance in this state either at the time the policy was issued or when the insured event occurred and (b) determined to be insolvent and ordered liquidated by a court of competent jurisdiction, and which adjudication was subsequent to the first day of April, 1971.

(6) "Member insurer" means any person who (a) writes any kind of insurance to which this chapter applies under RCW 48.32.020, including the exchange of reciprocal or interinsurance contracts, and (b) ~~((is licensed))~~ holds a certificate of authority to transact insurance in this state.

(7) "Net direct written premiums" means direct gross premiums written in this state on insurance policies to which this chapter applies, less return premiums thereon and dividends paid or credited to policyholders on such direct business. "Net direct written premiums" does not include premiums on contracts between insurers or reinsurers.

(8) "Person" means any individual, corporation, partnership, association, or voluntary organization.

Sec. 4. Section 4, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.040 are each amended to read as follows:

There is hereby created a nonprofit unincorporated legal entity to be known as the Washington Insurance Guaranty Association. All insurers defined as member insurers in RCW 48.32.030(6) as now or hereafter amended shall be and remain members of the association as a condition of their authority to transact insurance in this state. The association shall perform its functions under a plan of operation established and approved under RCW 48.32.070 and shall exercise its powers through a board of directors established under RCW 48.32.050 as now or hereafter amended. For purposes of administration and assessment, the association shall be divided into ~~((three))~~ two separate accounts: (1) ~~((The workmen's compensation insurance account; (2)))~~ The automobile insurance account; and ((3)) (2) the account for all other insurance to which this chapter applies.

Sec. 5. Section 5, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.050 are each amended to read as follows:

(1) The board of directors of the association shall consist of not less than five nor more than nine persons serving terms as established in the plan of operation. The members of the board shall be selected by member insurers subject to the approval of the commissioner(s). Vacancies on the board shall be filled for the remaining period of the term ~~((in the same manner as initial appointments))~~ by a majority vote of the remaining board members, subject to the approval of the commissioner. ~~((If no members are selected within sixty days after May 21, 1971, the commissioner may appoint the initial members of the board of directors.))~~

(2) In approving selections to the board, the commissioner shall consider among other things whether all member insurers are fairly represented.

(3) Members of the board may be reimbursed from the assets of the association for expenses incurred by them as members of the board of directors.

Sec. 6. Section 6, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.060 are each amended to read as follows:

(1) The association shall:

(a) Be obligated to the extent of the covered claims existing prior to the ~~((determination of insolvency))~~ order of liquidation and arising within thirty days after the ~~((determination of insolvency))~~ order of liquidation, or before the policy expiration date if less than thirty days after the ~~((determination))~~ order of liquidation, or before the insured replaces the policy or on request effects cancellation, if he does so within thirty days of the ~~((determination))~~ order of liquidation, but such obligation shall include only that amount of each covered claim which is in excess of one hundred dollars and is less than three hundred thousand dollars ~~((; except that the association shall pay the full amount of any covered claim arising out of a workmen's compensation policy))~~. In no event shall the association be obligated to a policyholder or claimant in an amount in excess of the face amount of the policy from which the claim arises.

(b) Be deemed the insurer to the extent of its obligation on the covered claims and to such extent shall have all rights, duties, and obligations of the insolvent insurer as if the insurer had not become insolvent.

(c) Allocate claims paid and expenses incurred among the ~~((three))~~ two accounts enumerated in RCW 48.32.040 as now or hereafter amended separately, and assess member insurers separately for each account amounts necessary to pay the obligations of the association under subsection (1)(a) above subsequent to an insolvency, the expenses of handling covered claims subsequent to an insolvency, the cost of examinations under RCW 48.32.110, and other expenses authorized by this chapter. The assessments of each member insurer shall be in the proportion that the net direct written premiums of the member insurer for the ~~((preceding))~~ calendar year preceding the assessment on the kinds of insurance in the account bears to the net direct written premiums of all member insurers for the ~~((preceding))~~ calendar year preceding the assessment on the kinds of insurance in the account. Each member insurer shall be notified of the assessment not later than thirty days before it is due. No member insurer may be assessed in any year on any account an amount greater than two percent of that member insurer's net direct written premiums for the ~~((preceding))~~ calendar year preceding the assessment on the kinds of insurance in the account. If the maximum assessment, together with the other assets of the association in any account, does not provide in any one year in any account an amount sufficient to make all necessary payments from that account, the funds available ~~((shall))~~ may be prorated and the unpaid portion shall be paid as soon thereafter as funds become available. The association shall pay claims in any order which it may deem reasonable, including the payment of claims in the order such claims are received from claimants or in groups or categories of claims, or otherwise. The association may exempt or defer, in whole or in part, the assessment of any member insurer, if the assessment would cause the member insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. Each member insurer servicing as a servicing facility may set off against any assessment, authorized payments made on covered claims and expenses incurred in the payment of such claims by ~~((the))~~ such member insurer if they are chargeable to the account for which the assessment is made.

(d) Investigate claims brought against the association and adjust, compromise, settle, and pay covered claims to the extent of the association's obligation and deny all other claims.

(e) Notify such persons as the commissioner directs under RCW 48.32.080(2)(a).

(f) Handle claims through its employees or through one or more insurers or other persons designated as servicing facilities. Designation of a servicing facility is subject to the approval of the commissioner, but such designation may be declined by a member insurer.

(g) Reimburse each servicing facility for obligations of the association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the association and shall pay the other expenses of the association authorized by this chapter.

(2) The association may:

(a) Appear in, defend, and appeal any action on a claim brought against the association.

(b) Employ or retain such persons as are necessary to handle claims and perform other duties of the association.

(c) Borrow funds necessary to effect the purposes of this chapter in accord with the plan of operation.

(d) Sue or be sued.

(e) Negotiate and become a party to such contracts as are necessary to carry out the purpose of this chapter.

(f) Perform such other acts as are necessary or proper to effectuate the purpose of this chapter.

(g) Refund to the member insurers in proportion to the contribution of each member insurer to that account that amount by which the assets of the account exceed the liabilities, if, at the end of any calendar year, the board of directors finds that the assets of the association in any account exceed the liabilities of that account as estimated by the board of directors for the coming year.

Sec. 7. Section 8, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.080 are each amended to read as follows:

(1) The commissioner shall:

(a) Notify the association promptly whenever he or any of his examiners has, or comes into, possession of any data or information relative to any insurer under his jurisdiction for any purpose indicating that such insurer is in or is approaching a condition of impaired assets, imminent insolvency, or insolvency.

(b) Furnish to the association copies of all preliminary and final audits, investigations, memorandums, opinions, and reports relative to any insurer under his jurisdiction for any purpose, promptly upon the preparation of any thereof.

(c) ~~((a))~~ Notify the association of the existence of an insolvent insurer not later than three days after he receives notice of the determination of the insolvency. The association shall be entitled to a copy of any complaint seeking an order of liquidation with a finding of insolvency against a member insurer at the same time such complaint is filed with a court of competent jurisdiction.

(d) ~~((b))~~ Upon request of the board of directors, provide the association with a statement of the net direct written premiums of each member insurer.

(2) The commissioner may:

(a) Require that the association notify the insureds of the insolvent insurer and any other interested parties of the determination of insolvency and of their rights under this chapter. Such notification shall be by mail at their last known address, where available, but if sufficient information for notification by mail is not available, notice by publication or in a newspaper of general circulation shall be sufficient.

(b) Suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this state of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative, the commissioner may levy a fine on any member insurer which fails to pay

an assessment when due. Such fine shall not exceed five percent of the unpaid assessment per month, except that no fine shall be less than one hundred dollars per month.

(c) Revoke the designation of any servicing facility if he finds claims are being handled unsatisfactorily.

(3) Whenever the commissioner or any of his examiners comes into possession of or obtains any data or information indicating that any insurer under his jurisdiction for any purpose is in or is approaching a condition of impaired assets, imminent insolvency, or insolvency, he shall within fifteen days of having such data or information commence investigation and/or take formal action relative to any such insurer, and in addition within said time shall notify the association of such condition. Upon failure of the commissioner so to act, the association is hereby authorized and directed to act and commence appropriate investigation or proceedings or may at its option refer the matter to the attorney general for appropriate action relative to which the attorney general shall keep the association advised throughout any such action or proceedings.

(4) ((3)) Any final action or order of the commissioner under this chapter shall be subject to judicial review in a court of competent jurisdiction.

Sec. 8. Section 16, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.160 are each amended to read as follows:

All proceedings in which the insolvent insurer is a party or is obligated to defend a party in any court in this state shall be stayed for ((sixty)) one hundred eighty days and such additional time thereafter as may be fixed by the court from the date the insolvency is determined to permit proper defense by the association of all pending causes of action. Any judgment under any decision, verdict, or finding based on default of the insolvent insurer or on its failure to defend an insured which is unsatisfied at the date the insolvency is determined shall be set aside on the motion of the association and the association shall be permitted to defend such claim on the merits.

NEW SECTION. Sec. 9. There is added to chapter 79, Laws of 1947 and to chapter 48.30 RCW a new section to read as follows:

No person shall make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in any newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio station or television station, or in any other way, any advertisement, announcement, or statement which uses the existence of the Washington Insurance Guaranty Association or the Washington Life and Disability Insurance Guaranty Association for the purpose of sales, solicitation, or inducement to purchase any form of insurance covered by the Washington Insurance Guaranty Association Act or the Washington Life and Disability Insurance Guaranty Association Act.

NEW SECTION. Sec. 10. There is added to chapter 79, Laws of 1947 and to chapter 48.31 RCW a new section to read as follows:

(1) Within one hundred twenty days of a final determination of insolvency of an insurer and order of liquidation by a court of competent jurisdiction of this state, the receiver shall make application to the court for approval of a proposal to

disperse assets out of such insurer's marshalled assets from time to time as such assets become available to the Washington Insurance Guaranty Association and the Washington Life and Disability Insurance Guaranty Association and to any entity or person performing a similar function in another state. (The Washington Insurance Guaranty Association and the Washington Life and Disability Insurance Guaranty Association and any entity or person performing a similar function in other states shall in this section be referred to collectively as the "associations".)

(2) Such proposal shall at least include provisions for:

(a) Reserving amounts for the payment of claims falling within the priorities established in RCW 48.31.280 (2)(a), (b), and (c) as now or hereafter amended;

(b) Disbursement of the assets marshalled to date and subsequent disbursements of assets as they become available;

(c) Equitable allocation of disbursements to each of the associations entitled thereto;

(d) The securing by the receiver from each of the associations entitled to disbursements pursuant to this section an agreement to return to the receiver such assets previously disbursed as may be required to pay claims of secured creditors and claims falling within the priorities established in RCW 48.31.280 as now or hereafter amended in accordance with such priorities. No bond shall be required of any such association; and

(e) A full report to be made by the association to the receiver accounting for all assets so disbursed to the association, all disbursements made therefrom, any interest earned by the association on such assets, and any other matters as the court may direct.

(3) The receiver's proposal shall provide for disbursements to the associations in amounts estimated at least equal to the claim payments made or to be made thereby for which such associations could assert a claim against the receiver, and shall further provide that if the assets available for disbursement from time to time do not equal or exceed the amount of such claim payments made or to be made by the associations then disbursements shall be in the amount of available assets.

(4) The receiver's proposal shall, with respect to an insolvent insurer writing life insurance, disability insurance, or annuities, provide for disbursements of assets to the Washington Life and Disability Insurance Guaranty Association or to any other entity or organization reinsuring, assuming, or guaranteeing policies or contracts of insurance under the provisions of the Washington Life and Disability Insurance Guaranty Association Act.

(5) Notice of such application shall be given to the associations in and to the commissioners of insurance of each of the states. Any such notice shall be deemed to have been given when deposited in the United States certified mails, first class postage prepaid, at least thirty days prior to submission of such application to the court.

NEW SECTION. Sec. 11. There is added to chapter 265, Laws of 1971 ex. sess. and to chapter 48.32 RCW a new section to read as follows:

Every member insurer which during any calendar year shall have paid one or more assessments levied pursuant to RCW 48.32.060(1)(c) as now or hereafter

amended shall be entitled to take, as a credit against any premium tax falling due under RCW 48.14.020, one-fifth of the aggregate amount of such aggregate assessments during such calendar year for each of the five consecutive calendar years beginning with the calendar year following the calendar year in which such assessments are paid.

****NEW SECTION. Sec. 12. This 1976 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. 12. was vetoed, see message at end of chapter.

Passed the House March 9, 1976.

Passed the Senate March 12, 1976.

Approved by the Governor March 19, 1976 with the exception of section 12 which is vetoed.

Filed in Office of Secretary of State March 19, 1976.

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

"I am returning herewith without my approval as to one section House Bill No. 1497 entitled:

"AN ACT Relating to the insolvency of insurers."

This bill makes a number of changes in the insurance code relating to insolvent insurance companies and the distribution of assets in liquidation proceedings. Section 12 is an emergency clause providing for the bill to go into effect immediately. I have decided to veto this section for reasons to be stated, but I do so with some reluctance because it is my understanding that there are a number of insurance companies across the country which also do business in this state on the verge of insolvency, and the provisions of this bill will be needed in the event any of those companies become insolvent in the coming weeks.

However, it has been brought to my attention that sections 1 and 10 of the bill may inadvertently and adversely affect the legal remedies of some 1400 residents of this state involved in pending litigation in federal district court against an insolvent insurance company and its officers. The suit, entitle Amman, et al. v. Cissna, Civil Action No. 7452 in the Western District of the U.S. District Court, is a long pending class action that is now approaching final disposition. I have been assured by several of the sponsors of the bill and the Office of the Insurance Commissioner, who participated in the drafting of the bill, that sections 1 and 10 were not intended to apply to existing claims and pending litigation. Apparently statements to that effect were also made to legislative committees considering the bill. There is no clear indication to that effect, however, in the bill itself.

By vetoing the emergency clause, it is my hope that sufficient time will be allowed the plaintiffs in the above cited case to reduce their claims to final judgment, since only the issue of damages remains and a final determination on that issue by the court is due shortly. In addition, it is my intention through this message to reiterate the legislative intent as it has been stated to me by the proponents of the measure that sections 1 and 10 of the bill do not apply to existing claims and pending litigation such as the Ammans case.

For the foregoing reasons, I have determined to veto section 12. With that exception, the remainder of the bill is approved."

CHAPTER 110

[House Bill No. 1313]

WASHINGTON LIBRARY NETWORK
COMPUTER SYSTEM—FISCAL
SUPPORT—REVOLVING FUND

AN ACT Relating to state government; adding new sections to chapter 43.105 RCW; and prescribing an effective date.

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

NEW SECTION. Section 1. As used in sections 2 through 4 of this act "Washington library network computer system" means the communication facilities, computers, and peripheral computer devices supporting the automated library system developed by the state of Washington.

NEW SECTION. Sec. 2. There is hereby created a fund within the state treasury to be known as the "Washington library network computer system revolving fund" referred to in section 3 of this act as "fund".

NEW SECTION. Sec. 3. The fund shall be credited with all receipts from the rental, sale, or distribution of supplies, equipment, and services rendered to users of the Washington library network computer system. All expenditures from the fund shall be authorized by law.

NEW SECTION. Sec. 4. The data processing authority and the state library commission shall develop jointly a schedule of user fees for users of the Washington library network computer system for the purpose of distributing and apportioning to such users, by the 1979-81 biennium, the full cost of operation and continued development of data processing and data communication services related to the network. Such schedule shall generate sufficient revenue to cover the costs, by the 1979-81 biennium, relating to the library network of:

(1) The acquisition of data processing and data communication services, supplies, and equipment handled or rented by the data processing authority or under its authority by any other state data processing service center designee; and

(2) The payment of salaries, wages, and other costs including but not limited to the acquisition, operation, and administration of acquired data processing services, supplies, and equipment.

As used in this section the term "supplies" shall not be interpreted to delegate or abrogate the division of purchasing's responsibilities and authority to purchase supplies as provided for in chapter 43.19 RCW.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall be added to chapter 43.105 RCW.

NEW SECTION. Sec. 6. This act shall take effect on July 1, 1977.

Passed the House March 13, 1976.

Passed the Senate March 12, 1976.

Approved by the Governor March 20, 1976.

Filed in Office of Secretary of State March 20, 1976.

CHAPTER 111

[Engrossed Senate Bill No. 2989]
ELECTIONS—MANDATORY DATES

AN ACT Relating to elections; amending section 29.13.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 3, Laws of 1975 2nd ex. sess. and RCW 29.13.010; and amending section 29.13.020, chapter 9, Laws of 1965 as amended by section 3, chapter 123, Laws of 1965 and RCW 29.13.020.

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

Section 1. Section 29.13.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 3, Laws of 1975 2nd ex. sess. and RCW 29.13.010 are each amended to read as follows:

All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, district, and precinct officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A state-wide general election shall be held on the first Tuesday after the first Monday of November of each year: PROVIDED, That the state-wide general election held in odd-numbered years shall be limited to (1) city, town, and district general elections as provided for in RCW 29.13.020 as now or hereafter amended, or as otherwise provided by law; (2) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the congress of the United States; (3) the election of state and county officers for the remainder of any unexpired terms of offices created by ~~((for))~~ or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22 and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (4) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (5) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate: PROVIDED FURTHER, That this section shall not be construed as fixing the time for holding primary elections, or elections for the recall of ~~((county, city, town, or district officers))~~ any elective public officer: PROVIDED HOWEVER, That the ~~((board of))~~ county ((commissioners)) legislative authority may, if they deem an emergency to exist, call a special county election ~~((at any time))~~ by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. A special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:

- (a) The first Tuesday after the first Monday in February;
- (b) The second Tuesday in March;
- (c) The first Tuesday after the first Monday in April;
- (d) The third Tuesday in May;
- (e) The day of the primary as specified by RCW 29.13.070; or

(f) The first Tuesday after the first Monday in November.

In addition to the dates set forth in (a) through (f) above, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from failure of a county to pass a special levy for the first time or from fire, flood, earthquake or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

Sec. 2. Section 29.13.020, chapter 9, Laws of 1965 as amended by section 3, chapter 123, Laws of 1965 and RCW 29.13.020 are each amended to read as follows:

All city, town, and district general elections(~~(, except as hereinafter provided;))~~ shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years(~~(, PROVIDED, That there shall be no general city or town elections held under the provisions of the 1963 elections act as amended until 1967, and the positions that would have been voted upon in the year 1966, except for the provisions of the 1963 elections act as amended, shall be voted upon at the general election to be held on the first Tuesday following the first Monday in November in the year 1967 and each two years thereafter. All city and town elections to be held in 1964 under existing law shall be conducted as though the provisions of the 1963 elections act had not been enacted. All city and town officers elected in 1964 shall remain in office for their regular term and until their successors are elected and qualified under the provisions of the 1963 elections act.~~

There shall be no regular district elections held in the years 1964, 1966, 1968, and 1970, and the positions that would have been voted upon, except for the provisions of the 1963 elections act as amended, in the years 1964, 1966, 1968, and 1970 shall be voted upon at the general elections to be held on the first Tuesday following the first Monday in November in the years 1965, 1967, 1969, and 1971, respectively and each two years thereafter.

There shall be no regular school district elections held on the second Tuesday in March in the years 1965, 1967, and 1969 and the position[s] that would have been voted upon, except for the provisions of the 1963 elections act as amended, shall be voted upon at the general elections to be held on the first Tuesday following the first Monday in November in the years 1965, 1967, and 1969 respectively and each two years thereafter.

The purpose of this section is to change the time of holding all general city, town, and district elections to a common election date, throughout the state of Washington being the first Tuesday following the first Monday in November of the odd-numbered years.

All incumbent city, town, or district officers whose terms would have expired, except for the provisions of the 1963 elections act as amended, shall remain in office until their successors are elected and qualified)).

This section shall not apply to:

(1) Elections for the recall of ~~((city, town, or district officers,))~~ any elective public officer.

(2) Public utility districts, or district elections whereat the ownership of property within said districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto.

(3) Consolidation proposals as provided for in RCW 28A.57.180 and nonhigh capital fund aid proposals as provided for in chapter 28A.56 RCW.

The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town or district, presented to him at least forty-five days prior to the proposed election date, may, if he deems an emergency to exist, call a special election ~~((at any time))~~ in such city, town, or district and for the purpose of such special election he may combine, unite or divide precincts. A special election called by such governing body shall be held on one of the following dates as decided by the governing body:

(a) The first Tuesday after the first Monday in February;

(b) The second Tuesday in March;

(c) The first Tuesday after the first Monday in April;

(d) The third Tuesday in May;

(e) The day of the primary election as specified by RCW 29.13.070; or

(f) The first Tuesday after the first Monday in November.

In addition to (a) through (f) above, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from failure of a school or junior taxing district to pass a special levy for the first time or from fire, flood, earthquake or other act of God. Such special election shall be conducted and notice thereof given in the manner provided by law.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

NEW SECTION. Sec. 3. If any provision of this 1976 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. Nothing in sections 1 or 2 of this 1976 amendatory act shall affect any special election which has been called prior to the effective date of this 1976 amendatory act.

Passed the Senate March 14, 1976.

Passed the House March 13, 1976.

Approved by the Governor March 20, 1976.

Filed in Office of Secretary of State March 20, 1976.

CHAPTER 112

[Substitute House Bill No. 1329]

PUBLIC DISCLOSURE

AN ACT Relating to public disclosure; amending section 29.18.040, chapter 9, Laws of 1965 and RCW 29.18.040; amending section 29.79.490, chapter 9, Laws of 1965 and RCW 29.79.490; amending section 9, chapter 1, Laws of 1973 as amended by section 7, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.090; amending section 10, chapter 1, Laws of 1973 and RCW 42.17-.100; amending section 11, chapter 1, Laws of 1973 and RCW 42.17.110; amending section 13, chapter 1, Laws of 1973 and RCW 42.17.130; amending section 24, chapter 1, Laws of 1973 as amended by section 13, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.240; amending section 35, chapter 1, Laws of 1973 as last amended by section 93, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.350; adding new sections to chapter 1, Laws of 1973 and to chapter 42.17 RCW; prescribing penalties; and declaring an emergency.

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

Section 1. Section 29.18.040, chapter 9, Laws of 1965 and RCW 29.18.040 are each amended to read as follows:

(1) Declarations of candidacy shall be filed as follows:

~~((+))~~ (a) For state offices, United States senate, United States house of representatives, and the state legislature and superior court when electors from a district comprising more than one county vote upon the candidates, in the office of the secretary of state.

~~((2))~~ (b) For offices, except city and town offices, when electors from only one county vote upon the candidates, in the office of the county auditor.

~~((3))~~ (c) For city and town offices, in the office of the city clerk.

(2) Each official with whom declarations of candidacy are filed under this section, within one business day following the closing of the applicable filing period, shall forward to the public disclosure commission a copy of each declaration of candidacy filed in his office during such filing period or a list containing the name of each candidate who files such a declaration in his office during such filing period together with a precise identification of the position sought by each such candidate and the date on which each such declaration was filed. Such official, within three days following his receipt of any letter withdrawing a person's name as a candidate, shall also forward a copy of such withdrawal letter to the public disclosure commission.

Sec. 2. Section 29.79.490, chapter 9, Laws of 1965 and RCW 29.79.490 are each amended to read as follows:

Every person shall be guilty of a gross misdemeanor who:

(1) For any consideration or gratuity or promise thereof, signs or declines to sign any initiative or referendum petition; or

(2) Advertises in any manner that for or without consideration, he will solicit or procure signatures upon or influence or attempt to influence persons to sign or not to sign, to vote or not to vote upon an initiative or referendum petition, or to vote for or against any initiative or referendum; or

(3) For any consideration or gratuity or promise thereof solicits or procures signatures upon an initiative or referendum petition; or

(4) Gives or offers any consideration or gratuity to any person to induce him to sign or not to sign, or to solicit or procure signatures upon an initiative or referendum petition, or to vote for or against any initiative or referendum measure; or

(5) Interferes with or attempts to interfere with the right of any voter to sign or not to sign an initiative or referendum petition or with the right to vote for or against an initiative or referendum measure by threats, intimidation, or any other corrupt means or practice; or

(6) Receives, handles, distributes, pays out, or gives away, directly or indirectly, money or any other thing of value contributed by or received from any person, firm, association, or corporation whose residence or principal office is, or the majority of whose members or stockholders have their residence outside, the state of Washington, for any service rendered for the purpose of aiding in procuring signatures upon any initiative or referendum petition or for the purpose of aiding in the adoption or rejection of any initiative or referendum measure: PROVIDED, That this subsection shall not apply to or prohibit any activity which is properly reported in accordance with the applicable provisions of chapter 42.17 RCW.

Sec. 3. Section 9, chapter 1, Laws of 1973 as amended by section 7, chapter 294, Laws of 1975 1st ex. sess. 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))~~ campaign or in the case of a continuing political committee, the current calendar year: PROVIDED, That the income which results from the conducting of a fund-raising activity which has previously been reported in accordance with section 9 of this 1976 amendatory act may be reported as one lump sum, with the exception of that portion of such income which was received from persons whose names and addresses are required to be included in the report required by section 9 of this 1976 amendatory act: PROVIDED FURTHER, That contributions not exceeding ten dollars in the 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. 4. Section 10, chapter 1, Laws of 1973 and RCW 42.17.100 are each amended to read as follows:

~~((In addition to the other reports required by this chapter))~~

~~(1) ((Any person who makes an expenditure in support of or in opposition to any candidate or proposition (except to the extent that a contribution is made directly to a candidate or political committee), in the aggregate amount of one hundred dollars or more during an election campaign, shall file with the commission a report signed by the contributor disclosing (a) the contributor's name and address, and (b) the date, nature, amount and recipient of such contribution or~~

~~expenditure; and~~) (a) For the purposes of this subsection (1) the term "independent campaign expenditure" shall mean any expenditure which is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17.060, 42.17.065, 42.17.080, or 42.17.090.

(b) Within three days after the date of making an independent campaign expenditure which by itself or when added to all other such independent campaign expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within three days after the date of making an independent campaign expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made such independent campaign expenditure shall file with the commission and the county auditor of the county of residence for the candidate supported or opposed by the independent campaign expenditure (or in the case of an expenditure made in support of or in opposition to a ballot proposition, the county of residence for the person making the expenditure) an initial report of all independent campaign expenditures made during such campaign prior to and including such date.

(c) At the following intervals each person who is required to file an initial report pursuant to subsection (1)(b) of this section shall file with the commission and the county auditor of the county of residence for the candidate supported or opposed by the independent campaign expenditure (or in the case of an expenditure made in support of or in opposition to a ballot proposition, the county of residence for the person making the expenditure) a further report of the independent campaign expenditures made since the date of the last report:

(i) On the fifth and nineteenth days immediately preceding the date on which the election is held; and

(ii) Within ten days after the date of a primary election, and within twenty-one days after the date of all other elections; and

(iii) On the tenth day of each month preceding the election in which no other reports are required to be filed pursuant to this subsection (1): PROVIDED, That such further reports required by this subsection (c) shall only be filed if the reporting person has made an independent campaign expenditure since the date of the last previous report filed.

The report filed pursuant to paragraph (ii) of this subsection (1)(c) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

(d) All reports filed pursuant to this subsection (1) shall be certified as correct by the reporting person.

(e) Each report required by subsections (1)(b) and (1)(c) of this subsection (1) shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent campaign expenditure, and ending not more than three days prior to the date the report is due:

(i) The name and address of the person filing the report;

(ii) The name and address of each person to whom an independent campaign expenditure was made in the aggregate amount of twenty-five dollars or more, and the amount, date, and purpose of each such expenditure: PROVIDED, That

if no reasonable estimate of the monetary value of a particular independent campaign expenditure is practicable, it shall be sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(iii) The total sum of all independent campaign expenditures made during the campaign to date; and

(iv) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter.

(2) (a) Any person who contributes in the aggregate amount of one hundred dollars or more during the preceding twelve-month period to any political committee not domiciled in the state of Washington or not otherwise required to report under this chapter, if the person reasonably expects such political committee to make contributions in respect to any election covered by this chapter, shall file with the commission a report signed by the contributor disclosing ~~((a))~~ the contributor's name and address, ~~((and (b)))~~ the date, nature, purpose, amount, and recipient of such contribution, and ~~((c))~~ any instructions given as to the use or disbursement of such contribution.

(b) The initial report shall be filed with the commission within three days after the date on which the aggregate contribution amount of one hundred dollars or more is reached, and each subsequent report shall be filed within three days after each subsequent contribution is made to the same such political committee.

Sec. 5. Section 11, chapter 1, Laws of 1973 and RCW 42.17.110 are each amended to read as follows:

(1) ~~((Within fifteen days after an election))~~ Each commercial advertiser who has accepted or provided political advertising during the election campaign shall ~~((file a report with the commission which shall be certified as correct and))~~ maintain open for public inspection during the campaign and for a period of no less than three years after the date of the applicable election, during normal business hours, documents and books of account which shall specify:

(a) The names and addresses of persons from whom it accepted political advertising;

(b) The exact nature and extent of the advertising services rendered; and

(c) The consideration and the manner of paying that consideration for such services;~~(; and~~

(d) Such other facts as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter).

(2) ~~((No report shall be required from any commercial advertiser as to any single candidate or political committee when the total value of such political advertising does not exceed fifty dollars))~~ Each commercial advertiser which must comply with subsection (1) of this section shall deliver to the commission, upon its request, copies of such information as must be maintained open for public inspection pursuant to subsection (1) of this section.

Sec. 6. Section 13, chapter 1, Laws of 1973 and RCW 42.17.130 are each amended to read as follows:

(1) No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of

any of the facilities of ~~((his))~~ a public office or agency, directly or indirectly, for the purpose of assisting ~~((his))~~ a campaign for ~~((reelection to the office he holds, or for election to any other office, or for))~~ election of any ~~((other))~~ person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to those activities ((performed by the official or his office)) which are part of the normal and regular conduct of the office or agency.

Sec. 7. Section 24, chapter 1, Laws of 1973 as amended by section 13, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.240 are each amended to read as follows:

(1) Every elected official (except president, vice president, and precinct committeemen) shall 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 bank or savings account or 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, 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 any legislation, or any rule, rate, or standard 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 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 (1)(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~~)): **PROVIDED FURTHER**, That with respect to any bank or commercial lending institution in which is held any such office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of such bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by such bank or commercial lending institution from the governmental entity for which the individual is an elected official or candidate, 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; and

(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. 8. Section 35, chapter 1, Laws of 1973 as last amended by section 93, chapter 34, Laws of 1975-'76 2nd ex. sess. 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.

Each member shall receive (~~fifteen~~) seventy-five dollars 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 travel expenses incurred while engaged in the business of the commission as provided in RCW 43.03.050 and 43.43.060 as now or hereafter amended. 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.

NEW SECTION. Sec. 9. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to read as follows:

(1) In lieu of reporting in accordance with RCW 42.17.060, a political committee may report fund-raising activities in accordance with the provisions of this section.

(2) A fund-raising activity which is to be reported in accordance with the provisions of this section shall conform with the following standards:

(a) The income resulting from the conduct of the activity is derived solely from either (i) the retail sale of goods or services at prices which in no case exceed a reasonable approximation of the fair market value of each item or service sold at the activity, or (ii) a gambling operation which is licensed, conducted, or operated in accordance with the provisions of chapter 9.46 RCW and at which in no case is the monetary value of any prize exceeded by the monetary value of any single wager which may be made by a person participating in such activity;

(b) No person responsible for receiving money at such activity shall knowingly accept payment from a single person which would result in a profit to the committee of ten dollars or more unless the name and address of the person making such payment together with the approximate amount of profit to the committee resulting from such payment are disclosed in the report filed pursuant to subsection (4) of this section; and

(c) Such other standards as shall be established by rule and regulation of the commission to prevent frustration of the purposes of this chapter.

(3) All funds obtained through the use of a fund-raising activity which conforms with the provisions of subsection (2) of this section shall be deposited by the campaign treasurer or deputy campaign treasurer in the same bank account

into which contributions received by the committee are being deposited pursuant to RCW 42.17.060.

(4) Within three days after depositing such funds in accordance with subsection (3) of this section, the campaign treasurer or deputy campaign treasurer making the deposit shall file with the commission a report which shall contain the following information:

- (a) The date on which the activity occurred;
- (b) The location at which the activity occurred;
- (c) A precise description of the fund-raising methods used in the activity;
- (d) A financial statement noting gross receipts and expenses for the activity, including an inventory list where appropriate;
- (e) The monetary value of wagers made and prizes distributed for winning wagers, where appropriate;
- (f) The name and address of each person who contributed goods or services to the committee for sale at the activity if the fair market value of the goods or services contributed equals ten dollars or more in the aggregate from such person, together with a precise description of each item or service contributed and its estimated market value;
- (g) The name and address of each person whose identity can be ascertained and who makes payments to the committee at such activity which result in a profit of ten dollars or more to the committee, together with the approximate amount of profit to the committee which results from such payments; and
- (h) A complete listing of the names and addresses of the persons responsible for conducting the activity.

(5) The statement required by subsection (4) of this section shall be in duplicate upon a form prescribed by the commission, one copy to be filed by the campaign treasurer with the commission, and one copy to be retained by him for his records. Each statement shall be certified as correct by the campaign treasurer or deputy treasurer making the deposit.

NEW SECTION. Sec. 10. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to read as follows:

On or after July 1st but before August 1st of each calendar year, the state treasurer, each county, public utility district, and port district treasurer, and each treasurer of an incorporated city or town whose population exceeds one thousand shall file with the commission a report disclosing for the previous twelve months ending June 30: (1) The name and address of each financial institution which holds or has held during the reporting period public accounts of governmental entities for which the treasurer is responsible; (2) the aggregate sum of time and demand deposits held in each financial institution on June 30 together with the highest balance held at any time during such reporting period.

NEW SECTION. Sec. 11. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to read as follows:

(1) Upon the failure of any person to file with the commission or the appropriate county auditor on or before the time specified in this chapter any statement or report herein required to be filed, a civil penalty in the amount of ten dollars shall be forthwith due and payable by the person responsible for the filing thereof. Except as provided in subsection (2) of this section, payment of such civil penalty

shall be made to the commission upon the filing of such statement or report subsequent to its due date.

(2) Upon application by the person responsible for such filing the commission may waive the imposition of the civil penalty specified in subsection (1) of this section, if the commission finds that failure to file in timely manner was unavoidable. Application for waiver of penalty shall be by petition in writing, setting forth the circumstances upon which the petitioner relies, and verified under oath by the petitioner. Such written application shall be submitted with the statement or report and shall operate to defer the payment of the civil penalty pending action upon the application by the commission. If the commission finds that failure to file in timely manner was unavoidable, the commission shall enter its order waiving imposition of the penalty. If no such report is timely filed and if the commission finds that failure to file in a timely manner was avoidable, the commission may either:

(a) Enter an order directing immediate payment of the amount of the penalty. The person against whom such order is directed shall be designated as the respondent; or

(b) Find that an apparent violation of this chapter has occurred and take or direct appropriate action in accordance with the provisions of this chapter.

(3) No action taken by the commission pursuant to subsection (2) of this section shall be subject to any provision of law requiring the prior holding of a hearing: PROVIDED, That action taken or directed after a finding of an apparent violation under subsection (2)(b) of this section shall be fully subject to the provisions of this chapter under which the commission chooses to proceed.

(4) Any order issued by the commission under this section shall be subject to judicial review under the administrative procedure act (chapter 34.04 RCW). If the commission's order is not satisfied and no petition for review is filed within thirty days as provided in RCW 34.04.130, the commission may petition the superior court of any county in which a petition for review could be filed under that section, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with section 13 of this 1976 amendatory act.

NEW SECTION. Sec. 12. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to read as follows:

(1) The commission may (a) determine whether an actual violation of this chapter has occurred; and (b) issue and enforce an appropriate order following such determination.

(2) The commission, in cases where it chooses to determine whether an actual violation of this chapter has occurred, shall hold a contested case hearing pursuant to the administrative procedure act (chapter 34.04 RCW) to make such determination. Any order which the commission issues under this section shall be pursuant to such hearing.

(3) In lieu of holding a hearing or issuing an order under this section, the commission may refer the matter to the attorney general or other enforcement agency as provided in RCW 42.17.360.

(4) The person against whom an order is directed under this section shall be designated as the respondent. Such order may require the respondent to cease and

desist from the activity which constitutes a violation and in addition, or alternatively, may impose one or more of the remedies provided in RCW 42.17.390(1) (b), (c), (d), or (e): PROVIDED, That no individual penalty assessed by the commission shall exceed two hundred fifty dollars, and in any case where multiple violations are involved in a single complaint or hearing, the maximum aggregate penalty shall not exceed five hundred dollars.

(5) An order issued by the commission under this section shall be subject to judicial review under the administrative procedure act (chapter 34.04 RCW). If the commission's order is not satisfied and no petition for review is filed within thirty days as provided in RCW 34.04.130, the commission may petition the superior court of any county in which a petition for review could be filed under that section, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with section 13 of this 1976 amendatory act.

NEW SECTION. Sec. 13. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to read as follows:

The following procedure shall apply in all cases where the commission has petitioned a superior court for enforcement of any order it has issued pursuant to this chapter:

(1) A copy of the petition shall be served by certified mail directed to the respondent at his last known address. The court shall issue an order directing the respondent to appear at a time designated in the order, not less than five days from the date thereof, and show cause why the commission's order should not be enforced according to its terms.

(2) The commission's order shall be enforced by the court if the respondent does not appear, or if the respondent appears and the court finds, pursuant to a hearing held for that purpose:

(a) That the commission's order is unsatisfied; and

(b) That the order is regular on its face; and

(c) That the respondent's answer discloses no valid reason why the commission's order should not be enforced or that the respondent had an appropriate remedy by review under RCW 34.04.130 and failed to avail himself of that remedy without valid excuse.

(3) Upon appropriate application by the respondent, the court may, after hearing and for good cause, alter, amend, revise, suspend, or postpone all or part of the commission's order. 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) The court's order of enforcement, when entered, shall have the same force and effect as a civil judgment.

NEW SECTION. Sec. 14. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to read as follows:

(1) Any city, town, county, municipal corporation, quasi-municipal corporation, or special purpose district may individually compensate and pay for the necessary travel and living expenses incurred by its officers or employees for services rendered on behalf of the city, town, county, municipal corporation, quasi-municipal corporation, or special purpose district in connection with providing

information to or communicating with any federal, state, or local elected official or public employee: PROVIDED, That this section shall not permit the use of such funds as a direct or indirect emolument, or direct or indirect campaign contribution, provided to any federal, state, or local elected official or public employee who is so contacted by any officer or employee of a city, town, county, municipal corporation, quasi-municipal corporation, or special purpose district.

(2) For the purposes of promoting open government, any city, town, county, municipal corporation, quasi-municipal corporation, or special purpose district which expends funds pursuant to subsection (1) of this section shall report such funds in the same manner as a state agency would report the expenditures of funds for such purposes pursuant to RCW 42.17.190.

NEW SECTION. Sec. 15. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to read as follows:

The provisions of this 1976 amendatory act are intended to be remedial and shall be liberally construed, and nothing in this 1976 amendatory act shall be construed to limit the power of the commission under any other provision of chapter 42.17 RCW.

NEW SECTION. Sec. 16. If any provision of this 1976 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. 17. This 1976 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, 1976.

Passed the Senate March 12, 1976.

Approved by the Governor March 22, 1976.

Filed in Office of Secretary of State March 22, 1976.

CHAPTER 113

[House Bill No. 1343]

SALARIES OF LEGISLATORS—APPROPRIATION

AN ACT Relating to salaries of elected officials; amending section 43.03.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 263, Laws of 1975 1st ex. sess. and RCW 43.03.010; and making an appropriation.

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 1, chapter 263, Laws of 1975 1st ex. sess. 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, forty-two thousand one hundred fifty dollars; lieutenant governor, 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, twenty-one thousand four hundred dollars; state treasurer, twenty-four thousand one hundred fifty dollars; state auditor, twenty-four thousand nine hundred fifty dollars; attorney general, thirty-one thousand five hundred dollars; superintendent of public instruction, thirty-one thousand five hundred dollars; commissioner of public lands, twenty-nine thousand two hundred fifty dollars; state insurance commissioner, twenty-four thousand fifty dollars; members of the legislature shall receive for their service ~~((three))~~ seven thousand ~~((eight))~~ two hundred dollars per annum, effective January 10, 1977; and in addition, ten cents per mile for travel to and from legislative sessions.

NEW SECTION. Sec. 2. There is hereby appropriated to the legislature the sum of two hundred and forty seven thousand, four hundred and seventy dollars from the state general fund for the purpose of implementing this 1976 amendatory act.

Passed the House March 14, 1976.

Passed the Senate March 13, 1976.

Approved by the Governor March 22, 1976.

Filed in Office of Secretary of State March 22, 1976.

CHAPTER 114

[Substitute House Bill No. 1364]

PUBLIC SCHOOL EMPLOYMENT

AN ACT Relating to education; amending section 28A.58.450, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 49, Laws of 1973 and RCW 28A.58.450; amending section 22, chapter 34, Laws of 1969 ex. sess. as amended by section 22, chapter 288, Laws of 1975 1st ex. sess. and RCW 28A.67.065; amending section 16, chapter 15, Laws of 1970 ex. sess. as last amended by section 133, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.67.070; amending section 28A.58.480, chapter 223, Laws of 1969 ex. sess. as amended by section 15, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.480; amending section 28A.58.490, chapter 223, Laws of 1969 ex. sess. as last amended by section 16, chapter 34, Laws of 1970 ex. sess. and RCW 28A.58.490; amending section 18, chapter 34, Laws of 1969 ex. sess. as amended by section 3, chapter 49, Laws of 1973 and RCW 28A.58.515; amending section 10, chapter ... (HB 1356), Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.137; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW; and providing penalties.

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.67 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 28A.67.070 as now or hereafter amended, every person employed by a school district in a teaching or other non-supervisory certificated position shall be subject to nonrenewal of employment contract as provided in this section during the first year of employment by such district. Employees as defined in this section shall hereinafter be referred to as "provisional employees".

In the event the superintendent of the school district determines that the employment contract of any provisional employee should not be renewed by the district for the next ensuing term such provisional employee shall be notified thereof

in writing on or before May 15th preceding the commencement of such school term, which notification shall state the reason or reasons for such determination. Such notice shall be served upon the provisional employee personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein. The determination of the superintendent shall be subject to the evaluation requirements of RCW 28A.67.065, as now or hereafter amended.

Every such provisional employee so notified, at his or her request made in writing and filed with the superintendent of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the superintendent for the purpose of requesting the superintendent to reconsider his or her decision. Such meeting shall be held no later than ten days following the receipt of such request, and the provisional employee shall be given written notice of the date, time and place of meeting at least three days prior thereto. At such meeting the provisional employee shall be given the opportunity to refute any facts upon which the superintendent's determination was based and to make any argument in support of his or her request for reconsideration.

Within ten days following the meeting with the provisional employee, the superintendent shall either reinstate the provisional employee or shall submit to the school district board of directors for consideration at its next regular meeting a written report recommending that the employment contract of the provisional employee be nonrenewed and stating the reason or reasons therefor. A copy of such report shall be delivered to the provisional employee at least three days prior to the scheduled meeting of the board of directors. In taking action upon the recommendation of the superintendent, the board of directors shall consider any written communication which the provisional employee may file with the secretary of the board at any time prior to that meeting.

The board of directors shall notify the provisional employee in writing of its final decision within ten days following the meeting at which the superintendent's recommendation was considered. The decision of the board of directors to nonrenew the contract of a provisional employee shall be final and not subject to appeal.

This section applies to any person employed by a school district in a teaching or other nonsupervisory certificated position after the effective date of this 1976 amendatory act. This section provides the exclusive means for nonrenewing the employment contract of a provisional employee and no other provision of law shall be applicable thereto, including, without limitation, RCW 28A.67.070, and chapter 28A.88 RCW, as now or hereafter amended.

Sec. 2. Section 28A.58.450, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 49, Laws of 1973 and RCW 28A.58.450 are each amended to read as follows:

~~((Every board of directors determining))~~ In the event it is determined that there is probable cause or causes for a teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with the school district, hereinafter referred to as "employee", to be discharged or otherwise adversely affected in his or her contract status, ~~((shall notify))~~ such employee shall be notified in writing of ~~((its))~~ that decision, which notification shall specify the

probable cause or causes for such action. Such determinations of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notices 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. Every such employee so notified, at his or her request made in writing and filed with the president, chairman of the board or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for a hearing pursuant to section 5 of this 1976 amendatory act to determine whether or not there is sufficient cause or causes for his or her discharge or other adverse action against his contract status. ~~((In the request for hearing, the employee may request either an open or closed hearing. The 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 such 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 proceedings 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 such employee in writing of its final decision. Any decision to discharge or to take other adverse action against such employee shall be based solely upon the cause or causes for discharge 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 discharge or other adverse action against his contract status.))~~

In the event any such notice or opportunity for hearing is not timely given ~~((by the district))~~, or in the event cause for discharge or other adverse action is not established by a preponderance of the evidence at the hearing, such employee shall not be discharged or otherwise adversely affected in his contract status for the causes stated in the original notice for the duration of his or her contract.

If such employee does not request a hearing as provided herein, such employee may be discharged or otherwise adversely affected as provided in the notice served upon the employee.

Transfer to a subordinate certificated position as that procedure is set forth in section 9 of this 1976 amendatory act shall not be construed as a discharge or other adverse action against contract status for the purposes of this section.

Sec. 3. Section 22, chapter 34, Laws of 1969 ex. sess. as amended by section 22, chapter 288, Laws of 1975 1st 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 41.59.010 through 41.59.170, 41.59.910 and 41.59.920, 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.)~~ (1) The superintendent of public instruction shall, on or before January 1, 1977, establish and may amend from time to time minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. For classroom teachers the criteria shall be developed in the following categories: Instructional skill; classroom management, professional preparation and scholarship; effort toward improvement when needed; the handling of student discipline and attendant problems; and interest in teaching pupils and knowledge of subject matter. Such criteria shall be subject to review by November 1, 1976, by four members of the legislature, one from each caucus of each house, including the chairpersons of the respective education committees.

Every board of directors shall, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920, establish evaluative criteria and procedures for all certificated classroom teachers and certificated support personnel. The evaluative criteria must contain as a minimum the criteria established by the superintendent of public instruction pursuant to this section and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district.

It shall be the responsibility of a principal or his or her designee to evaluate all certificated personnel in his or her school. During each school year all classroom teachers and certificated support personnel, hereinafter referred to as "employees" in this section, shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties. Total observation time for each employee for each school year shall be not less than sixty minutes. Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the evaluation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared. New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.

Every employee whose work is judged unsatisfactory based on district evaluation criteria shall be notified in writing of stated specific areas of deficiencies along with a suggested specific and reasonable program for improvement on or before February 1st of each year. A probationary period shall be established beginning on or before February 1st and ending no later than May 1st. The purpose of the probationary period is to give the employee opportunity to demonstrate improvements in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for approval. During the probationary period the evaluator shall meet

with the employee at least twice monthly to supervise and make a written evaluation of the progress, if any, made by the employee. The evaluator may authorize one additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency; such additional certificated employee shall be immune from any civil liability that might otherwise be incurred or imposed with regard to the good faith performance of such evaluation. The probationer may be removed from probation if he or she has demonstrated improvement to the satisfaction of the principal in those areas specifically detailed in his or her initial notice of deficiency and subsequently detailed in his or her improvement program. Lack of necessary improvement shall be specifically documented in writing with notification to the probationer and shall constitute grounds for a finding of probable cause under RCW 28A.58.450 or 28A.67.070, as now or hereafter amended.

The establishment of a probationary period shall not be deemed to adversely affect the contract status of an employee within the meaning of RCW 28A.58.450, as now or hereafter amended.

(2) Every board of directors shall establish evaluative criteria and procedures for all superintendents, principals, and other administrators. It shall be the responsibility of the district superintendent or his or her designee to evaluate all administrators. Such evaluation shall be based on the administrative position job description. Such criteria, when applicable, shall include at least the following categories: Knowledge of, experience in, and training in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel.

(3) Each certificated employee shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her professional performance.

(4) The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated employees or administrators in accordance with this section, as now or hereafter amended, when it is his or her specific assigned or delegated responsibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator's contract under RCW 28A.67.070, as now or hereafter amended, or the discharge of such evaluator under RCW 28A.58.450, as now or hereafter amended.

Sec. 4. Section 16, chapter 15, Laws of 1970 ex. sess. as last amended by section 133, chapter 275, Laws of 1975 1st ex. sess. 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 except as otherwise provided by law, 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 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 educational service district superintendent for the employment of any ((teacher)) employee who has previously signed ((a)) an employment contract ((to teach)) for that same term in another school district of the state of Washington unless such ((teacher)) employee shall have been released from his or her obligations under such previous contract by the board of directors of the school district to which he or she was obligated. Any contract signed in violation of this provision shall be void.

~~((Every board of directors determining))~~ In the event it is determined 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)) such employee shall be notified in writing on or before ((April)) May 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 determination of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. 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 president, chairman or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing pursuant to section 5 of this 1976 amendatory act to determine whether ((or not the facts constitute)) there is 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 or her employment had actually been renewed by the board of directors for such ensuing term.

This section shall not be applicable to "provisional employees" as so designated in section 1 of this 1976 amendatory act; transfer to a subordinate certificated position as that procedure is set forth in section 9 of this 1976 amendatory act shall not be construed as a nonrenewal of contract for the purposes of this section.

NEW SECTION. Sec. 5. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

(1) Any employee receiving a notice of probable cause for discharge or adverse effect in contract status pursuant to RCW 28A.58.450, as now or hereafter amended, or any employee, with the exception of provisional employees as defined in section 1 of this 1976 amendatory act, receiving a notice of probable cause for nonrenewal of contract pursuant to RCW 28A.67.070, as now or hereafter amended, shall be granted the opportunity for a hearing pursuant to this section.

(2) In any request for a hearing pursuant to RCW 28A.58.450 or 28A.67.070, as now or hereafter amended, the employee may request either an open or closed hearing. The hearing shall be open or closed as requested by the employee, but if the employee fails to make such a request, the hearing officer may determine whether the hearing shall be open or closed.

(3) The employee may engage counsel who shall be entitled to represent the employee at the prehearing conference held pursuant to subsection (4) of this section and at all subsequent proceedings pursuant to this section. At the hearing provided for by this section, the employee may produce such witnesses as he or she may desire.

(4) In the event that an employee requests a hearing pursuant to RCW 28A.58.450 or 28A.67.070, as now or hereafter amended, a hearing officer shall be appointed in the following manner: Within ten days following the receipt of any such request the board of directors of the district or its designee and the employee shall each appoint one nominee, each of whom shall be a member in good standing of the Washington state bar association. Within five days following the appointment of such nominees they shall jointly appoint a hearing officer who shall be a member in good standing of the Washington state bar association. Should said nominees fail to agree as to who should be appointed as the hearing officer, either the board of directors or the employee, upon appropriate notice to the other party, may apply to the presiding judge of the superior court for the county in which the district is located for the appointment of such hearing officer, whereupon such presiding judge shall have the duty to appoint a hearing officer who shall be a member in good standing of the Washington state bar association and who

shall, in the judgment of such presiding judge, be qualified to fairly and impartially discharge his or her duties. Nothing herein shall preclude the board of directors and the employee from stipulating as to the identity of the hearing officer in which event the foregoing procedures for the selection of the hearing officer shall be inapplicable. The district shall pay all fees and expenses of any hearing officer selected pursuant to this subsection.

(5) Within five days following the selection of a hearing officer pursuant to subsection (4) hereof, the board of directors or its designee shall schedule a prehearing conference to be held within such five day period. The employee shall be given written notice of the date, time, and place of such prehearing conference at least three days prior to the date established for such conference.

(6) The hearing officer shall preside at any prehearing conference scheduled pursuant to subsection (5) of this section and in connection therewith shall:

(a) Issue such subpoenas or subpoenas duces tecum as either party may request at that time or thereafter; and

(b) Authorize the taking of prehearing depositions at the request of either party at that time or thereafter; and

(c) Provide for such additional methods of discovery as may be authorized by the civil rules applicable in the superior courts of the state of Washington; and

(d) Establish the date for the commencement of the hearing, to be within ten days following the date of the prehearing conference, unless the employee requests a continuance, in which event the hearing officer shall give due consideration to such request.

(7) The hearing officer shall preside at any hearing and in connection therewith shall:

(a) Make rulings as to the admissibility of evidence pursuant to the rules of evidence applicable in the superior courts of the state of Washington; and

(b) Make other appropriate rulings of law and procedure.

(8) Except as provided in subsection (9) of this section, the board of directors of the district shall have the following duties and responsibilities in connection with any hearing conducted pursuant to this section:

(a) Not less than a quorum of the board shall hear all of the evidence admitted during the hearing.

(b) At the conclusion of the hearing, board members who have heard all of the evidence shall deliberate in private and shall reach a final decision by vote of a majority of the members participating at the hearing.

(c) Written notice of the final decision of the board of directors shall be sent to the employee as promptly as possible and in no event later than ten days after the conclusion of the hearing.

(9) In lieu of the hearing procedures provided for in subsections (7) and (8) of this section, the board at the time it schedules the prehearing conference pursuant to subsection (5) of this section, may elect, if the employee consents, to have the hearing conducted by the hearing officer without board participation and if the board so elects, it shall give written notice thereof to the employee at or before the time of said prehearing conference. The hearing officer shall have the following duties at any hearing conducted by the hearing officer without board participation:

(a) The hearing officer shall make rulings as to the admissibility of evidence pursuant to the rules of evidence applicable in the superior court of the state of Washington.

(b) The hearing officer shall make other appropriate rulings of law and procedure.

(c) Within ten days following the conclusion of the hearing the hearing officer shall transmit in writing to the board and to the employee, findings of fact and conclusions of law and final decision.

(10) Any final decision by the board or the hearing officer to nonrenew the employment contract of the employee, or to discharge the employee, or to take other action adverse to the employee's contract status, as the case may be, shall be based solely upon the cause or causes specified in the notice of probable cause to the employee and shall be established by a preponderance of the evidence at the hearing to be sufficient cause or causes for such action.

(11) All subpoenas and prehearing discovery orders shall be enforceable by and subject to the contempt and other equity powers of the superior court of the county in which the school district is located upon petition of any aggrieved party.

(12) A complete record shall be made of the hearing and all orders and rulings of the hearing officer and school board.

Sec. 6. Section 28A.58.480, chapter 223, Laws of 1969 ex. sess. as amended by section 15, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.480 are each amended to read as follows:

Any appeal to the superior court by an employee shall be heard (~~(de novo)~~) by the superior court without a jury. Such appeal shall be heard expeditiously. The superior court's review shall be confined to the verbatim transcript of the hearing and the papers and exhibits admitted into evidence at the hearing, except that in cases of alleged irregularities in procedure not shown in the transcript or exhibits and in cases of alleged abridgment of the employee's constitutional free speech rights, the court may take additional testimony on the alleged procedural irregularities or abridgment of free speech rights. The court shall hear oral argument and receive written briefs offered by the parties.

The court may affirm the decision of the board or hearing officer or remand the case for further proceedings; or it may reverse the decision if the substantial rights of the employee may have been prejudiced because the decision was:

- (1) In violation of constitutional provisions; or
- (2) In excess of the statutory authority or jurisdiction of the board or hearing officer; or
- (3) Made upon unlawful procedure; or
- (4) Affected by other error of law; or
- (5) Clearly erroneous in view of the entire record as submitted and the public policy contained in the act of the legislature authorizing the decision or order; or
- (6) Arbitrary or capricious.

Sec. 7. Section 28A.58.490, chapter 223, Laws of 1969 ex. sess. as last amended by section 16, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.490 are each amended to read as follows:

If the court enters judgment for the employee, and if the court finds that the probable cause determination was made in bad faith or upon insufficient legal

grounds, the court in its discretion may award to ~~((an))~~ the employee a reasonable attorney's fee for the preparation and trial of his appeal, together with his taxable costs in the superior court. If the court enters judgment for the employee, in addition to ordering the school board to reinstate or issue a new contract to the employee, the court may award damages for loss of compensation incurred by the employee by reason of the action of the school district.

Sec. 8. Section 18, chapter 34, Laws of 1969 ex. sess. as amended by section 3, chapter 49, Laws of 1973 and RCW 28A.58.515 are each amended to read as follows:

~~((In lieu of requesting a hearing before the board of directors or its designated hearing officer pursuant to the provisions of RCW 28A.58.450 and 28A.67.070, an employee may elect to appeal the action of the board directly to the superior court of the county in which the school district is located))~~ In the event that an employee, with the exception of a provisional employee as defined in section 1 of this 1976 amendatory act, receives a notice of probable cause pursuant to RCW 28A.58.450 or 28A.67.070, as now or hereafter amended, stating that by reason of a lack of sufficient funds or loss of levy election the employment contract of such employee should not be renewed for the next ensuing school term or that the same should be adversely affected, the employee may appeal any said probable cause determination directly to the superior court of the county in which the school district is located. Such appeal shall be perfected by serving upon the ~~((clerk))~~ secretary of the school board and filing with the clerk of the superior court a notice of appeal within ten days after receiving the ~~((notification of the action of the board))~~ probable cause notice. The notice of appeal shall set forth in a clear and concise manner the action appealed from. The superior court shall determine whether or not there was sufficient cause for the action ~~((of the board of directors))~~ as specified in the probable cause notice, which cause must be proven by a preponderance of the evidence, and shall base its determination solely upon the cause or causes stated in the notice of the employee. The appeal provided in this section shall be ~~((conducted in the same manner as appeals provided in RCW 28A.58.470 through 28A.58.500))~~ tried as an ordinary civil action: PROVIDED, That the board of directors' determination of priorities for the expenditure of funds shall be subject to superior court review pursuant to the standards set forth in RCW 28A.58.480, as now or hereafter amended: PROVIDED FURTHER, That the provisions of RCW 28A.58.490 and 28A.58.500, as now or hereafter amended, shall be applicable thereto.

NEW SECTION. Sec. 9. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW a new section to read as follows:

Any certificated employee of a school district employed as an ~~assistant~~ superintendent, director, principal, assistant principal, coordinator, or in any other supervisory or administrative position, hereinafter in this section referred to as "administrator", shall be subject to transfer, at the expiration of the term of his or her employment contract, to any subordinate certificated position within the school district. "Subordinate certificated position" as used in this section, shall mean any administrative or nonadministrative certificated position for which the annual compensation is less than the position currently held by the administrator.

Every superintendent determining that the best interests of the school district would be served by transferring any administrator to a subordinate certificated position shall notify that administrator in writing on or before May 15th preceding the commencement of such school term of that determination, which notification shall state the reason or reasons for the transfer, and shall identify the subordinate certificated position to which the administrator will be transferred. Such notice shall be served upon the administrator personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein.

Every such administrator so notified, at his or her request made in writing and filed with the president or chairman, or secretary of the board of directors of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the board of directors in an executive session thereof for the purpose of requesting the board to reconsider the decision of the superintendent. Such board, upon receipt of such request, shall schedule the meeting for no later than the next regularly scheduled meeting of the board, and shall notify the administrator in writing of the date, time and place of the meeting at least three days prior thereto. At such meeting the administrator shall be given the opportunity to refute any facts upon which the determination was based and to make any argument in support of his or her request for reconsideration. The administrator and the board may invite their respective legal counsel to be present and to participate at the meeting. The board shall notify the administrator in writing of its final decision within ten days following its meeting with the administrator. No appeal to the courts shall lie from the final decision of the board of directors to transfer an administrator to a subordinate certificated position: **PROVIDED**, That in the case of principals such transfer shall be made at the expiration of the contract year and only during the first three consecutive school years of employment as a principal by a school district; except that if any such principal has been previously employed as a principal by another school district in the state of Washington for three or more consecutive school years the provisions of this section shall apply only to the first full school year of such employment.

This section applies to any person employed as an administrator by a school district on the effective date of this 1976 amendatory act and to all persons so employed at any time thereafter. This section provides the exclusive means for transferring an administrator to a subordinate certificated position at the expiration of the term of his or her employment contract.

Sec. 10. Section 10, chapter ... (HB 1356), Laws of 1975-'76 2nd 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 have such qualification as the local school board alone shall determine. ~~((He))~~ The superintendent 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 of 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.

NEW SECTION. Sec. 11. Nothing in this 1976 amendatory act shall be construed to annul or to modify or to preclude the continuation of any lawful agreement entered into prior to the effective date of this 1976 amendatory act.

NEW SECTION. Sec. 12. If any provision of this 1976 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, 1976.

Passed the Senate March 12, 1976.

Approved by the Governor March 22, 1976.

Filed in Office of Secretary of State March 22, 1976.

CHAPTER 115

[Engrossed Substitute Senate Bill No. 2006]

DEPARTMENT OF VETERANS AFFAIRS

AN ACT Relating to state government; creating the department of veterans affairs; amending section 1, chapter 11, Laws of 1971 and RCW 43.17.010; amending section 2, chapter 11, Laws of 1971 and RCW 43.17.020; amending section 43.61.030, chapter 8, Laws of 1965 as last amended by section 5, chapter 189, Laws of 1971 ex. sess. and RCW 43.61.030; amending section 43.61.040, chapter 8, Laws of 1965 as last amended by section 6, chapter 189, Laws of 1971 ex. sess. and RCW 43.61.040; amending section 43.61.050, chapter 8, Laws of 1965 as amended by section 35, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.050; amending section 43.61.070, chapter 8, Laws of 1965 as amended by section 36, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.070; adding a new section to chapter 41.06 RCW; and adding a new chapter to Title 43 RCW.

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

NEW SECTION. Section 1. As used in this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

- (1) "Department" means the department of veterans affairs;
- (2) "Director" means the director of the department of veterans affairs;
- (3) "Committee" means the veterans affairs advisory committee.

NEW SECTION. Sec. 2. There is hereby created a department of state government to be known as the department of veterans affairs. All powers, duties, and functions now or through action of this legislature vested by law in the department of social and health services relating to veterans and veteran affairs are transferred to the department, except those powers, duties, and functions which are expressly directed elsewhere by law. Powers, duties, and functions to be transferred shall include, but not be limited to, all those powers, duties, and functions involving cooperation with other governmental units, such as cities and counties, or with the federal government, in particular those concerned with participation in federal grants-in-aid programs. Also transferred to the department shall be the powers, duties, and functions of the bonus division of the treasurer's office: PROVIDED, That such transfer shall not occur until the bonus division completes its current duties of accepting and processing bonus claims arising from the Viet Nam conflict. This section shall not be construed to continue the powers,

duties and functions of said bonus division beyond a time when such powers, duties or functions would otherwise cease.

NEW SECTION. Sec. 3. The executive head and appointing authority of the department shall be the director of veterans affairs. The director shall be an honorably discharged or retired veteran of the armed forces of the United States and shall be appointed by the governor with the consent of the senate and shall serve at the pleasure of the governor. The director shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in the position of director while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when the governor shall present the nomination for the office to that body.

NEW SECTION. Sec. 4. The director of the department of veterans affairs shall have the power and it shall be the director's duty:

- (1) To conduct, control, and supervise the department;
- (2) To appoint and employ and to determine the powers and duties together with the salaries and other expenses of such clerical and other personnel, subject to the provisions of chapter 41.06 RCW, as are necessary to carry out the duties of the department; and
- (3) To perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this chapter.

NEW SECTION. Sec. 5. The director may appoint such assistants and executive staff as shall be needed to administer the department, all of whom shall be veterans. The director shall designate a deputy from the executive staff who shall have charge and general supervision of the department in the absence or disability of the director, and in case of a vacancy in the office of director, shall continue in charge of the department until a successor is appointed and qualified, or until the governor shall appoint an acting director.

NEW SECTION. Sec. 6. The director may delegate any power or duty vested in or transferred to the director by law or executive order to a deputy director or to any other assistant or subordinate, but the director shall be responsible for the official acts of the officers and employees of the department.

NEW SECTION. Sec. 7. There is added to chapter 41.06 RCW a new section to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of veterans affairs to the director, the deputy director, and to no more than two assistants.

NEW SECTION. Sec. 8. In addition to other powers and duties, the director is authorized:

- (1) To cooperate with officers and agencies of the United States in all matters affecting veterans affairs;
- (2) To accept grants, donations, and gifts on behalf of this state for veterans affairs from any person, corporation, government, or governmental agency, made for the benefit of a former member of the armed forces of this or any other country;

(3) To be custodian of all the records and files of the selective service system in Washington that may be turned over to this state by the United States or any department, bureau, or agency thereof; and to adopt and promulgate such rules and regulations as may be necessary for the preservation of such records and the proper use thereof in keeping with their confidential nature;

(4) To act without bond as conservator of the estate of a beneficiary of the veterans administration when the director determines no other suitable person will so act;

(5) To extend on behalf of the state of Washington such assistance as the director shall determine to be reasonably required to any veteran and to the dependents of any such veteran;

(6) To adopt rules and regulations pursuant to chapter 34.04 RCW with respect to all matters of administration to carry into effect the purposes of this section. Such proposed rules and regulations shall be submitted by the department at the time of filing notice with the code reviser as required by RCW 34.04.025 to the respective legislative committees of the senate and of the house of representatives dealing with the subject of veteran affairs legislation through the offices of the secretary of the senate and chief clerk of the house of representatives.

NEW SECTION. Sec. 9. All employees and personnel of the department of social and health services directly engaged in services to veterans shall, on the effective date of this amendatory act, be transferred to the jurisdiction of the department of veterans affairs. All employees classified under chapter 41.06 RCW, the state civil service law, shall be assigned to the department 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.

NEW SECTION. Sec. 10. All reports, documents, surveys, books, records, files, papers, or other writings in the possession of all departments and agencies of state government concerned with veterans services, and pertaining to the functions affected by this chapter, shall be delivered to the custody of the department of veterans affairs. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers and duties transferred by this chapter shall be made available to the department. All funds, credits, or other assets held in connection with the functions transferred by this chapter shall be assigned to the department.

Any appropriations made to the department of social and health services or other departments or agencies affected by this chapter for the purpose of carrying out the powers and duties transferred by this chapter, shall on the effective date of this amendatory act, be transferred and credited to the department of veterans affairs for the purpose of carrying out such transferred powers and duties.

Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under this chapter, the director of program planning and fiscal management or successor thereto shall make a determination as to the proper allocation and certify the same to the state departments and agencies concerned.

NEW SECTION. Sec. 11. All rules and regulations, and all pending business before the departments and agencies or divisions thereof affected by this chapter pertaining to matters transferred by this chapter, as of the effective date of this amendatory act, shall be continued and acted upon by the department. All existing contracts and obligations pertaining to the functions transferred by this chapter shall remain in full force and effect, and shall be performed by the department. Neither the transfer of any department or agency, or division thereof, nor any transfer of powers, duties, and functions, shall affect the validity of any act performed by such department or agency or division thereof or any officer or employee thereof prior to the effective date of this amendatory act.

NEW SECTION. Sec. 12. If apportionments of budgeted funds are required because of the transfers authorized by this chapter, the director of program planning and fiscal management shall certify such apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with such certification.

NEW SECTION. Sec. 13. In furtherance of the policy of the state to cooperate with the federal government in all of the programs included in this chapter, such rules and regulations as may become necessary to entitle the state to participate in federal funds may be adopted, unless the same be expressly prohibited by law. Any internal reorganization carried out under the terms of this chapter shall meet federal requirements which are a necessary condition to state receipt of federal funds. Any section or provision of this chapter which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the department. If any part of this chapter is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, such conflicting part of this chapter is declared to be inoperative solely to the extent of the conflict.

NEW SECTION. Sec. 14. (1) There is hereby created a state veterans affairs advisory committee which shall serve in an advisory capacity to the director of the department of veterans affairs. The committee shall be composed of nine members to be appointed by the governor, and shall consist of two veterans at large, one of whom shall be a Viet Nam era veteran, and one representative of each of the following congressionally chartered veterans organizations: American Legion, Veterans of Foreign Wars, American Veterans of World War II, Korea and Vietnam, Disabled American Veterans, Military Order of the Purple Heart, Marine Corps League, and Veterans of World War I. The seven members representing the foregoing organizations shall be chosen from a list of twenty-one nominees consisting of three names submitted to the governor by each of the named organizations. The first members of the committee shall hold office as follows: Three members to serve two years; three members to serve three years; and three members to serve four years. Upon expiration of said original terms, subsequent appointments shall be for four years except in the case of a vacancy, in which event appointment

shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

(2) The state advisory committee shall have the following powers and duties:

(a) To serve in an advisory capacity to the director and the governor on all matters pertaining to the department of veterans affairs;

(b) To acquaint themselves fully with the operations of the department and recommend such changes to the director as they deem advisable.

(3) Members of the state advisory committee shall receive no compensation for the performance of their duties but shall receive a per diem allowance and mileage expense according to the provisions of chapter 43.03 RCW.

NEW SECTION. Sec. 15. Nothing in this chapter shall be construed to affect any existing rights acquired under RCW 43.17.010, 43.17.020, 43.61.030, 43.61.040, 43.61.050, or 43.61.070, as now or hereafter amended, except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor any administrative action taken thereunder; and neither the abolition of any agency or division thereof nor any transfer of powers, duties, and functions as provided herein, shall affect the validity of any act performed by such agency or division thereof or any officer thereof prior to the effective date of this amendatory act.

NEW SECTION. Sec. 16. Nothing contained in this chapter shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 17. The rule of strict construction shall have no application to this chapter and it shall be liberally construed in order to carry out the objective for which it is designed, in accordance with the legislative intent to give the director the maximum possible freedom in carrying the provisions of this chapter into effect.

NEW SECTION. Sec. 18. Sections 1 through 6 and 8 through 17 of this amendatory act shall constitute a new chapter in Title 43 RCW.

Sec. 19. Section 1, chapter 11, Laws of 1971 and RCW 43.17.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of highways, (8) the department of motor vehicles, (9) the department of general administration, (10) the department of commerce and economic development, (11) the department of veterans affairs, and ~~((H))~~ (12) the department of revenue, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 20. Section 2, chapter 11, Laws of 1971 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the director of highways, (8) the director of motor vehicles, (9) the director of general administration, (10) the director of commerce and economic development, (11) the director of veterans affairs, and ~~((H))~~ (12) the director of revenue.

Such officers, except the director of highways and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The director of highways shall be appointed by the state highway commission, and the director of game shall be appointed by the game commission.

Sec. 21. Section 43.61.030, chapter 8, Laws of 1965 as last amended by section 5, chapter 189, Laws of 1971 ex. sess. and RCW 43.61.030 are each amended to read as follows:

The ~~((secretary))~~ director of veterans affairs is empowered to approve expenditures by any veterans' organizations, now or hereafter chartered by act of congress and to reimburse such organizations therefor. All sums paid to veterans' organizations shall be used by the organizations in the maintenance of a rehabilitation service and to assist veterans in the prosecution of their claims and the solution of their problems arising out of military service. Such service and assistance shall be rendered all veterans and their dependents and also all beneficiaries of any military claim, and shall include but not be limited to those services now rendered by the service departments of the respective ~~((council))~~ member organizations.

Sec. 22. Section 43.61.040, chapter 8, Laws of 1965 as last amended by section 6, chapter 189, Laws of 1971 ex. sess. and RCW 43.61.040 are each amended to read as follows:

The ~~((secretary))~~ director of veterans affairs shall make such rules and regulations as may be necessary to carry out the purposes of this chapter. The department shall furnish information, advice, and assistance to veterans and coordinate all programs and services in the field of veterans' claims service, education, health, vocational guidance and placement, and ~~((welfare))~~ services not provided by some other agency of the state or by the federal government. The ~~((secretary))~~ director shall submit a report of the departments' activities hereunder before the fifteenth of January of each year to the governor.

Sec. 23. Section 43.61.050, chapter 8, Laws of 1965 as amended by section 35, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.050 are each amended to read as follows:

There is created in the state treasury a fund to be known as the veterans' ~~((rehabilitation council))~~ affairs account and no money shall be withdrawn therefrom

except by warrant of the state treasurer for claims approved by the ((secretary)) director of veterans affairs and filed on proper forms.

Sec. 24. Section 43.61.070, chapter 8, Laws of 1965 as amended by section 36, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.070 are each amended to read as follows:

Payments to any veterans' organization shall first be approved by the ((secretary)) director of veterans affairs and insofar as possible shall be made on an equitable basis for work done.

NEW SECTION. Sec. 25. 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 23, 1975.

Vetoed by the Governor June 4, 1975.

Veto overridden by the Senate September 6, 1975.

Veto overridden by the House March 22, 1976.

Filed in Office of Secretary of State March 23, 1976.

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

"I am returning herewith without my approval Substitute Senate Bill No. 2006 entitled:

"AN ACT Relating to state government; creating the department of veterans affairs."

This bill removes from the Department of Social and Health Services all functions related to veterans affairs and transfers the same to a new and separate Department of Veterans Affairs. The major problem cited by proponents of the bill was dissatisfaction with the performance of the Department of Social and Health Services. I submit that the solution to the problem, assuming the complaints are valid, is to conduct a performance audit of the veterans programs within the department rather than to set up a new agency which would be staffed by essentially the same personnel now working on those programs in the department.

There are at this time a number of state agencies which serve a variety of different interests within each agency. I see no more reason for the creation of a Department of Veterans Affairs than I do the separation of functions from other agencies and creating new departments to serve each such function. If anything, the proliferation of such special purpose agencies would diminish the amount of attention each agency would receive from the Governor, the Legislature, and other state elected officials.

I find it also hard to understand how, with its present concern over the rising costs of state government, the Legislature can justify the creation of a new department with a fiscal impact of approximately \$300,000, particularly when the services to be undertaken by such new department are being performed at the present by an existing department. The reasons stated simply do not warrant the additional expenditures.

For the foregoing reasons, I have determined to veto Substitute Senate Bill No. 2006."

Note: Secretary of the Senate's letter informing the Secretary of State that the Legislature has overridden the Governor's veto is as follows:

Honorable Bruce K. Chapman
Secretary of State
Legislative Building
Olympia, Washington 98504

Dear Mr. Chapman:

I am transmitting herewith Substitute Senate Bill No. 2006, which was passed notwithstanding the veto of the Governor, by the Senate by a vote of 45 Yeas and 1 Nay on September 6, 1975; and by the House of Representatives by a vote of 58 Yeas and 27 Nays on March 22, 1976.

Done at Olympia, Washington
this 22nd day of March, 1976

SID SNYDER
Secretary of the Senate

CHAPTER 116

[Substitute Senate Bill No. 2963]
WASHINGTON STATE PATROL
OFFICERS—RETIREMENT

AN ACT Relating to the retirement of Washington state patrol officers; and amending section 43.43-.250, chapter 8, Laws of 1965 as amended by section 3, chapter 12, Laws of 1969 and RCW 43.43.250.

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

Section 1. Section 43.43.250, chapter 8, Laws of 1965 as amended by section 3, chapter 12, Laws of 1969 and RCW 43.43.250 are each amended to read as follows:

(1) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty: PROVIDED, That the requirement to retire at age sixty shall not apply to a member serving as chief of the Washington state patrol.

(2) Any member who has completed twenty-five years of credited service or has attained the age of fifty-five may retire as provided in RCW 43.43.260, on his retirement application to the retirement board, setting forth at what time, not less than thirty days subsequent to the execution and filing thereof, he desires to be retired.

(3) Any member who has ceased making contributions to the retirement fund because of having reached the maximum percentage of average final salary provided by a previous act may repay to the retirement fund those contributions which he would normally have made, if such restriction on service credit had not existed, by making these payments prior to retirement. The payment of these contributions will entitle the member to service credit as provided in RCW 43.43.260(2).

Passed the Senate March 17, 1976.

Passed the House March 13, 1976.

Approved by the Governor March 24, 1976.

Filed in Office of Secretary of State March 24, 1976.

CHAPTER 117

[Engrossed Substitute Senate Bill No. 3097]
 STATE AND LOCAL GOVERNMENT—RULE—
 MAKING AUTHORITY—CONSIDERATION
 OF ECONOMIC VALUES

AN ACT Relating to state economic policy; and adding a new chapter to Title 43 RCW.

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

NEW SECTION. Section 1. The purpose of this chapter is to assert that it is the intent of the legislature that economic values are given appropriate consideration along with environmental, social, health, and safety considerations in the promulgation of rules by state and local government.

NEW SECTION. Sec. 2. All state agencies and local government entities with rule-making authority under state law or local ordinance shall adopt methods and procedures which will insure that economic values will be given appropriate consideration in the rule-making process along with environmental, social, health, and safety considerations.

NEW SECTION. Sec. 3. Nothing in this chapter shall in any way affect the specific statutory obligations of any agency:

- (1) To comply with environmental, social, health, safety, or other standards prescribed by law;
- (2) To coordinate or consult with any other public agency; or
- (3) To act, or refrain from acting, where required by law, upon the recommendations or certification of another public agency.

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. Sections 1 through 4 of this act shall constitute a new chapter in Title 43 RCW.

Passed the Senate March 17, 1976.

Passed the House March 16, 1976.

Approved by the Governor March 24, 1976.

Filed in Office of Secretary of State March 24, 1976.

CHAPTER 118

[Substitute Senate Bill No. 3127]
 SCHOOL DISTRICTS—BUDGETS—
 APPORTIONMENT—REPORTS

AN ACT Relating to education; providing for school district budgets; amending section 13, chapter 76, Laws of 1909 and RCW 1.16.030; amending section 28A.01.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.01.020; amending section 1, chapter 5, Laws of 1975 1st ex. sess. and RCW 28A.03.350; amending section 28A.44.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 63, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.44.080; amending section 2, chapter 124, Laws of 1972 ex. sess. as amended by section 64, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.44.085; amending section 28A.44.090, chapter 223, Laws of 1969 ex. sess. as

last amended by section 65, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.44.090; amending section 15, chapter 15, Laws of 1970 ex. sess. as last amended by section 67, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.48.010; amending section 28A.48.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 73, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.48.100; amending section 28A.58.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 110, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.150; amending section 28A.66.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.66.070; amending section 28A.66.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 130, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.66.100; amending section 84.52.020, chapter 15, Laws of 1961 as amended by section 33, chapter 43, Laws of 1975 and RCW 84.52.020; adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28A RCW as a new chapter thereof; repealing section 28A.58.130, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.130; repealing section 28A.65.010, chapter 223, Laws of 1969 ex. sess., section 20, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.010; repealing section 28A.65.020, chapter 223, Laws of 1969 ex. sess., section 21, chapter 119, Laws of 1969 ex. sess., section 1, chapter 115, Laws of 1972 ex. sess., section 1, chapter 202, Laws of 1975 1st ex. sess. and RCW 28A.65.020; repealing section 28A.65.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.65.030; repealing section 28A.65.040, chapter 223, Laws of 1969 ex. sess., section 23, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.040; repealing section 28A.65.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.65.050; repealing section 28A.65.060, chapter 223, Laws of 1969 ex. sess., section 24, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.060; repealing section 28A.65.070, chapter 223, Laws of 1969 ex. sess., section 1, chapter 53, Laws of 1975 1st ex. sess. and RCW 28A.65.070; repealing section 1, chapter 93, Laws of 1971 ex. sess. and RCW 28A.65.075; repealing section 28A.65.080, chapter 223, Laws of 1969 ex. sess., section 25, chapter 119, Laws of 1969 ex. sess., section 38, chapter 48, Laws of 1971, section 2, chapter 93, Laws of 1971 ex. sess., section 2, chapter 26, Laws of 1972 ex. sess., section 22, chapter 43, Laws of 1975, section 122, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.080; repealing section 28A.65.090, chapter 223, Laws of 1969 ex. sess., section 26, chapter 119, Laws of 1969 ex. sess., section 23, chapter 43, Laws of 1975 and RCW 28A.65.090; repealing section 22, chapter 119, Laws of 1969 ex. sess., section 2, chapter 115, Laws of 1972 ex. sess. and RCW 28A.65.095; repealing section 28A.65.100, chapter 223, Laws of 1969 ex. sess., section 27, chapter 119, Laws of 1969 ex. sess., section 39, chapter 48, Laws of 1971, section 24, chapter 43, Laws of 1975, section 123, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.100; repealing section 28A.65.110, chapter 223, Laws of 1969 ex. sess., section 28, chapter 119, Laws of 1969 ex. sess., section 40, chapter 48, Laws of 1971, section 124, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.110; repealing section 28A.65.120, chapter 223, Laws of 1969 ex. sess., section 29, chapter 119, Laws of 1969 ex. sess., section 41, chapter 48, Laws of 1971, section 25, chapter 43, Laws of 1975, section 125, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.120; repealing section 31, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.141; repealing section 32, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.142; repealing section 28A.65.150, chapter 223, Laws of 1969 ex. sess., section 33, chapter 119, Laws of 1969 ex. sess., section 42, chapter 48, Laws of 1971, section 26, chapter 43, Laws of 1975, section 126, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.150; repealing section 34, chapter 119, Laws of 1969 ex. sess., section 43, chapter 48, Laws of 1971, section 127, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.153; repealing section 35, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.155; repealing section 28A.65.160, chapter 223, Laws of 1969 ex. sess. and RCW 28A.65.160; repealing section 28A.65.170, chapter 223, Laws of 1969 ex. sess., section 36, chapter 119, Laws of 1969 ex. sess., section 3, chapter 93, Laws of 1971 ex. sess., section 1, chapter 26, Laws of 1972 ex. sess., section 1, chapter 151, Laws of 1975 1st ex. sess. and RCW 28A.65.170; repealing section 2, chapter 151, Laws of 1975 1st ex. sess. and RCW 28A.65.175; repealing section 30, chapter 119, Laws of 1969 ex. sess., section 44, chapter 48, Laws of 1971, section 128, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.180; repealing section 6, chapter 91, Laws of 1974 ex. sess. and RCW 28A.65.190; declaring an emergency; and making an effective date.

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

NEW SECTION. Section 1. The following terms when used in this chapter shall have the following meanings, unless where used the context thereof shall clearly indicate to the contrary:

(1) "Revenue" means additions of assets during a given fiscal period to a fund of a school district in the form of cash which does not accompany the incurrence of liabilities or represent refunds of previous disbursements.

(2) "Accrual basis expenditures" mean costs during a given fiscal period for liabilities incurred, whether paid or unpaid.

(3) "Cash basis expenditures" mean actual disbursements during a given fiscal period for operating costs, capital outlay, and debt service, regardless of when liabilities are incurred, or the period of incurrence of cost.

(4) "Appropriation" means the maximum authorization during a given fiscal period to incur expenditures.

(5) "Disbursements" mean payments in cash, including but not limited to payments by warrants.

NEW SECTION. Sec. 2. All school districts must utilize the following methods of revenue and expenditure recognition in budgeting, accounting and financial reporting:

(1) Recognize revenue as defined in section 1(1) of this 1976 amendatory act for all funds.

(2) Utilize the accrual basis for the recognition of expenditures in determining operating costs from the general fund: PROVIDED, That school districts with less than one thousand full time equivalent students for the previous year may utilize the cash basis for the recognition of expenditures in determining operating costs from the general fund: PROVIDED FURTHER, That in school districts with less than one thousand full time equivalent students a list of accounts payable shall be prepared, as at the end of the fiscal year, subject to the penalties of perjury, a copy of which will accompany the districts' annual report and a copy of which will be filed with the districts' board of directors.

(3) Utilize the accrual basis for the recognition of expenditures in determining the costs of site acquisitions and the construction of buildings from the building fund: PROVIDED, That school districts with less than one thousand full time equivalent students for the previous year may utilize the cash basis for recognition of expenditures in determining the costs of site acquisitions and the construction of buildings from the building fund.

(4) Utilize the cash basis for the recognition of expenditures in determining costs for bond interest and redemption funds, refunding bond funds and refunded bond funds.

(5) Utilize the cash basis for the recognition of expenditure in determining costs for permanent insurance funds.

NEW SECTION. Sec. 3. Beginning September 1, 1977 the fiscal year for all school districts shall be September 1 through August 31.

NEW SECTION. Sec. 4. On or before the tenth day of July in each year, all school districts shall prepare their budget for the ensuing fiscal year. The budget shall set forth the complete financial plan of the district for the ensuing fiscal year.

NEW SECTION. Sec. 5. Upon completion of their budgets as provided in section 4 of this 1976 amendatory act, every school district shall publish a notice stating that the district has completed the budget and placed the same on file in the school district administration office, that a copy thereof will be furnished any person who will call upon the district for it, and that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting which shall occur no later than the thirty-first day of August for first class school districts, and the first day of August for second class school districts.

The notice shall also state that any person may appear thereat and be heard for or against any part of such budget. Said notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately prior to the hearing.

The district shall provide a sufficient number of copies of the budget to meet the reasonable demands of the public not later than July 20th in the first class school districts, and not later than July 15th in second class school districts. Second class school districts shall submit one copy of their budget to their educational service districts for review and comment no later than July 15th.

NEW SECTION. Sec. 6. On the date given in said notice as provided in section 5 of this 1976 amendatory act the school district board of directors shall meet at the time and place designated. Any person 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: PROVIDED, That the budget must be adopted no later than August 31st in first class school districts, and not later than August 1st in second class school districts.

Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board: PROVIDED, That first class school districts shall file four copies of their adopted budget with their educational service district no later than September 3rd, and second class school districts shall forward five copies of their adopted budget to their educational service district no later than August 3rd for review, alteration and approval as provided for in section 7 of this 1976 amendatory act by the budget review committee.

NEW SECTION. Sec. 7. The budget review committee shall fix and approve the amount of the appropriation from each fund of the budget of second class districts not later than August 31st. No budget review committee shall knowingly approve any budget or appropriation that is in violation of this chapter or rules and regulations adopted by the superintendent of public instruction in accordance with section 14(1) of this 1976 amendatory act. A copy of said budget shall be returned to the local school districts no later than September 10th.

Members of the budget review committee as referred to in this section shall consist of the educational service district superintendent or a representative thereof, a member of the local school district board of directors or a representative thereof, and a representative of the superintendent of public instruction.

NEW SECTION. Sec. 8. Copies of the budgets for all local school districts shall be filed with the superintendent of public instruction, the appropriate county auditor(s), and the office of the state auditor, no later than September 10th. One copy will be retained by the educational service district.

NEW SECTION. Sec. 9. Every school district budget shall be prepared, submitted and adopted on forms provided by the office of the superintendent of public instruction. The budget classifications contained in said format shall be in accordance with the accounting manual for public school districts, published by

the office of the superintendent of public instruction and the office of the state auditor. Budgets on forms other than those provided by the office of the superintendent of public instruction shall not be official and will have no legal effect.

NEW SECTION. Sec. 10. The revenue section of every school district budget shall set forth the estimated revenues for the ensuing fiscal year, the estimated revenues for the fiscal year current at the time of budget preparation, the actual revenues for the last completed fiscal year, and the probable net cash balance and investments available for ensuing fiscal year disbursements at the close of the said current fiscal year. The estimated revenues 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 section 11 of this 1976 amendatory act can be granted permission by the superintendent of public instruction to include as revenues in their budgets, receivables collectible in future fiscal years.

The expenditure section of the budget shall set forth by detailed items or classes the estimated expenditures for the ensuing fiscal year, the estimated expenditures for the fiscal year current at the time of budget preparation, and the actual 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 salaries may be set out in total amounts under each budget class if a detailed schedule(s) of such salaries and positions be attached to the budget and made a part thereof. In districts where negotiations have not been completed, the district may budget the salaries at the current year's rate and restrict ending net cash for the amount of anticipated increase in salaries, so long as an explanation shall be attached to the budget on such restriction of ending cash.

NEW SECTION. Sec. 11. When a school district board is unable to prepare a budget in which the estimated revenues for the ensuing fiscal year plus the estimated cash and investments on hand at the close of the current fiscal year do not at least equal the estimated disbursements for the ensuing fiscal year, the school district board shall petition in writing, on or before the tenth day of July, the superintendent of public instruction for permission to include receivables collectible in future years, in order to balance the ensuing fiscal year's budget. If such permission is granted, it shall be in writing, and it shall contain conditions, binding on the district, designed to improve the district's financial condition. Any budget or appropriation adopted by the board of directors without written permission from the superintendent of public instruction that contains estimated disbursements in excess of the total of estimated revenue for the current fiscal year plus net cash balance and investments at the close of the last completed fiscal year shall be null and void and shall not be considered an appropriation.

NEW SECTION. Sec. 12. If a local school district fails to comply with any binding restrictions issued by the superintendent of public instruction, the allocation of state funds for support of the local school district may be withheld, pending an investigation of the reason for such noncompliance by the office of the superintendent of public instruction. Written notice of the intent to withhold state funds, with reasons stated for this action, shall be made to the school district by

the office of the superintendent of public instruction before any portion of the state allocation is withheld.

NEW SECTION. Sec. 13. For each fund contained in the school district budget the estimated disbursements for the ensuing fiscal year must not be greater than the total of the estimated revenues 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 as approved by the superintendent of public instruction for inclusion in the budget.

The budget shall be considered a balanced budget if the above requirement is met: **PROVIDED**, That in the general fund, revenue, plus beginning net cash and investments, must exceed cash disbursements by an amount equal to or greater than the mandated cash reserved for transportation equipment as required by RCW 28A.41.160.

The proceeds of any interfund loan must not be used to balance the budget of the borrowing fund.

NEW SECTION. Sec. 14. (1) Notwithstanding any other provision of law, the 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 this chapter.

(2) If the superintendent of public instruction determines upon a review of the budget of any district that said budget does not comply with the budget procedures established by this chapter or by rules and regulations promulgated by the superintendent of public instruction, or the provisions of RCW 43.09.200, he shall give notice of this determination to the board of directors of the local school district. The superintendent of public instruction shall then call a meeting with the educational service district, the local board of directors, and the chief administrative officer of the district to review said budget. Upon the conclusion of said meeting the superintendent of public instruction shall issue findings and direct that a financially sound budget be developed by the district for operation.

(3) The local school district, notwithstanding any other provision of law, shall, within thirty days from the date the superintendent of public instruction issues a directive pursuant to subsection (2) of this section, submit a revised budget which meets the requirements of RCW 43.09.200, this chapter, and the rules and regulations of the superintendent of public instruction: **PROVIDED**, That if the district fails or refuses to submit a revised budget which in the determination of the superintendent of public instruction meets the requirements of RCW 43.09.200, this chapter, and the rules and regulations of the superintendent of public instruction, the matter shall be submitted to the state board of education, which board 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 section.

NEW SECTION. Sec. 15. Total budgeted expenditures for each fund as adopted in the budget of a school district shall constitute the appropriations of the district for the ensuing fiscal year and the board of directors shall be limited in the incurring of expenditures to the grand total of such appropriations. The board of

directors shall incur no expenditures for any purpose in excess of the appropriation for each fund: PROVIDED, That no board of directors shall be prohibited from incurring 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 under section 14 of this 1976 amendatory act: PROVIDED FURTHER, That transfers between budget classes may be made by the school district's chief administrative officer or finance officer, subject to such restrictions as may be imposed by the school district board of directors.

Directors, officers or employees who knowingly or negligently violate or participate in a violation of this section by the incurring of expenditures in excess of any appropriation(s) shall be held civilly liable, jointly and severally, for such expenditures in excess of such appropriation(s), including consequential damages following therefrom, for each such violation. If as a result of any 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 any such action shall so provide.

Nothing in this section shall be construed to limit the duty of the attorney general to carry out the provisions of RCW 43.09.260, as now or hereafter amended.

NEW SECTION. Sec. 16. All appropriations for any school district upon which their budget is based shall lapse at the end of the fiscal year. At the expiration of said period all appropriations shall become null and void and any claim presented thereafter against any such appropriation for the fiscal year just closed shall be provided for in the appropriation for the next fiscal year: PROVIDED, That this shall not prevent payments upon incompleting improvements in progress at the close of the fiscal year.

NEW SECTION. Sec. 17. (1) Notwithstanding any other provision of this chapter, upon the happening of any emergency in first class school districts caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the restoration to a condition of usefulness of any school district property, the usefulness of which has been destroyed by accident, and no provision has been made for such expenditures in the adopted appropriation, the board of directors, upon the adoption by the vote of the majority of all board members of a resolution stating the facts constituting the emergency, may make an appropriation therefor without notice or hearing.

(2) Notwithstanding any other provision of this chapter, if in first class districts it becomes necessary to increase the amount of the appropriation, and if the reason is not one of the emergencies specifically enumerated in subsection (1) of this section, the school district board of directors, before incurring expenditures in excess of expenditures therefor, shall adopt a resolution stating the facts and the estimated amount of appropriation to meet it.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided in section 5 of this 1976 amendatory act. Its introduction and

passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

All adopted appropriation resolutions shall be filed with the office of superintendent of public instruction, the office of the state auditor, the educational service district and the appropriate county auditor(s).

NEW SECTION. Sec. 18. Notwithstanding any other provision of this chapter, if a second class school district needs to increase the amount of the appropriation from any fund for any reason, the school district board of directors shall adopt a resolution stating the facts and estimating the amount of additional appropriation needed.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by section 5 of this 1976 amendatory act. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Upon passage of the appropriation resolution the school district shall petition the superintendent of public instruction for approval to increase the amount of its appropriations in the manner prescribed in rules and regulations for such approval by the superintendent.

All appropriation resolutions approved by the superintendent of public instruction shall be filed by the office of the superintendent of public instruction with the educational service district, the office of the state auditor, and the appropriate county auditor(s).

NEW SECTION. Sec. 19. The legislature strongly encourages every school district to prepare a program budget to be distributed to those recognized parent and community groups, and the general public, which specifies the following:

(1) A priority listing of the educational goals which the school district board has established.

(2) A description of the basic education program which the school district board established with respect to both elementary and secondary programs. A summary of expenditures for basic education programs should be included which identify the portion of the budget expended for salaries (certificated and classified), employee benefits, supplies and materials, and other expenditures.

(3) A description of each subprogram offered within the basic education program by the school district board, including a listing of the specific goals, and a summary of expenditures for, the subprograms which identify the portion of the budget expended for salaries (certificated and classified), employee benefits, supplies and materials, and other expenditures. Subprogram categories should include but not be limited to reading, music, mathematics, language arts, science, social studies, health and physical education, extracurricular sports, nonsport extracurricular, instructional supportive services, supportive services/principal's office, and counseling.

(4) A description of separately funded state programs which are included in the school district budget as instructional or other specialized services. A summary of expenditures should be included which identify the portion of the budget expended for salaries (certificated and classified), employee benefits, supplies and materials, and other expenditures. Where applicable this category should include but not be limited to vocational education, handicapped, and culturally disadvantaged.

(5) A description of federal programs which augment state and local programs in the district. A summary of expenditures should be included which identify this portion of the budget expended for salaries (certificated and classified), employee benefits, supplies and materials, and other expenditures.

(6) A description of other programs sponsored by the school district which are supported by fees, special grants, and/or contributions. A summary of expenditures should be included which identify this portion of the budget expended for salaries (certificated and classified), employee benefits, supplies and materials, and other expenditures.

(7) A description of supportive services, including a listing of specific goals and a summary of expenditures, which identify the portion of the budget expended for salaries (certificated and classified), employee benefits, supplies and materials, and other expenditures. Supportive services should include the elements of board of directors, superintendent/personnel, business services, maintenance and operations, food service, and transportation.

***NEW SECTION.** Sec. 20. (1) In order to implement the change in fiscal years provided in sections 1 through 19 of this 1976 amendatory act a short fiscal period shall exist from July 1, 1977 through August 31, 1977.

(2) Budgets for the period July 1, 1977 through August 31, 1977, shall be prepared and adopted in the format provided by the office of the superintendent of public instruction. The budget classifications shall be in accordance with the latest revised accounting manual for public school districts published by the office of the superintendent of public instruction and the office of the state auditor.

(3) The revenue section of said budget shall set forth the estimated revenues from all sources for said period and the probable cash balance and investments available for said period disbursements at the close of the 1976-77 fiscal year: PROVIDED, That school districts pursuant to instructions promulgated by the superintendent of public instruction shall be granted permission to include as revenues in said budget receivables collectible in future fiscal periods.

(4) The expenditure section of said budget shall set forth by detailed items or classes the estimated expenditures for said period.

(5) The estimated disbursements for said period must not be greater than the total of the estimated revenues for said period, the probable net cash balance, and investments at the close of the 1976-77 fiscal year, and the projected revenue from receivables collectible in future periods approved by the superintendent of public instruction for inclusion in said budget.

(6) On or before May 10, 1976, all school districts shall prepare their budgets for the period of July 1, 1977 through August 31, 1977.

(7) All school districts after completion of said budget shall publish a notice stating that the district has completed the budget and placed the same on file in

the district administration office, that a copy thereof will be furnished any person who will call upon the district for it, and that the school district board of directors will meet for the purpose of fixing and adopting said budget of the district for said period. Such notice shall designate the date, time and place of said meeting which shall occur on or before June 30, 1977, for first class school districts, and June 1, 1977, for second class school districts.

The notice shall also state that any person may appear thereat and be heard for or against any part of said budget. Said notice shall be published at least once each week for two consecutive weeks following preparation of said budget in a newspaper of general circulation in the district, or if there be none, in a newspaper of general circulation in the county: PROVIDED, That the second notice shall be published no later than seven days immediately prior to the hearing.

The district shall provide a sufficient number of copies of said budget to meet the reasonable demands of the public and the same shall be available for distribution not later than fourteen days preceding the date set for the public hearing.

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

Upon conclusion of the hearing, the school district board of directors shall fix and determine the appropriation from each fund contained in said budget separately and shall by resolution adopt the budget and the appropriations as so finally determined and enter the same in the official minutes of the board.

(9) First class school districts shall file four copies of their adopted budget for said period with their educational service district no later than July 10, 1977.

(10) Second class school districts shall forward five copies of their adopted budget for said period with their educational service district for review, alteration and approval no later than June 3, 1977.

(11) The educational service districts shall fix and approve the amount of the appropriation from each fund of the budget for second class school districts for the period July 1, 1977 through August 31, 1977, not later than June 30, 1977. One copy of said budget shall be returned to the district.

(12) The educational service district shall file a copy of said budget for all school districts no later than July 10, 1977, with the office of the superintendent of public instruction, the office of the state auditor and the appropriate county auditor(s). A copy shall be retained by the educational service district.

(13) Financial reports shall be prepared and submitted by local school districts, educational service districts, county auditors and county treasurers on the formats provided by the office of the superintendent of public instruction. Filing shall be in accordance with the instructions issued jointly by the superintendent of public instruction and the state auditor.

***NOTE: Section 20 was later amended by section 1, chapter 124, Laws of 1975-76, 2nd ex.s.**

Sec. 21. Section 13, chapter 76, Laws of 1909 and RCW 1.16.030 are each amended to read as follows:

~~((June 30th))~~ August 31st shall end the fiscal year of school districts and December 31st of all other taxing districts.

Sec. 22. Section 28A.01.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.01.020 are each amended to read as follows:

The school year shall begin on the first day of ~~((July))~~ September and end with the last day of ~~((June))~~ August.

Sec. 23. Section 1, chapter 5, Laws of 1975 1st ex. sess. and RCW 28A.03.350 are each amended 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))~~ section 10 of this 1976 amendatory act, 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.

Sec. 24. Section 28A.44.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 63, chapter 275, Laws of 1975 1st 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 educational service district board to be made on or before the fifteenth day of ~~((July))~~ October 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. 25. Section 2, chapter 124, Laws of 1972 ex. sess. as amended by section 64, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.44.085 are each amended to read as follows:

The 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))~~ November each year to the appropriate county commissioners, the amount of claims which any high school district in its 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 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 as determined pursuant to RCW 28A.44.080(2) and the total state guarantee, including the equal guarantee provided for in ~~((section 1 of this 1972 amendatory act))~~ RCW 28A.41.130, 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. 26. Section 28A.44.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 65, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.44.090 are each amended to read as follows:

The educational service district board, on or before the first day of ~~((September))~~ December, shall certify to the appropriate county treasurer the amounts due to each high school district in the educational service district from nonhigh school districts for educating pupils from such nonhigh school districts, as certified by the educational service district board to the appropriate county commissioners under RCW 28A.44.085.

Sec. 27. Section 15, chapter 15, Laws of 1970 ex. sess. as last amended by section 67, chapter 275, Laws of 1975 1st 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 educational service districts of the state the proportional share of the total annual amount due and apportionable to such *educational service 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 educational service districts the appropriate share of the state collected property tax due and apportionable to the 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))~~ September 1st of the then calendar year and ending ~~((June 30))~~ August 31st 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 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 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. 28. Section 28A.48.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 73, chapter 275, Laws of 1975 1st 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 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)~~) September, a report to the 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)~~) August thirty-first, 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.

NEW SECTION. Sec. 29. Section 28A.58.130, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.130 are each hereby repealed.

Sec. 30. Section 28A.58.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 110, chapter 275, Laws of 1975 1st ex. sess. 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 educational service district superintendent on or before the fifteenth day of ~~(July)~~ October 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 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 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. 31. Section 28A.66.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.66.070 are each amended to read as follows:

Any county auditor issuing or causing to be issued a district warrant for any sum in excess of ~~((the aggregate))~~ total disbursements of a district's annual budget

shall be personally liable therefor, and shall reimburse the district in double the amount of any such sum.

Sec. 32. Section 28A.66.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 130, chapter 275, Laws of 1975 1st ex. sess. 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~~) August thirty-first on the financial condition of each school in his county to the educational service district superintendent on or before the twenty-fifth day of (~~July~~) September, in such form as may be prescribed jointly by the superintendent of public instruction and the state auditor.

Sec. 33. Section 84.52.020, chapter 15, Laws of 1961 as amended by section 33, chapter 43, Laws of 1975 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, the superintendent of each educational service district for each constituent second class school district, 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 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. The following acts or parts thereof are each hereby repealed:

(1) Section 28A.65.010, chapter 223, Laws of 1969 ex. sess., section 20, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.010;

(2) Section 28A.65.020, chapter 223, Laws of 1969 ex. sess., section 21, chapter 119, Laws of 1969 ex. sess., section 1, chapter 115, Laws of 1972 ex. sess., section 1, chapter 202, Laws of 1975 1st ex. sess. and RCW 28A.65.020;

(3) Section 28A.65.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.65.030;

(4) Section 28A.65.040, chapter 223, Laws of 1969 ex. sess., section 23, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.040;

(5) Section 28A.65.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.65.050;

(6) Section 28A.65.060, chapter 223, Laws of 1969 ex. sess., section 24, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.060;

(7) Section 28A.65.070, chapter 223, Laws of 1969 ex. sess., section 1, chapter 53, Laws of 1975 1st ex. sess. and RCW 28A.65.070;

(8) Section 1, chapter 93, Laws of 1971 ex. sess. and RCW 28A.65.075;

(9) Section 28A.65.080, chapter 223, Laws of 1969 ex. sess., section 25, chapter 119, Laws of 1969 ex. sess., section 38, chapter 48, Laws of 1971, section 2, chapter 93, Laws of 1971 ex. sess., section 2, chapter 26, Laws of 1972 ex. sess., section 22, chapter 43, Laws of 1975, section 122, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.080;

(10) Section 28A.65.090, chapter 223, Laws of 1969 ex. sess., section 26, chapter 119, Laws of 1969 ex. sess., section 23, chapter 43, Laws of 1975 and RCW 28A.65.090;

(11) Section 22, chapter 119, Laws of 1969 ex. sess., section 2, chapter 115, Laws of 1972 ex. sess. and RCW 28A.65.095;

(12) Section 28A.65.100, chapter 223, Laws of 1969 ex. sess., section 27, chapter 119, Laws of 1969 ex. sess., section 39, chapter 48, Laws of 1971, section 24, chapter 43, Laws of 1975, section 123, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.100;

(13) Section 28A.65.110, chapter 223, Laws of 1969 ex. sess., section 28, chapter 119, Laws of 1969 ex. sess., section 40, chapter 48, Laws of 1971, section 124, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.110;

(14) Section 28A.65.120, chapter 223, Laws of 1969 ex. sess., section 29, chapter 119, Laws of 1969 ex. sess., section 41, chapter 48, Laws of 1971, section 25, chapter 43, Laws of 1975, section 125, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.120;

(15) Section 31, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.141;

(16) Section 32, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.142;

(17) Section 28A.65.150, chapter 223, Laws of 1969 ex. sess., section 33, chapter 119, Laws of 1969 ex. sess., section 42, chapter 48, Laws of 1971, section 26, chapter 43, Laws of 1975, section 126, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.150;

(18) Section 34, chapter 119, Laws of 1969 ex. sess., section 43, chapter 48, Laws of 1971, section 127, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.153;

(19) Section 35, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.155;

(20) Section 28A.65.160, chapter 223, Laws of 1969 ex. sess. and RCW 28A.65.160;

(21) Section 28A.65.170, chapter 223, Laws of 1969 ex. sess., section 36, chapter 119, Laws of 1969 ex. sess., section 3, chapter 93, Laws of 1971 ex. sess., section 1, chapter 26, Laws of 1972 ex. sess., section 1, chapter 151, Laws of 1975 1st ex. sess. and RCW 28A.65.170;

(22) Section 2, chapter 151, Laws of 1975 1st ex. sess. and RCW 28A.65.175;

(23) Section 30, chapter 119, Laws of 1969 ex. sess., section 44, chapter 48, Laws of 1971, section 128, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.180; and

(24) Section 6, chapter 91, Laws of 1974 ex. sess. and RCW 28A.65.190.

NEW SECTION. Sec. 35. Sections 1 through 20 of this 1976 amendatory act are hereby added to chapter 223, Laws of 1969 ex. sess. and to Title 28A RCW as a new chapter thereof.

***NEW SECTION. Sec. 36. This 1976 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 March 1, 1976: PROVIDED, That nothing in this 1976 amendatory act shall be deemed to change the beginning or end of that fiscal period or school year that school districts are in upon the effective date of this 1976 amendatory act.

*Sec. 36. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 37. If any provision of this 1976 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 12, 1976.

Passed the House March 17, 1976.

Approved by the Governor March 24, 1976, with the exception of section 36 which is vetoed.

Filed in Office of Secretary of State March 24, 1976.

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. 3127 entitled:

"AN ACT Relating to education; providing for school district budgets."

This bill establishes new budget procedures for school districts to be used starting with the 1978 fiscal year budget to be developed in 1977.

Section 36 declares an emergency and provides for the bill to go into effect on March 1, 1976. I am advised by the Superintendent of Public Instruction that, inasmuch as the present school district budget act in RCW 28A.65 has been repealed in section 34 of the bill, there will be a period of time when school districts will have no specific guidelines to follow in developing their budgets. In removing the emergency clause, it is hoped that the Superintendent of Public Instruction will be able, during the 90 day period before the bill goes into effect, to develop the necessary rules and regulations to implement this new act. Accordingly, I have determined to veto section 36.

With the exception of section 36, which I have vetoed for the reasons stated, the remainder of the bill is approved."

CHAPTER 119

[Substitute House Bill No. 1544]

INSURANCE

AN ACT Relating to insurance; amending section 1, chapter 166, Laws of 1963 as amended by section 1, chapter 132, Laws of 1974 ex. sess. and RCW 48.14.021; amending section .18.29, chapter 79, Laws of 1947 and RCW 48.18.290; amending section .30.14, chapter 79, Laws of 1947 and RCW 48.30.140; amending section .30.15, chapter 79, Laws of 1947 as amended by section 18, chapter 193, Laws of 1957 and RCW 48.30.150; amending section 8, chapter 259, Laws of 1971 ex. sess. and RCW 48.32A.080; amending section 8, chapter 190, Laws of 1969 ex. sess. and RCW 48.56-.080; adding a new section to chapter 48.30 RCW; repealing section 1, chapter 174, Laws of 1971 ex. sess. and RCW 48.30.280; and repealing section 2, chapter 174, Laws of 1971 ex. sess. and RCW 48.30.290.

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

Section 1. Section 1, chapter 166, Laws of 1963 as amended by section 1, chapter 132, Laws of 1974 ex. sess. and RCW 48.14.021 are each amended to read as follows:

As to premiums received from policies or contracts issued in connection with a pension, annuity or profit-sharing plan exempt or qualified under sections 401,

403(b), 404, 408(b), or 501(a) of the United States internal revenue code, the rate of tax specified in RCW 48.14.020 shall be reduced twelve and one-half percent with respect to the tax payable in 1964, twenty-five percent with respect to the tax payable in 1965, thirty-seven and one-half percent with respect to the tax payable in 1966, fifty percent with respect to the tax payable in 1967, sixty-two and one-half percent with respect to the tax payable in 1968, seventy-five percent with respect to the tax payable in 1969, eighty-seven and one-half percent with respect to the tax payable in 1970, and one hundred percent with respect to the tax payable in 1971 and annually thereafter.

Sec. 2. Section .18.29, chapter 79, Laws of 1947 and RCW 48.18.290 are each amended to read as follows:

(1) Cancellation by the insurer of any policy which by its terms is cancellable at the option of the insurer, or of any binder based on such policy, may be effected as to any interest only upon compliance with either or both of the following:

(a) Written notice of such cancellation must be actually delivered or mailed to the insured or to his representative in charge of the subject of the insurance not less than ~~((five))~~ twenty days prior to the effective date of the cancellation~~((:))~~ except for cancellation of insurance policies for nonpayment of premiums, which notice shall be not less than ten days prior to such date;

(b) Like notice must also be so delivered or mailed to each mortgagee, pledgee, or other person shown by the policy to have an interest in any loss which may occur thereunder.

(2) The mailing of any such notice shall be effected by depositing it in a sealed envelope, directed to the addressee at his last address as known to the insurer or as shown by the insurer's records, with proper prepaid postage affixed, in a letter depository of the United States post office. The insurer shall retain in its records any such item so mailed, together with its envelope, which was returned by the post office upon failure to find, or deliver the mailing to, the addressee.

(3) The affidavit of the individual making or supervising such a mailing, shall constitute prima facie evidence of such facts of the mailing as are therein affirmed.

(4) The portion of any premium paid to the insurer on account of the policy, unearned because of the cancellation and in amount as computed on the pro rata basis, must be actually paid to the insured or other person entitled thereto as shown by the policy or by any endorsement thereon, or be mailed to the insured or such person as soon as practicable following such cancellation. Any such payment may be made by cash, or by check, bank draft, or money order.

(5) This section shall not apply to contracts of life or disability insurance without provision for cancellation prior to the date to which premiums have been paid.

Sec. 3. Section .30.14, chapter 79, Laws of 1947 and RCW 48.30.140 are each amended to read as follows:

(1) Except to the extent provided for in an applicable filing with the commissioner then in effect, no insurer, general agent, agent, broker, or solicitor shall, as an inducement to insurance, or after insurance has been effected, directly or indirectly, offer, promise, allow, give, set off, or pay to the insured or to any employee of the insured, any rebate, discount, abatement, or reduction of premium or any part thereof named in any insurance contract, or any commission thereon, or

earnings, profits, dividends, or other benefit, or any other valuable consideration or inducement whatsoever which is not expressly provided for in the policy.

(2) Subsection (1) of this section shall not apply as to commissions paid to a licensed agent, general agent, broker, or solicitor for insurance placed on his own property or risks, if the aggregate of such commissions does not exceed five percent of the total net commissions received by the agent, general agent, broker, or solicitor during the same twelve month period.

(3) This section shall not apply to the allowance by any marine insurer, or marine insurance agent, general agent, broker, or solicitor, to any insured, in connection with marine insurance, of such discount as is sanctioned by custom among marine insurers as being additional to the agent's or broker's commission.

(4) This section shall not apply to advertising or promotional programs conducted by insurers, agents, or brokers whereby prizes, goods, wares, or merchandise, not exceeding five dollars in value per person in the aggregate in any twelve month period, are given to all insureds or prospective insureds under similar qualifying circumstances.

Sec. 4. Section .30.15, chapter 79, Laws of 1947 as amended by section 18, chapter 193, Laws of 1957 and RCW 48.30.150 are each amended to read as follows:

No insurer, general agent, agent, broker, solicitor, or other person shall, as an inducement to insurance, or in connection with any insurance transaction, provide in any policy for, or offer, or sell, buy, or offer or promise to buy or give, or promise, or allow to the insured or prospective insured or to any other person on his behalf in any manner whatsoever:

(1) Any shares of stock or other securities issued or at any time to be issued on any interest therein or rights thereto; or

(2) Any special advisory board contract, or other contract, agreement, or understanding of any kind, offering, providing for, or promising any profits or special returns or special dividends; or

(3) Any prizes, goods, wares, or merchandise of an aggregate value in excess of ~~((one))~~ five dollars.

This section shall not be deemed to prohibit the sale or purchase of securities as a condition to or in connection with surety insurance insuring the performance of an obligation as part of a plan of financing found by the commissioner to be designed and operated in good faith primarily for the purpose of such financing, nor shall it be deemed to prohibit the sale of redeemable securities of a registered investment company in the same transaction in which life insurance is sold.

Sec. 5. Section 8, chapter 259, Laws of 1971 ex. sess. and RCW 48.32A.080 are each amended to read as follows:

(1) For purposes of administration and assessment, the association shall establish and maintain ~~((three))~~ four guaranty fund accounts: (a) the life insurance account; (b) the disability insurance account; ~~((and))~~ (c) the annuity account; and (d) the general account.

(2) For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board shall assess the member insurers, separately for each account, at such times and for such amounts as the board finds

necessary. The board shall collect the assessment after thirty days written notice to the member insurers before payment is due.

(3) (a) The amount of any assessment for each account shall be determined by the board, and shall be divided among the accounts in the proportion that the premiums received by the liquidating insurer on the policies or contracts covered by each account bears to the premiums received by such insurer on all covered policies and contracts.

(b) Assessments against member insurers for each account shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies or contracts covered by each account bears to such premiums received on business in this state by all assessed member insurers.

(c) Assessments for funds to meet the requirements of the association with respect to a particular liquidating insurer shall not be made until necessary, in the board's opinion, to implement the purposes of this chapter; and in no event shall such an assessment be made with respect to such insurer until an order of liquidation has been entered against the insurer by a court of competent jurisdiction of the insurer's state or country of domicile. Computation of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact determination may not always be possible.

(d) The board may make an assessment of up to fifty dollars for each member insurer to be deposited in the general account and used for administrative and general expenses in carrying out the provisions of this chapter.

(4) The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the insurer to fulfill its contractual obligations. The total of all assessments upon a member insurer for each account shall not in any one calendar year exceed two percent of such insurer's premiums in this state on the policies or contracts covered by the account.

(5) In the event an assessment against a member insurer is abated or deferred, in whole or in part, because of the limitations set forth in subsection (4) of this section, the amount by which such assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. If the maximum assessment, together with the other assets of the association in an account, does not provide in any one year an amount sufficient to carry out the responsibilities of the association with respect to such account, the necessary additional funds shall be assessed as soon thereafter as permitted by this chapter.

(6) The amount in a fund shall be kept at such a sum as in the opinion of the board will enable the association to meet the immediate obligations and liabilities of such fund. Whenever in the opinion of the board the amount in a fund is in excess of such immediate obligations and liabilities, with the approval of the commissioner the association may distribute such excess by retirement of certificates previously issued against the fund. Such distribution shall be made pro rata upon the basis of outstanding certificates, except that by unanimous consent of all directors and with the approval of the commissioner any other reasonable method of retirement of such certificates may be adopted.

(7) As used in this section, "premiums" are those for the calendar year preceding the entry of the order of liquidation as to a particular liquidating insurer, and shall be direct gross insurance premiums and annuity considerations received on policies and contracts to which this chapter applies, less return premiums and considerations and less dividends paid or credited to policyholders.

(8) Upon dissolution of a fund by the repeal of this chapter or otherwise, the fund shall be distributed in the same manner as is provided for the repayment or retirement of certificates. If the amount in the fund at the time of dissolution is in excess of outstanding certificates issued against the fund, such excess shall be distributed among contributing member insurers in such equitable manner as is approved by the commissioner.

Sec. 6. Section 8, chapter 190, Laws of 1969 ex. sess. and RCW 48.56.080 are each amended to read as follows:

(1) A premium finance agreement shall—

(a) be dated, signed by or on behalf of the insured, and the printed portion thereof shall be in at least eight point type;

(b) contain the name and place of business of the insurance agent negotiating the related insurance contract, the name and residence or the place of business of the premium finance company to which payments are to be made, a description of the insurance contracts involved and the amount of the premium therefor; and

(c) set forth the following items where applicable—

(i) the total amount of the premiums,

(ii) the amount of the down payment,

(iii) the principal balance (the difference between items (i) and (ii)),

(iv) the amount of the service charge,

(v) the balance payable by the insured (sum of items (iii) and (iv)), and

(vi) the number of installments required, the amount of each installment expressed in dollars, and the due date or period thereof.

(2) The items set out in paragraph (c) of subsection (1) need not be stated in the sequence or order in which they appear in such paragraph (c), and additional items may be included to explain the computations made in determining the amount to be paid by the insured.

(3) The information required by subsection (1) of this section shall only be required in the initial agreement where the premium finance company and the insured enter into an open end credit transaction, which is defined as follows: A plan prescribing the terms of credit transactions which may be made thereunder from time to time and under the terms of which a finance charge may be computed on the outstanding unpaid balance from time to time thereunder.

(4) A copy of the premium finance agreement shall be given to the insured at the time or within ten days of its execution, except where the application has been signed by the insured and all the finance charges are one dollar or less per payment. In addition, the premium finance company shall deliver or mail a copy of the premium finance agreement or notice identifying policy, insured and producing agent to each insurer that has premiums involved in the transaction, within thirty days of the execution of the premium finance agreement.

(5) It shall be illegal for a premium finance company to offset funds of an agent with funds belonging to an insured. Premiums advanced by a premium finance company are funds belonging to the insured and shall be held in a fiduciary relationship.

NEW SECTION. Sec. 7. There is added to chapter 48.30 RCW a new section to read as follows:

No person or entity engaged in the business of insurance in this state shall refuse to issue any contract of insurance or cancel or decline to renew such contract because of the sex or marital status, or the presence of any sensory, mental, or physical handicap of the insured or prospective insured. The amount of benefits payable, or any term, rate, condition, or type of coverage shall not be restricted, modified, excluded, increased or reduced on the basis of the sex or marital status, or be restricted, modified, excluded or reduced on the basis of the presence of any sensory, mental, or physical handicap of the insured or prospective insured. These provisions shall not prohibit fair discrimination on the basis of sex, or marital status, or the presence of any sensory, mental, or physical handicap when bona fide statistical differences in risk or exposure have been substantiated.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:
 (1) Section 1, chapter 174, Laws of 1971 ex. sess. and RCW 48.30.280; and
 (2) Section 2, chapter 174, Laws of 1971 ex. sess. and RCW 48.30.290.

Passed the House March 15, 1976.

Passed the Senate March 14, 1976.

Approved by the Governor March 24, 1976.

Filed in Office of Secretary of State March 24, 1976.

CHAPTER 120

[Substitute House Bill No. 77]

NONPARTISAN ELECTIONS

AN ACT Relating to nonpartisan elections; amending section 14, chapter 299, Laws of 1961 and RCW 3.34.050; amending section 29.21.010, chapter 9, Laws of 1965 as amended by section 7, chapter 123, Laws of 1965 and RCW 29.21.010; amending section 29.21.015, chapter 9, Laws of 1965 and RCW 29.21.015; amending section 29.21.060, chapter 9, Laws of 1965 as last amended by section 56, chapter 283, Laws of 1969 ex. sess. and RCW 29.21.060; amending section 29.21.140, chapter 9, Laws of 1965 and RCW 29.21.140; amending section 1, chapter 10, Laws of 1970 ex. sess. and RCW 29.21.150; amending section 29.21.160, chapter 9, Laws of 1965 and RCW 29.21.160; amending section 1, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.350; amending section 2, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.360; amending section 3, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.370; amending section 4, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.380; amending section 35.20.150, chapter 7, Laws of 1965 and RCW 35.20.150; adding a new section to chapter 29.01 RCW; adding a new section to chapter 29.21 RCW; repealing section 29.21.170, chapter 9, Laws of 1965 RCW 29.21.170; repealing section 29.21.230, chapter 9, Laws of 1965, section 3, chapter 131, Laws of 1969, section 9, chapter 21, Laws of 1973 2nd ex. sess. and RCW 29.21.230; repealing section 29.24.110, chapter 9, Laws of 1965 and RCW 29.24.110; and declaring an emergency.

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

Section 1. Section 29.21.010, chapter 9, Laws of 1965 as amended by section 7, chapter 123, Laws of 1965 and RCW 29.21.010 are each amended to read as follows:

All ~~((primaries for all))~~ cities ~~((of the first, second and third class,))~~ and towns shall hold primary elections irrespective of type or form of government which shall be nonpartisan and held as provided in RCW 29.13.070, as now or hereafter amended. All districts, except public utility districts and those districts which require ownership of property within said districts as a prerequisite to voting, shall hold primary elections which shall be nonpartisan and held as provided in RCW 29.13.070 as now or hereafter amended.

All names of candidates to be voted upon at city, town, and such district primary elections shall be printed upon the official primary ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates. The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes for each position, shall appear in that order on the ~~((municipal))~~ city, town, or district general election ballot concerned under the designation for each respective office. In the event there are two or more offices to be filled for the same position, then names of candidates receiving the highest number of votes equal in number to twice the offices to be filled shall appear on the ~~((municipal))~~ city, town, or district general election ballot so that the voter shall have a choice of two candidates for each position: PROVIDED, That no name of any candidate shall appear on the city, town, or district general election ballot unless said candidate shall receive at least ~~((ten))~~ five percent of the total votes cast for that office. The sequence of names of candidates printed on the ~~((municipal))~~ city, town, or district general election ballot shall be in relation to the number of votes each candidate received at the primary. Names of candidates printed upon the ~~((municipal))~~ city, town, or district primary and general election ballot need not be rotated.

The purpose of this section is to establish the holding of a primary election, subject to the exemptions as contained in RCW 29.21.015 as now or hereafter amended, as a uniform procedural requirement to the holding of city, town, and district elections and such provisions shall supersede any and all other statutes, whether general or special in nature, having different election requirements.

Sec. 2. Section 29.21.015, chapter 9, Laws of 1965 and RCW 29.21.015 are each amended to read as follows:

No primary election shall be held for any single position in any city, town, or district, as required by RCW 29.21.010, as now or hereafter amended, if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for ~~((each))~~ the position to be filled: PROVIDED, That whenever it shall be necessary to hold a primary election for any one such position because of the number of candidates remaining filed, no primary election shall be held for any other position for which no more than two candidates have remained as filed. ~~((In such event))~~ Insofar as such positions not being subjected to a primary election are concerned, the ~~((city clerk))~~ county auditor shall ~~((immediately notify all candidates concerned and if the county auditor has jurisdiction of such primary election, he shall also be notified))~~ as soon as possible notify all the candidates so affected. Names of candidates that would have been printed upon the ~~((city))~~ primary ballot, but for the provisions of this section, shall be printed upon the ~~((city))~~ general election ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates.

Sec. 3. Section 29.21.060, chapter 9, Laws of 1965 as last amended by section 56, chapter 283, Laws of 1969 ex. sess. and RCW 29.21.060 are each amended to read as follows:

All candidates for offices to be voted on at any election in first, second, and third class cities and fourth class municipalities (towns) shall file declarations of candidacy with the clerk thereof not earlier than the last Monday of July nor later than the next succeeding Friday in the year such regular city elections are held.

All candidates for district offices ~~((in port districts, which are located in class AA and class A counties, and first class school districts))~~ subject to the provisions of RCW 29.21.010, as now or hereafter amended, shall file their declarations of candidacy with the county auditor of the county not earlier than the last Monday of July nor later than the next succeeding Friday in the year such regular district elections are held((:

~~All candidates for district offices not subject to a primary election, other than irrigation districts, shall file declarations of candidacy not more than sixty nor less than forty-six days prior to the date of the election with the appropriate county auditor. PROVIDED, That in the case of public utility districts, and in no other, nominations shall be made by means of nominating petitions)): PROVIDED ((FURTHER)), That this chapter shall not change the method of nomination for first district officers at the formation of ((the)) any district.~~

Any candidate for city, town, or district offices may withdraw his declaration at any time to and including the first Wednesday after the last day allowed for filing declarations of candidacy.

The city and town clerks in all counties shall transmit to their county auditors at least thirty-five days before the date fixed for the primary, a certified list of the names and addresses of the candidates to be voted on thereat as represented by the declarations of candidacy filed in their offices.

All candidates required to file declarations of candidacy shall pay the same fees and be governed by the same rules as contained in RCW 29.18.030, ~~((29.18-035, and 29.18.060))~~ through 29.18.100: PROVIDED, That no filing fee shall be charged in the event that the office sought is without a fixed annual salary.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for filing declarations of candidacy for such city, town, and district elections, the purpose of this section being to establish a uniform five day period throughout the state of Washington for filing declarations of candidacy.

Sec. 4. Section 29.21.140, chapter 9, Laws of 1965 and RCW 29.21.140 are each amended to read as follows:

If at the same election there are ~~((long terms and))~~ short terms or full terms and unexpired terms of office to be filled, the town or city clerk, the secretary of state, or the county auditor, as the case may be, shall distinguish them and designate the short term, ((the long term;)) the full term, and the unexpired term ((separately)), as such, or by use of the words "short term", "unexpired two year term" or "four year term" as the case may be.

In filing his declaration of candidacy in such cases the candidate shall specify that his candidacy is for the short term, ~~((the long term;))~~ the full term or the unexpired term as the case may be: PROVIDED, That when both a short term and

a full term for the same position are scheduled to be voted upon, a single declaration of candidacy accompanied by a single filing fee shall be construed as a filing for both the short term and the full term and the name of such candidate shall appear upon the ballot for the position sought with the designation "short term and long term". The candidate elected to both such terms shall be sworn into and assume office for the short term as soon as the election returns have been certified and shall again be sworn into office on the second Monday in January following the election to assume office for the full term.

Sec. 5. Section 1, chapter 10, Laws of 1970 ex. sess. and RCW 29.21.150 are each amended to read as follows:

The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a single nonpartisan position shall appear on the general election ballot under the designation therefor: PROVIDED, That in elections for justices of the supreme court, judges of the court of appeals and judges of the superior court, ~~((for justices of the peace,))~~ and for state superintendent of public instruction, ~~((and for directors of first class school districts,))~~ if any candidate in the primary receives a majority of all the votes cast for the position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter ~~((: PROVIDED FURTHER, That the provisions of Article IV, Section 29 of the Washington Constitution shall apply to offices of judges of the court of appeals))~~.

Sec. 6. Section 29.21.160, chapter 9, Laws of 1965 and RCW 29.21.160 are each amended to read as follows:

If there are two or more places to be filled for nonpartisan office, the number of candidates equalling the number of positions to be filled who receive the highest number of votes at the primary and an equal number who receive the next highest number of votes shall appear under the designation for that office ~~((: PROVIDED, That the names of any candidates therefor who receive a majority of all of the votes cast at the primary for that office, shall be printed separately as candidates for that office under the designation "Vote for " followed by blank spaces equaling the number of such majority candidates for the writing in of any other name by a voter))~~.

Sec. 7. Section 35.20.150, chapter 7, Laws of 1965 and RCW 35.20.150 are each amended to read as follows:

The municipal judges shall be elected on the first Tuesday after the first Monday in November, 1958, and on the first Tuesday after the first Monday of November every fourth year thereafter by the electorate of the city in which the court is located. The auditor of the county concerned shall designate by number each position to be filled in the municipal court, and each candidate at the time of the filing of his declaration of candidacy shall designate by number so assigned the position for which he is a candidate, and the name of such candidate shall appear on the ballot only for such position. The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a single nonpartisan position shall appear on

the general election ballot under the designation therefor(~~(- PROVIDED, That if any candidate in the primary receives a majority of all of the votes cast for the position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter)~~). Elections for municipal judge shall be nonpartisan. They shall hold office for a term of four years and until their successors are elected and qualified. The term of office shall start on the second Monday in January following such election. Any vacancy in the municipal court due to a death, disability or resignation of a municipal court judge shall be filled by the mayor, to serve out the unexpired term. Such appointment shall be subject to confirmation by the legislative body of the city.

Sec. 8. Section 14, chapter 299, Laws of 1961 and RCW 3.34.050 are each amended to read as follows:

At the general election in November, 1962 and quadrennially thereafter, there shall be elected by the voters of each justice court district the number of justices of the peace authorized for such district by the justice court districting plan. Justices of the peace shall be elected for each district by the qualified electors of the justice court district in the same manner as judges of courts of record are elected. Not less than ten days before the time for filing declarations of candidacy for the election of justices of the peace for justice court districts entitled to more than one justice of the peace, the county auditor shall designate each such office of justice of the peace to be filled by a number, commencing with the number one and numbering the remaining offices consecutively. Each candidate at the time of the filing of his declaration of candidacy shall designate by number which one, and only one, of the numbered offices for which he is a candidate and the name of such candidate shall appear on the ballot for only the numbered office for which the candidate filed his declaration of candidacy.

~~((In all elections for justices of the peace, if any candidate in the primary receives a majority of all of the votes cast for the position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter.))~~

Sec. 9. Section 1, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.350 are each amended to read as follows:

A void in candidacy for a nonpartisan office occurs when an election for such office, except for the short term, has been scheduled and no valid declaration of candidacy has been filed for the position or all persons filing such valid declarations of candidacy have died or been disqualified.

Sec. 10. Section 2, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.360 are each amended to read as follows:

Filings for a nonpartisan office shall be ~~((opened))~~ reopened for a period of three normal business days, such three day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law whenever before the fourth Tuesday prior to a primary:

- (1) A void in candidacy occurs;
- (2) A vacancy occurs in any nonpartisan office leaving an unexpired term to be filled by an election for which filings have not been held; or
- (3) A nominee for judge (~~(of the court of appeals or)~~) of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified.

Candidacies validly filed within said three-day period shall appear on the ballot as if made during the earlier filing period.

Sec. 11. Section 3, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.370 are each amended to read as follows:

Filings for a nonpartisan office (other than judge of the supreme court or superintendent of public instruction) shall be reopened for a period of three normal business days, such three day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law, when:

(1) A void in candidacy for such nonpartisan office occurs on or after the fourth Tuesday prior to a primary but prior to the fourth Tuesday before an election; or

(2) A nominee for judge (~~(of the court of appeals or)~~) of the superior court eligible after a contested primary for a certificate of election by Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified within the ten day period when a petition for write-in candidacy may be received; or

(3) A vacancy occurs in any nonpartisan office on or after the fourth Tuesday prior to a primary but prior to the fourth Tuesday before an election leaving an unexpired term to be filled by an election for which filings have not been held.

The candidate receiving a plurality of the votes cast for that office in the general election shall be deemed elected.

Sec. 12. Section 4, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.380 are each amended to read as follows:

A scheduled election shall be lapsed, the office deemed stricken from the ballot, no purported write-in votes counted, and no candidate certified as elected, when:

(1) In an election for judge of the supreme court or superintendent of public instruction, a void in candidacy occurs on or after the fourth Tuesday prior to a primary, public filings and the primary being an indispensable phase of the election process for such offices;

(2) Except as otherwise specified in RCW 29.21.370, as now or hereafter amended, a nominee for judge (~~(of the court of appeals or)~~) of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution dies or is disqualified on or after the fourth Tuesday prior to a primary;

(3) In other elections for nonpartisan office a void in candidacy occurs or a vacancy occurs involving an unexpired term to be filled on or after the fourth Tuesday prior to an election.

NEW SECTION. Sec. 13. There is added to chapter 29.21 RCW a new section to read as follows:

If after both the normal filing period and special three day filing period as provided by RCW 29.21.360 and 29.21.370, as now or hereafter amended, have passed and still no candidate has filed for any single city, town, or district position to be filled, the election for such position shall be deemed lapsed, the office deemed stricken from the ballot and no write-in votes counted. In such instance, the incumbent occupying such position shall remain in office and continue to serve until his successor is elected at the next election when such positions are voted upon as provided by RCW 29.21.410, as now or hereafter amended.

NEW SECTION. Sec. 14. There is added to chapter 29.01 RCW a new section to read as follows:

"Short term" means the brief period of time starting upon the completion of the certification of election returns and ending with the start of the full term on the second Tuesday of the next January immediately following the election and is applicable only when the office concerned is being held by an appointee to fill a vacancy which occurred after the last election, at which such office could have been voted upon for an unexpired term, prior to the election for such office for the subsequent full term.

NEW SECTION. Sec. 15. The following acts or parts of acts are hereby repealed:

- (1) Section 29.21.170, chapter 9, Laws of 1965 and RCW 29.21.170;
- (2) Section 29.21.230, chapter 9, Laws of 1965, section 3, chapter 131, Laws of 1969, section 9, chapter 21, Laws of 1973 2nd ex. sess. and RCW 29.21.230; and
- (3) Section 29.24.110, chapter 9, Laws of 1965 and RCW 29.24.110.

NEW SECTION. Sec. 16. If any provision of this 1976 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. 17. This 1976 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 18, 1976.

Passed the Senate March 17, 1976.

Approved by the Governor March 25, 1976.

Filed in Office of Secretary of State March 25, 1976.

CHAPTER 121

[House Bill No. 1272]

AUTO TRANSPORTATION COMPANIES DEFINED—EXCEPTION, HOME TO WORK COMMUTING

AN ACT Relating to transportation; and amending section 81.68.010, chapter 14, Laws of 1961 as amended by section 10, chapter 210, Laws of 1969 ex. sess. and RCW 81.68.010.

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

Section 1. Section 81.68.010, chapter 14, Laws of 1961 as amended by section 10, chapter 210, Laws of 1969 ex. sess. and RCW 81.68.010 are each amended to read as follows:

As used in this chapter:

(1) "Corporation" means a corporation, company, association or joint stock association.

(2) "Person" means an individual, firm or a copartnership.

(3) "Auto transportation company" means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons, and baggage, mail and express on the vehicles of auto transportation companies carrying passengers, for compensation over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town: PROVIDED, That the term "auto transportation company" shall not include corporations or persons, their lessees, trustees, receivers or trustees appointed by any court whatsoever insofar as they own, control, operate or manage taxicabs, hotel buses, school buses, motor propelled vehicles operated exclusively in transporting agricultural, horticultural, or dairy or other farm products from the point of production to the market, or any other carrier which does not come within the term "auto transportation company" as herein defined.

No portion of this section shall apply to persons operating motor vehicles when operated wholly within the limits of incorporated cities or towns, and for a distance not exceeding three road miles beyond the corporate limits of the city or town in Washington in which the original starting point of such vehicle is located, and which operation either alone or in conjunction with another vehicle or vehicles is not a part of any journey beyond said three mile limit.

The term "auto transportation company" shall not include, nor shall the provisions of this chapter apply to, any operation whereby passengers are transported between their places of abode, or termini near such places, and their places of employment, in a motor vehicle with a seating capacity including the driver not exceeding fifteen persons, in a single, daily round trip where the driver himself is also on the way to or from his place of employment: PROVIDED, That said transportation or operation shall not compete with nor infringe upon service of an existing auto transportation company certificated under this chapter.

(4) "Public highway" means every street, road, or highway in this state.

(5) The words "between fixed termini or over a regular route" mean the termini or route between or over which any auto transportation company usually or ordinarily operates any motor propelled vehicle, even though there may be departure from said termini or route, whether such departures be periodic or irregular. Whether or not any motor propelled vehicle is operated by any auto transportation company "between fixed termini or over a regular route" within the meaning

of this section shall be a question of fact and the finding of the commission thereon shall be final and shall not be subject to review.

Passed the House March 17, 1976.

Passed the Senate March 16, 1976.

Approved by the Governor March 25, 1976.

Filed in Office of Secretary of State March 25, 1976.

CHAPTER 122

[House Bill No. 1355]

STATE EMPLOYEE SUGGESTION PROGRAM

AN ACT Relating to state government; implementing the law relating to employee suggestion program; amending section 2, chapter 142, Laws of 1965 ex. sess. as amended by section 4, chapter 152, Laws of 1969 ex. sess. and RCW 41.60.020; amending section 4, chapter 142, Laws of 1965 ex. sess. as amended by section 5, chapter 152, Laws of 1969 ex. sess. and RCW 41.60.040; amending section 5, chapter 142, Laws of 1965 ex. sess. as amended by section 6, chapter 152, Laws of 1969 ex. sess. and RCW 41.60.050; amending section 8, chapter 152, Laws of 1969 ex. sess. and RCW 41.60.070; amending section 7, chapter 142, Laws of 1965 ex. sess. and RCW 41.60.900; creating a new section; making an appropriation; and adding a new section to chapter 41.60 RCW.

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

Section 1. Section 2, chapter 142, Laws of 1965 ex. sess. as amended by section 4, chapter 152, Laws of 1969 ex. sess. and RCW 41.60.020 are each amended to read as follows:

(1) There is established the employee suggestion awards board. The board shall consist of the director of personnel or his designee who shall serve as its chairman and ~~((two))~~ three state officers or state employees appointed by the governor, to serve at his pleasure. The governor shall appoint a state officer or state employee to serve as secretary of the employee suggestion program.

(2) The board shall formulate, establish and maintain an employee suggestion program to encourage and reward meritorious suggestions by state employees that will promote efficiency and economy in the performance of any function of state government: PROVIDED, That ~~((RCW 41.06.080, 41.06.350, 41.60.010, 41.60.020 and 41.60.040 through 41.60.070 shall not apply to the institutions of higher learning or to their employees))~~ the program shall include provisions for the processing of suggestions having multi-agency impact and post-implementation auditing of suggestions for fiscal accountability.

(3) The secretary, with the approval of the employee suggestion awards board, shall prepare rules and regulations necessary or appropriate for the proper administration and for the accomplishment of the purposes of this chapter.

Sec. 2. Section 4, chapter 142, Laws of 1965 ex. sess. as amended by section 5, chapter 152, Laws of 1969 ex. sess. and RCW 41.60.040 are each amended to read as follows:

Cash awards may be paid from the department of personnel service fund ~~((not to exceed a total of five thousand dollars during any fiscal year))~~ from sources provided in RCW 41.06.080, 41.06.350, 41.60.010, 41.60.020, and 41.60.040 through 41.60.070, together with such other funds as may be available from donations, grants, and other sources: PROVIDED, That no award ~~((or awards in~~

~~any fiscal year to any one employee))~~ for any one suggestion shall exceed ((three hundred)) one thousand dollars.

Sec. 3. Section 5, chapter 142, Laws of 1965 ex. sess. as amended by section 6, chapter 152, Laws of 1969 ex. sess. and RCW 41.60.050 are each amended to read as follows:

Administrative expenses of the board in administering this chapter shall be paid from the department of personnel service fund (~~and shall be limited to five thousand dollars per biennium~~) from sources provided in RCW 41.06.080, 41.06.350, 41.60.010, 41.60.020 and 41.60.040 through 41.60.070 together with such other funds as may be available from donations, grants and other sources.

Sec. 4. Section 8, chapter 152, Laws of 1969 ex. sess. and RCW 41.60.070 are each amended to read as follows:

An amount may be charged against the agencies allotments subject to chapter 41.60 RCW, including institutions of higher learning, pro rata, at a rate to be fixed by the chairman of the employees suggestion awards board from time to time which will provide the employees suggestion awards board with funds to pay the administrative expenses and cash awards provided in RCW 41.06.080, 41.06.350, 41.60.010, 41.60.020 and 41.60.040 through 41.60.070 during the allotment period. Funds made available from other sources for expenditure under RCW 41.06.080, 41.06.350, 41.60.010, 41.60.020 and 41.60.040 through 41.60.070 shall be paid into and disbursed from the department of personnel service fund.

Notwithstanding any other provision of this chapter, charges and expenditures under this section shall be limited to the amount of appropriations made to carry out the employees suggestion program.

The moneys for employees suggestion awards shall be disbursed by the state treasurer by warrant on vouchers duly authorized by the chairman of the employees suggestion awards board or his designee.

NEW SECTION. Sec. 5. There is added to chapter 41.60 RCW a new section to read as follows:

The chairman of the employee suggestion awards board may design and initiate contests between agencies and between agency suggestion evaluators to encourage participation in the suggestion program at management levels. Any tokens of recognition offered during these contests shall be nonmonetary and shall not be considered an award, or subject to RCW 41.60.030.

Sec. 6. Section 7, chapter 142, Laws of 1965 ex. sess. and RCW 41.60.900 are each amended to read as follows:

The provisions of this chapter shall apply only to those suggestions presented after August 6, 1965, and the provision providing for awards of not to exceed one thousand dollars for any one suggestion shall be applicable only to suggestions received after April 1, 1976.

NEW SECTION. Sec. 7. There is hereby appropriated to the department of personnel from the department of personnel service fund for the biennium ending June 30, 1977 the sum of one hundred eight thousand five hundred and twelve dollars, or such lesser amounts as may be required to implement the provisions of this 1976 amendatory act.

NEW SECTION. Sec. 8. The provisions of this chapter shall not be effective as to employees of institutions of higher education until July 2, 1976.

NEW SECTION. Sec. 9. If any provision of this 1976 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 15, 1976.

Passed the Senate March 17, 1976.

Approved by the Governor March 25, 1976.

Filed in Office of Secretary of State March 25, 1976.

CHAPTER 123

[House Bill No. 1502]

STATE FUNDS AND ACCOUNTS

AN ACT Relating to revenue and taxation; amending section 43.84.090, chapter 8, Laws of 1965 as last amended by section 1, chapter 50, Laws of 1969 and RCW 43.84.090; amending section 3, chapter 180, Laws of 1949 and RCW 73.32.040; amending section 4, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.040; amending section 6, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.060; amending section 11, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.100; amending section 12, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.110; amending section 7, chapter 294, Laws of 1971 ex. sess. as last amended by section 1, chapter 187, Laws of 1974 ex. sess. and RCW 82.04.291; and amending section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 2, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.080; providing an expiration date; and declaring an emergency.

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

Section 1. Section 43.84.090, chapter 8, Laws of 1965 as last amended by section 1, chapter 50, Laws of 1969 and RCW 43.84.090 are each amended to read as follows:

Twenty percent of all income received from such investments shall be set aside in a reserve account: **PROVIDED**, That the legislature may appropriate such amounts from this account as may be necessary to pay operating expenses of the state treasurer for the servicing of investments and outstanding bonded indebtedness of the state and for operating expenses of the state finance committee and the state building authority, and may transfer further amounts from the reserve account to the general fund on a periodic basis.

Investments purchased for more or less than par shall be amortized to obtain the true amount of income, and the amortized value of the principal, at any time, shall be the cost of the security plus or minus such portion of the income as has been assigned to principal.

Any loss sustained by selling investments for less than the amortized value of the principal may be charged to the reserve fund. Any profits obtained from selling investments for more than the amortized value of the principal shall be considered as income. All income other than that set aside in the reserve fund shall be credited to the deposit interest (~~((fund in the state treasury))~~) account in the state general fund.

Sec. 2. Section 3, chapter 180, Laws of 1949 and RCW 73.32.040 are each amended to read as follows:

All disbursements required by this chapter for compensation shall be made upon the presentation of a certificate upon a form to be prescribed by the state auditor, which form shall be duly verified, by the claimant under oath, and shall set forth his name, residence at the time of entry into the service, date of enlistment, induction or entry upon active federal service, beginning and ending dates of overseas service, date of discharge or release from active federal service, or if the claimant has not been released at the time of application, a statement by competent military authority that the claimant during the period for which compensation is claimed did not refuse to subject himself to full military discipline and unqualified service, and that he has not been separated from service under circumstances other than honorable. The state auditor may require such further information to be included in such certificate as he deems necessary to enable him to determine the eligibility of applicants. Such certificates shall be presented to the state auditor or his representative, together with evidence of honorable service satisfactory to the state auditor. The state auditor shall draw warrants in payment of such compensation claims against the war veterans' compensation ~~((fund))~~ account, which is hereby established in the state ~~((treasury))~~ general fund. The state auditor is given power to make such reasonable requirements for applications as are necessary to prevent fraud or the payment of compensation to persons not entitled thereto.

Sec. 3. Section 4, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.040 are each amended to read as follows:

All disbursements made under this chapter for compensation shall be made upon the presentation of a certificate or claim form to be prescribed by the state treasurer.

Such form for persons applying for benefits shall be duly verified by the claimant under oath, and shall set forth his name, residence at the time of entry into the service, date of enlistment, induction, or entry upon active federal service, beginning and ending dates of overseas service, date of discharge or release from active federal service, or if the claimant has not been released at the time of application, a statement by a competent military authority that the claimant during the period for which compensation is claimed did not refuse to subject himself to full military discipline and unqualified service, and that he has not been separated from service under circumstances other than honorable. The state treasurer may require such further information to be included in such certificate as he deems necessary to enable him to determine the eligibility of applicants.

Such certificate shall be presented to the state treasurer or his representative, together with evidence of honorable service satisfactory to the state treasurer.

The claim for institutions seeking reimbursement under RCW 73.34.020(2) shall contain such information as the treasurer shall deem necessary to determine the authenticity thereof.

The state treasurer shall draw warrants in payment of such compensation claims against the war veterans' compensation ~~((fund))~~ account, which has heretofore been established in the state treasury. Claims for such compensation may be filed after May 23, 1972 but no payments shall be made prior to January 2, 1973.

The state treasurer may make such reasonable requirements for application procedure as are necessary to prevent fraud or the payment of compensation to persons not entitled thereto.

Sec. 4. Section 6, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.060 are each amended to read as follows:

The state treasurer shall furnish free of charge upon the application therefor certificates or claim forms upon which applications may be made and may establish at different points within the state offices at which there shall be kept on file for the use of persons covered by this chapter a sufficient number of such certificates, so that there is no unnecessary delay in the payment of compensation. The state treasurer may authorize the county auditor or county clerk, or both, of any county of the state to act for him in receiving such certificates, and shall furnish them with sufficient certificates to enable them to accept the same. The state treasurer shall procure such printing, office supplies and equipment and employ such persons as may be necessary to properly carry out the provisions of this chapter. All expenses incurred by him in the administration of this chapter shall be paid by warrants drawn upon the war veterans' compensation ((fund)) account.

Sec. 5. Section 11, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.100 are each amended to read as follows:

The executive officer of the veterans' rehabilitation council shall advise with and assist the state treasurer in the performance of the duties of the treasurer under this chapter, and when so called upon, the executive officer shall employ such persons and incur such expenses as may be necessary, such expenses to be paid by warrant drawn upon the war veterans' compensation ((fund)) account.

Sec. 6. Section 12, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.110 are each amended to read as follows:

Upon the death of any person qualified to receive compensation pursuant to this chapter or who would have been qualified to receive compensation except for death occurring while serving in federal service as a member of the armed military or naval forces of the United States, there shall be paid to his widow, parent, child, next of kin or other person assuming responsibility or having the duty to provide for his burial, the sum of two hundred fifty dollars to aid in defraying funeral and other burial costs. Payment shall be made, after application therefor, in the same manner as is provided in this chapter for payment of compensation. The state treasurer shall promulgate such rules and regulations and provide such procedures as may be necessary to properly administer the provisions of this section.

Any payment under this section shall be deemed and construed to be a part of the term "compensation" as used in this chapter and shall be made from the war veterans' compensation ((fund)) account.

Section 2. [**Sec. 7.**] Section 7, chapter 294, Laws of 1971 ex. sess. as last amended by section 1, chapter 187, Laws of 1974 ex. sess. and RCW 82.04.291 are each amended to read as follows:

(1) Upon every person engaging within this state in business as a harvester of timber; as to such persons the amount of tax with respect to such business shall be equal to the stumpage value of timber harvested for sale or for commercial or industrial use multiplied by the appropriate rate as follows:

(a) For timber harvested between October 1, 1972 and September 30, 1973 inclusive, the rate shall be one and three-tenths percent;

(b) For timber harvested between October 1, 1973 and September 30, 1974 inclusive, the rate shall be two and nine-tenths percent and between October 1, 1974 and December 31, 1978, inclusive, six and one-half percent.

(2) For purposes of this section:

(a) "Harvester" means every person who from his own privately owned land or from the privately owned land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services fells, cuts or takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(b) "Timber" means forest trees, standing or down on privately owned land, and except as provided in RCW 84.33.170 includes Christmas trees.

(c) "Stumpage value of timber" means the appropriate stumpage value shown on tables to be prepared by the department of revenue pursuant to subsection (3) of this section.

(d) Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(3) On or before July 1, 1972 and as necessary thereafter, the department of revenue shall designate areas containing timber having similar growing, harvesting and marketing conditions to be used as units for the preparation and application of stumpage values. Before September 1, 1972 for use during the fourth quarter of 1972 and all of 1973, and before December 1 of each year commencing with 1973, for use during the succeeding year, the department shall prepare tables of stumpage values of each species or subclassification of timber within such units, which values shall be the amount that each such species or subclassification would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Such stumpage values, expressed in terms of a dollar amount per thousand board feet or other unit measure, shall be determined from (a) gross proceeds from sales on the stump of similar timber of like quality and character at similar locations, and in similar quantities, or from (b) gross proceeds from sales of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest, or from a combination of (a) and (b), and shall be determined in a manner which makes reasonable and adequate allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions and all other relevant factors. If, on or before April 1 of any year commencing with 1975, the department shall determine that the stumpage value index as of January 1 of such year is greater or smaller, by ten percent or more, than the stumpage value index as of July 1 of the preceding year it shall, in the same manner prescribed for annual stumpage value determinations, prepare revised tables setting forth stumpage values. Such revised tables shall be applicable to timber harvested between July 1 and December 31 of such year, inclusive. The term stumpage value index as of any date shall mean a weighted average

price of state and federal timber sales for all species during the twelve months prior to such date, such weighting to be based upon the actual volumes of the several species or subclassifications of timber harvested during the four most recent calendar quarters for which such information is available from tax returns filed by harvesters. Such index and the procedures to be followed in calculating it shall be further defined in regulations to be prepared by the department of revenue and reviewed by the ways and means committees of the house and senate prior to promulgation by the department. Upon application from any person who plans to harvest damaged timber, the stumpage values for which have been materially reduced from the values shown in the applicable tables due to damage resulting from fire, blow down, ice storm, flood or other sudden unforeseen cause, the department shall revise such tables for any area in which such timber is located and shall specify any additional accounting or other requirements to be complied with in reporting and paying such tax. The preliminary area designations and stumpage value tables and any revisions thereof shall be subject to review by the ways and means committees of the house and senate prior to finalization. Tables of stumpage values shall be signed by the director or his designee and authenticated by the official seal of the department. A copy thereof shall be mailed to anyone who has submitted to the department a written request therefor.

(4) On or before the sixtieth day after the date of final adoption of any stumpage value tables, any harvester may appeal to the board of tax appeals for a revision of stumpage values for an area determined pursuant to subsection (3) of this section.

(5) There are hereby created in the state treasury a state timber tax ~~((fund))~~ account A and a state timber tax ~~((fund))~~ account B ~~(, separate and apart from)~~ in the state general fund and any interest earned on the investment of cash balances shall be deposited in these accounts. The revenues from the tax imposed by subsection (1) of this section shall be deposited in state timber tax ~~((fund))~~ account A and state timber tax ~~((fund))~~ account B as follows:

YEAR OF COLLECTION	((FUND))	((FUND))
	<u>ACCOUNT A</u>	<u>ACCOUNT B</u>
1973 through 1978	100%	0%
1979	75%	25%
1980	50%	50%
1981	25%	75%
1982 and thereafter	0%	100%

(6) In addition to the rates specified in subsection (1) of this section, there shall be imposed upon such persons a surtax at a rate of .5% of the stumpage value of timber as specified in such subsection (1) upon timber harvested between October 1, 1972 and September 30, 1974 inclusive. The revenues from such surtax shall be deposited in a separate ~~((fund))~~ account designated the state timber reserve ~~((fund))~~ account, which is hereby created in the ~~((state treasury separate and apart from the))~~ state general fund and any interest earned on the investment of these cash balances shall be deposited in this account. Such surtax shall be reimposed for one year upon timber harvested in any calendar year following any fourth quarter during which transfers from such reserve ~~((fund))~~ account pursuant to

subsection (3) of RCW 84.33.080 reduce the balance in such ~~((fund))~~ account to less than five hundred thousand dollars, but in no event shall such surtax be imposed in any year after 1980.

(7) The tax imposed under this section shall be computed with respect to timber harvested each calendar quarter and shall be due and payable in quarterly installments and remittance therefor shall be made on or before the last day of the month next succeeding the end of the quarterly period in which the tax accrued. The taxpayer on or before such date shall make out a return, upon such forms and setting forth such information as the department of revenue may require, showing the amount of the tax for which he is liable for the preceding quarterly period, and shall sign and transmit the same to the department of revenue, together with a remittance for such amount.

(8) The taxes imposed by this section shall be in addition to any taxes imposed upon the same persons pursuant to one or more of sections RCW 82.04.230 to 82.04.290, inclusive, and RCW 82.04.440, and none of such sections shall be construed to modify or interact with this section in any way, except RCW 82.04.450 and 82.04.490 shall not apply to the taxes imposed by this section.

(9) Any harvester incurring less than ten dollars tax liability under this section in any calendar quarter shall be excused from the payment of such tax, but may be required by the department of revenue to file a return even though no tax may be due.

Sec. 2. [Sec. 8.] Section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 2, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.080 are each amended to read as follows:

(1) On or before December 15 of each year commencing with 1972 and ending with 1980, the assessor of each timber county shall deliver to the treasurer of such county and to the department of revenue a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The value of timber as shown on the timber roll for such year;

(b) The aggregate dollar rate calculated pursuant to RCW 84.33.060 and actually utilized the immediately preceding October in extending real property taxes upon the tax rolls for collection in the following year;

(c) A "timber factor" which is the product of such aggregate dollar rate, the assessment ratio applied generally by such assessor in computing the assessed value of other property in his county and the appropriate portion listed below of the timber roll for such year ((a) above):

YEAR	PORTION OF TIMBER ROLL
1972	25%
1973	55%
1974 through 1977	100%
1978	75%
1979	50%
1980	25%

On or before December 31 of each year commencing with 1972 and ending with 1980, the department of revenue shall determine the proportion that each taxing district's timber factor bears to the sum of the timber factors for all taxing

districts in the state, and shall deliver a list to the assessor and the treasurer of each timber county and to the state treasurer showing the factor and proportion for each taxing district.

(2) On the twentieth day of the second month of each calendar quarter, commencing February 20, 1974 and ending November 20, 1981, the state treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion (determined in December of the preceding year pursuant to subsection (1) of this section) of the amount in state timber tax ((fund)) account A collected upon timber harvested in the preceding calendar quarter, but in no event shall any such quarterly payment to a taxing district, when added to such payments made to such district the previous quarters of the same year, exceed, respectively one-fourth, one-half, three-fourths, or the full amount of the timber factor for such district determined in December of the preceding year.

The balance in state timber tax ((fund)) account A, if any, after the distribution to taxing districts on November 20, 1974 and on the twentieth day of the second month of each calendar quarter commencing February 20, 1975 and ending November 20, 1981 shall be transferred to the state timber reserve ((fund)) account.

(3) If the balance in state timber tax ((fund)) account A immediately prior to such twentieth day of the second month of each calendar quarter is not sufficient to permit a payment of one-fourth, one-half, three-fourths, or the full amount, as the case may be, which, when added to the payments made to any taxing district the previous quarters of the same year, will equal the timber factor for such district determined in December of the preceding year, the necessary additional amount shall be transferred from the state timber reserve ((fund)) account to state timber tax ((fund)) account A.

(4) If, after the transfer, if any, from the state timber tax ((fund)) account A (pursuant to subsection (2) of this section) in August of any year commencing with 1974, the balance in the state timber reserve ((fund)) account exceeds two million dollars, the amount of the excess shall be applied first, subject to legislative appropriation of funds allocated from the state timber reserve ((fund)) account, for activities undertaken by the department of revenue forest valuation section and for the activities undertaken by the department of natural resources relating to classification of lands as required by this chapter: PROVIDED, That within the 1973-75 biennium, the state treasurer shall transfer from the state timber reserve ((fund)) account to the state general fund an amount equal to actual expenditures of the department of revenue related to the activities of the forest valuation section no later than August 31, 1974 and August 31, 1975, for the fiscal year just completed. If the amount of such excess is more than is necessary for reimbursement for such purposes, the remaining amount of the excess shall be distributed to the taxing districts which distribution shall be made in the following manner:

(a) The department of revenue shall calculate a harvest factor and a harvest factor proportion for each taxing district, in the manner provided in subsection (5) of this section except that for years before 1978 there shall be used the aggregate value of timber harvested for as many quarters for which information is available;

(b) By multiplying the amount of such excess by the harvest factor proportion for each taxing district respectively, the department of revenue shall calculate the amount to be distributed to each local taxing district and to the state and shall certify such amounts to the respective county assessors and state;

(c) Along with each quarterly payment pursuant to subsection (2) of this section, the state treasurer shall pay, out of the state timber reserve (~~(fund)~~) account, to the treasurer of each timber county for the account of each local taxing district one-fourth of such district's portion (determined pursuant to (b) above) of such excess and the state treasurer shall pay into the state's general fund for the support of the common schools out of the state timber reserve (~~(fund)~~) account such additional one-fourth amount due the state.

The balance, if any, in the state timber reserve (~~(fund)~~) account after the final transfer, if any, to or from state timber tax fund A in November of 1981, shall be transferred to state timber tax (~~(fund)~~) account B on December 31, 1981, and one-fourth of such balance shall be distributed in each quarter of 1982 in the manner set forth in subsection (6) of this section.

(5) On or before December 31 of each year commencing with 1978, the department of revenue shall deliver to the treasurer of each timber county a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The average of the aggregate value of all timber harvested within such district in each of the immediately preceding five years as determined from the excise tax returns filed with the department of revenue;

(b) The aggregate dollar rate calculated pursuant to RCW 84.33.060 and chapter 84.52 RCW and actually utilized the immediately preceding October in extending real property taxes upon the tax rolls for collection the following year;

(c) A "harvest factor" which is the product of such five year average and such aggregate dollar rate;

(d) The proportion that each taxing district's harvest factor bears to the sum of the harvest factors for all taxing districts in the state.

(6) On the twentieth day of the second month of each calendar quarter commencing February 20, 1979, the state treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion (determined in December of the preceding year pursuant to subsection (5) of this section) of the amount in state timber tax (~~(fund)~~) account B collected upon timber harvested in the preceding calendar quarter.

NEW SECTION. Sec. 3. [Sec. 9.] The provisions of this 1976 amendatory act shall expire on June 30, 1979.

NEW SECTION. Sec. 4. [Sec. 10.] This 1976 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, 1976.

Passed the Senate March 26, 1976.

Approved by the Governor March 26, 1976.

Filed in Office of Secretary of State March 26, 1976.

CHAPTER 124

[Substitute Senate Bill No. 3226]
SCHOOL DISTRICT BUDGETS—
SHORT FISCAL PERIOD

AN ACT Relating to education; amending section 20, chapter ... (SSB 3127), Laws of 1975-'76 2nd ex. sess. and RCW (____); and declaring an emergency.

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

Section 1. Section 20, chapter ... (SSB 3127), Laws of 1975-'76 2nd ex. sess. and RCW (____) are each amended to read as follows:

(1) In order to implement the change in fiscal years provided in sections 1 through 19 of ~~((this 1976 amendatory act))~~ chapter ... (SSB 3127), Laws of 1975-'76 2nd ex. sess. a short fiscal period shall exist from July 1, 1977 through August 31, 1977.

(2) Budgets for the period July 1, 1977 through August 31, 1977, shall be prepared and adopted in the format provided by the office of the superintendent of public instruction. The budget classifications shall be in accordance with the latest revised accounting manual for public school districts published by the office of the superintendent of public instruction and the office of the state auditor.

(3) The revenue section of said budget shall set forth the estimated revenues from all sources for said period and the probable cash balance and investments available for said period disbursements at the close of the 1976-77 fiscal year: PROVIDED, That school districts pursuant to instructions promulgated by the superintendent of public instruction shall be granted permission to include as revenues in said budget receivables collectible in future fiscal periods.

(4) The expenditure section of said budget shall set forth by detailed items or classes the estimated expenditures for said period.

(5) The estimated disbursements for said period must not be greater than the total of the estimated revenues for said period, the probable net cash balance, and investments at the close of the 1976-77 fiscal year, and the projected revenue from receivables collectible in future periods approved by the superintendent of public instruction for inclusion in said budget.

(6) On or before May 10, ~~((1976))~~ 1977, all school districts shall prepare their budgets for the period of July 1, 1977 through August 31, 1977.

(7) All school districts after completion of said budget shall publish a notice stating that the district has completed the budget and placed the same on file in the district administration office, that a copy thereof will be furnished any person who will call upon the district for it, and that the school district board of directors will meet for the purpose of fixing and adopting said budget of the district for said period. Such notice shall designate the date, time and place of said meeting which shall occur on or before June 30, 1977, for first class school districts, and June 1, 1977, for second class school districts.

The notice shall also state that any person may appear thereat and be heard for or against any part of said budget. Said notice shall be published at least once each week for two consecutive weeks following preparation of said budget in a

newspaper of general circulation in the district, or if there be none, in a newspaper of general circulation in the county: PROVIDED, That the second notice shall be published no later than seven days immediately prior to the hearing.

The district shall provide a sufficient number of copies of said budget to meet the reasonable demands of the public and the same shall be available for distribution not later than fourteen days preceding the date set for the public hearing.

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

Upon conclusion of the hearing, the school district board of directors shall fix and determine the appropriation from each fund contained in said budget separately and shall by resolution adopt the budget and the appropriations as so finally determined and enter the same in the official minutes of the board.

(9) First class school districts shall file four copies of their adopted budget for said period with their educational service district no later than July 10, 1977.

(10) Second class school districts shall forward five copies of their adopted budget for said period with their educational service district for review, alteration and approval no later than June 3, 1977.

(11) The educational service districts shall fix and approve the amount of the appropriation from each fund of the budget for second class school districts for the period July 1, 1977 through August 31, 1977, not later than June 30, 1977. One copy of said budget shall be returned to the district.

(12) The educational service district shall file a copy of said budget for all school districts no later than July 10, 1977, with the office of the superintendent of public instruction, the office of the state auditor and the appropriate county auditor(s). A copy shall be retained by the educational service district.

(13) Financial reports shall be prepared and submitted by local school districts, educational service districts, county auditors and county treasurers on the formats provided by the office of the superintendent of public instruction. Filing shall be in accordance with the instructions issued jointly by the superintendent of public instruction and the state auditor.

NEW SECTION. Sec. 2. This 1976 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 19, 1976.

Passed the House March 19, 1976.

Approved by the Governor April 15, 1976.

Filed in Office of Secretary of State April 15, 1976.

CHAPTER 125

[House Bill No. 1403]

SOCIAL AND HEALTH SERVICES— CAPITAL FACILITIES BOND ISSUE

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; repealing section 1, chapter 258, Laws of 1975 1st ex. sess. and RCW 43.83G.010; repealing section 2, chapter 258, Laws of 1975 1st ex. sess. and RCW 43.83G.020; repealing section 3, chapter 258, Laws of 1975 1st ex. sess. and RCW 43.83G.030; repealing section 4, chapter 258, Laws of 1975 1st ex. sess. and RCW 43.83G.040; repealing section 5, chapter 258, Laws of 1975 1st ex. sess. and RCW 43.83G.050; repealing section 6, chapter 258, Laws of 1975 1st ex. sess. and RCW 43.83G.060; repealing section 7, chapter 258, Laws of 1975 1st ex. sess. and RCW 43.83G.900; 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 forty-one million four hundred thousand dollars or so much thereof as shall be required to finance social and health services facilities. No bonds authorized by this act shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with article VIII, section I 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 veterans' service programs, 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 construction account in the general fund by chapter 276, Laws of 1975 1st ex. sess., 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 1976 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 1976 act shall be deposited in the state social and health services construction account of the general fund hereby created in the state treasury and shall be used exclusively for the purposes specified in this 1976 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 1976 act.

NEW SECTION. Sec. 4. The principal proceeds from the sale of the bonds authorized in this 1976 act and deposited in the social and health services 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 bond redemption fund of 1976 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 1976 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 bond redemption fund of 1976 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 1976 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. The following acts or parts of acts are each hereby repealed:

- (1) Section 1, chapter 258, Laws of 1975 1st ex. sess. and RCW 43.83G.010;
- (2) Section 2, chapter 258, Laws of 1975 1st ex. sess. and RCW 43.83G.020;
- (3) Section 3, chapter 258, Laws of 1975 1st ex. sess. and RCW 43.83G.030;
- (4) Section 4, chapter 258, Laws of 1975 1st ex. sess. and RCW 43.83G.040;
- (5) Section 5, chapter 258, Laws of 1975 1st ex. sess. and RCW 43.83G.050;
- (6) Section 6, chapter 258, Laws of 1975 1st ex. sess. and RCW 43.83G.060;

and

- (7) Section 7, chapter 258, Laws of 1975 1st ex. sess. and RCW 43.83G.900.

NEW SECTION. Sec. 8. If any provision of this 1976 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 1976 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, 1976.

Passed the Senate March 26, 1976.

Approved by the Governor April 15, 1976.

Filed in Office of Secretary of State April 15, 1976.

CHAPTER 126

[House Bill No. 1440]

INSTITUTIONS OF HIGHER EDUCATION—
CAPITAL PROJECTS BOND ISSUE

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; amending section 1, chapter 237, Laws of 1975 1st ex. sess. and RCW 28B.14.010; and declaring an emergency.

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

Section 1. Section 1, chapter 237, Laws of 1975 1st ex. sess. and RCW 28B.14.010 are each amended to read as follows:

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))~~ fourteen million ~~((four))~~ eight hundred eighty 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 276, Laws of 1975 1st ex. sess.))~~ acts from time to time, 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 chapter, full and fair consideration shall be given to minority contractors.

NEW SECTION. Sec. 2. This 1976 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 25, 1976.

Passed the Senate March 12, 1976.

Approved by the Governor April 15, 1976.

Filed in Office of Secretary of State April 15, 1976.

CHAPTER 127

[House Bill No. 1505]

PROPERTY TAXES—
APPLICATIONS FOR EXEMPTION

AN ACT Relating to revenue and taxation; amending section 10, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.820; amending section 11, chapter 40, Laws of 1973 2nd ex. sess. as amended by section 19, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.825; amending section 12, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.830; creating a new section, and declaring an emergency.

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

Section 1. Section 10, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36-.820 are each amended to read as follows:

On or before January 1 of each year, the department of revenue shall mail application forms to owners of record of property exempted from property taxation at their last known address who must make a renewal application for continued exemption. The department of revenue shall notify the assessor of the county in which the property is located who shall remove the tax exemption from any property if an application has not been ~~((received))~~ approved for ~~((the))~~ exemption ~~((of such property as required by RCW 84.36.815 on or before the due date: PROVIDED, That the department of revenue shall allow a reasonable extension of time for filing upon written request filed on or before the due date, and for good cause shown therein)): PROVIDED ((FURTHER)), That failure to file and subsequent removal of exemption shall not be subject to review as provided in RCW 84.36.850: PROVIDED FURTHER, That the department of revenue shall review applications received after the March 31 due date and before December 31, but such applications shall be subject to late filing penalties provided in RCW 84.36.825 as now or hereafter amended: PROVIDED FURTHER, That if proper application has been submitted to the department of revenue by April 30, 1976, assessments or levies of property taxes for collection in 1976 are hereby cancelled with respect to property determined to be exempt of any organization required to file for exemption by RCW 84.36.815 but which did not receive exemption for 1976 taxes because of failure to make such filing by March 31, 1975, or because the effective date of the statutory exemption occurred after March 31, 1975, and such late applications for exemption of 1976 taxes shall not be subject to late filing penalties provided in RCW 84.36.825 as amended.~~

Sec. 2. Section 11, chapter 40, Laws of 1973 2nd ex. sess. as amended by section 19, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.825 are each amended to read as follows:

An application fee of thirty-five dollars for each initial and renewal application shall be required and shall be deposited within the general fund. Applications made for assessment year 1974, if approved, shall be considered initial applications whether or not an exemption has previously been approved. A late filing penalty of ten dollars per month for each month an application is past due shall be required and shall be deposited in the general fund.

Sec. 3. Section 12, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.830 are each amended to read as follows:

The department of revenue shall review each application for exemption and make a determination thereon prior to August 1st of the assessment year for which such application is made: PROVIDED, That each exemption application received after March 31 shall be reviewed and determination made thereon within thirty days of the date received or by August 1, whichever is later. The department of revenue may request such additional relevant information as it deems necessary. The department of revenue shall make a physical inspection of the property and satisfy itself as to the use of all parcels prior to approving or denying the application, and thereafter at least once each four years. When the department of revenue has examined the application and the subject property, it shall either approve or deny the request and clearly state the reasons for approval or denial in

written notification by certified mail to the applicant. The department shall also notify the assessor of the county in which the property is located. The county assessor shall place such property on the assessment roll for the current year.

NEW SECTION. Sec. 4. Each application for property tax exemption, or renewal thereof, may include all the real and personal property eligible for exempt status under any of the sections of chapter 84.36 RCW which are contiguous and part of a homogenous unit. Properties separated by public streets and roads shall be considered to be contiguous for purposes of this section.

NEW SECTION. Sec. 5. This 1976 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 19, 1976.

Passed the Senate March 17, 1976.

Approved by the Governor April 15, 1976.

Filed in Office of Secretary of State April 15, 1976.

CHAPTER 128

[House Bill No. 1527]

INDIAN CULTURAL CENTER (PEOPLE'S LODGE) BOND ISSUE

AN ACT Relating to Indian Tribal culture; providing for the planning, acquisition, construction, remodeling, furnishing, and equipping of a regional Indian cultural and educational facility; 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 a matching grant for the planning, design, construction, furnishing and landscaping of a regional Indian cultural and educational facility designated as the "people's lodge" and located at Discovery Park, Seattle, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one million dollars or so much thereof as shall be required to finance that portion of the grant by the state for said project as is set forth by appropriation from the Indian cultural center construction account in the general fund by chapter —, Laws of 1975-'76 2nd ex. sess. (SHB 1626) the supplemental 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.

Each such bond and bond anticipation note 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. At the time the state finance committee determines to issue such bonds authorized in section 1 of this 1976 act or a portion thereof, 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 1976 act shall be deposited in the Indian cultural center construction account of the general fund hereby created in the state treasury and shall be used exclusively for the purposes specified in this 1976 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 4 of this 1976 act.

NEW SECTION. Sec. 3. The principal proceeds from the sale of the bonds authorized in this 1976 act and deposited in the Indian cultural center construction account in the general fund shall be administered by the executive director of the arts commission.

NEW SECTION. Sec. 4. The Indian cultural center construction bond redemption fund of 1976 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 1976 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 bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the Indian cultural center construction bond redemption fund of 1976 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. 5. The bonds authorized by this 1976 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. 6. If any provision of this 1976 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 1976 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 23, 1976.

Passed the Senate March 26, 1976.

Approved by the Governor April 16, 1976.

Filed in Office of Secretary of State April 16, 1976.

CHAPTER 129

[Substitute House Bill No. 75]
ELECTIONS—PRECINCTS AND DISTRICTS

AN ACT Relating to elections; amending section 29.04.040, chapter 9, Laws of 1965 as amended by section 1, chapter 109, Laws of 1967 ex. sess. and RCW 29.04.040; amending section 29.04.050, chapter 9, Laws of 1965 and RCW 29.04.050; adding new sections to chapter 9, Laws of 1965 and to chapter 29.04 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 9, Laws of 1965 and to chapter 29.04 RCW a new section to read as follows:

(1) Each county auditor shall prepare and maintain a current and suitable map of the county and of each city or town therein clearly delineating the geographical boundaries of each precinct contained in the county and of the legislative and congressional districts in which each precinct is contained. A description of the geographical boundaries of such precincts and districts shall be attached to each map.

(2) On or before February 1, 1977, each county auditor shall send three copies of each current map with its descriptions to the secretary of state, and one copy to the clerk of each affected city or town. Within thirty days after any changes in precinct or district boundaries, the county auditor shall file revised maps and descriptions in the same manner and number.

(3) Such maps and descriptions shall be public records and shall be available for inspection by the public in the offices wherein they are kept during normal office hours. Copies shall be made available to the public for a fee necessary to cover the cost of reproduction.

NEW SECTION. Sec. 2. There is added to chapter 9, Laws of 1965 and to chapter 29.04 RCW a new section to read as follows:

(1) With regard to functions relating to census, apportionment, and the establishment of legislative and congressional districts, the secretary of state shall:

(a) Promulgate rules pursuant to chapter 34.04 RCW governing the preparation, maintenance, distribution, and filing of maps prepared pursuant to section 1 of this 1976 amendatory act;

(b) Coordinate and monitor mapping functions of the county auditors and county engineers;

(c) Maintain official state base maps and maintain an index of all available maps;

(d) Furnish to the United States bureau of the census as needed for the decennial census of population, current, accurate, and easily readable versions of maps of all counties, cities, towns, and other areas of this state, which shall show any streets, highways, railroads, and other physical boundaries, and shall indicate precinct boundaries.

(2) The secretary of state shall serve as the state liaison with the United States bureau of census on matters relating to the preparation of maps and the tabulation of population for apportionment purposes.

Sec. 3. Section 29.04.040, chapter 9, Laws of 1965 as amended by section 1, chapter 109, Laws of 1967 ex. sess. and RCW 29.04.040 are each amended to read as follows:

(1) No paper ballot precinct shall contain more than three hundred voters. If at any election three hundred or more votes are cast at any such voting place, the secretary of state as ex officio chief election officer, shall report that fact to the city council, if it is a precinct lying within a first class city or to the ~~((board of county commissioners))~~ county legislative authority if it is any other precinct. The city council of the first class city or the ~~((board of county commissioners;))~~ county legislative authority as the case may be, shall divide, alter, or combine precincts so that, whenever practicable such over populated precincts shall contain no more than two hundred fifty registered voters in anticipation of future growth, subject to the requirements and limitations of subsection (2) of this section.

(2) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored: PROVIDED, HOWEVER, That no precinct boundaries shall be changed during the period starting as of the thirtieth day prior to the first day for candidates to file for the September primary election and ending with the day of the November general election held in the even-numbered years: PROVIDED FURTHER, That no precinct boundaries shall be changed nor shall any precinct be created, divided, abolished, or consolidated during the period between February 1st of any year whose last digit is seven and December 1st of any year whose last digit is one, except whose boundaries are changed due to annexation or detachment.

(3) Precincts in which voting machines or electronic voting devices are used may contain as many as nine hundred registered voters, subject to the requirements and limitations of subsection (2) of this section: PROVIDED, That the counties shall make such changes in the size of the precincts in anticipation of future growth, subject to the requirements and limitations of subsection (2) of this section: PROVIDED FURTHER, That there shall be at least one voting machine or device for each three hundred registered voters or major fraction thereof.

(4) Each county auditor, when reporting the official election returns to the secretary of state as provided by RCW 29.62.090, shall indicate in such report which precincts are voted by paper ballots, ~~((or))~~ by voting machines, or by voting devices. In the instance of a voting machine or voting device precinct, the county auditor shall also indicate the number of such machines or devices used so that the secretary of state will be able to determine that the requirements of this section are being honored.

On petition of ten or more voters resident more than ten miles from any place of election, the board of county commissioners shall establish a separate voting precinct therefor, subject to the requirements and limitations of subsection (2) of this section.

The ~~((board of county commissioners))~~ county legislative authority of each county in the state hereafter formed shall, at their first session, divide their respective counties into election precincts with two hundred fifty voters or less and establish the boundaries of the same; the county auditor shall thereupon designate the voting place for each such precinct.

***Sec. 4. Section 29.04.050, chapter 9, Laws of 1965 and RCW 29.04.050 are each amended to read as follows:**

(1) Every voting precinct must be established so that it is composed, as nearly as practicable, of contiguous and compact areas having physically defined boundaries clearly observable, and lies wholly within one senatorial or representative district and wholly within one county commissioner district.

(2) Every voting precinct within each county shall be designated consecutively by number for the purpose of preparation of maps and the tabulation of population for apportionment purposes. The county auditor may name precincts as he deems necessary for other purposes.

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

NEW SECTION. Sec. 5. This 1976 amendatory act shall take effect on February 1, 1977.

NEW SECTION. Sec. 6. If any provision of this 1976 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 23, 1976.

Passed the Senate March 22, 1976.

Approved by the Governor April 19, 1976 with the exception of section 4 which is vetoed.

Filed in Office of Secretary of State April 19, 1976.

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. 75 entitled:

"AN ACT Relating to elections."

Section 4 of the bill requires precinct boundaries to be established along clearly identifiable physical boundaries.

At the present time, precinct boundaries are set, to the greatest extent possible, along the lines of school district boundaries and the boundaries of other such taxing districts. Such boundaries eliminate, or greatly reduce, the incidence of "split precincts" where a precinct contains two or more voting jurisdictions, each of which impacts some, but not all of the voters in that precinct. Present boundaries do not necessarily follow clear physical boundaries. To require a change from the present system with no consideration of the problems of splitting precincts would create unnecessary confusion for voters and could result in serious disruptions of the election process.

I recognize that there are distinct advantages to setting precinct boundaries according to identifiable physical boundaries for census and redistricting purposes. I believe, however, that before the Legislature passes this requirement into law, care should be taken to minimize adverse consequences by consultation with state and local election officials.

With the exception of section 4, which I have vetoed for the foregoing reasons, the remainder of Substitute House Bill No. 75 is approved."

CHAPTER 130

[House Bill No. 271]

REVENUE AND TAXATION—
SALES, USE, AND B & O TAXES

AN ACT Relating to revenue and taxation; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 9, chapter 281, Laws of 1971 ex. sess. and RCW 82.08.020; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 1, Laws of 1975 2nd ex. sess. and RCW 82.12.020; adding a new section to chapter 15, Laws of 1961 and to chapter 82.04 RCW; prescribing effective dates; and declaring an emergency.

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

Section 1. Section 82.08.020, chapter 15, Laws of 1961 as last amended by section 9, chapter 281, Laws of 1971 ex. sess. and RCW 82.08.020 are each amended to read as follows:

There is levied and there shall be collected a tax on each retail sale in this state equal to four and one-half percent of the selling price: PROVIDED, That from and after the first day of June, 1976, until the thirtieth day of June, 1977, such tax shall be levied and collected in an amount equal to four and six-tenths percent of the selling price. The tax imposed under this chapter shall apply to successive retail sales of the same property.

Sec. 2. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 1, Laws of 1975 2nd ex. sess. and RCW 82.12.020 are each amended to read as follows:

There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280, subsections (2) or (7). This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in subdivision (2) of RCW 82.12.030, payment by one purchaser or user of tangible personal property of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property from the taxes imposed by such chapters. The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate of four and one-half percent: PROVIDED, That from and after the first day of June, 1976, until the thirtieth day of June, 1977, such tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate of four and six-tenths percent.

NEW SECTION. Sec. 3. There is added to chapter 15, Laws of 1961 and to chapter 82.04 RCW a new section to read as follows:

From and after the first day of June, 1976, until the thirtieth day of June, 1977, there is levied and shall be collected from every person for the act or privilege of engaging in business activities, as a part of the tax imposed by the provisions of RCW 82.04.220 through 82.04.290, inclusive, an additional tax in the amount of six percent of the tax payable under the provisions of RCW 82.04.220 through 82.04.290, inclusive. To facilitate collection of this additional tax, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed.

NEW SECTION. Sec. 4. This 1976 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 the provisions of this 1976 amendatory act shall be null and void in the event chapter ... (Substitute Senate Bill No. 2778), Laws of 1975-'76 2nd ex. sess. is approved and becomes law.

Passed the House March 25, 1976.

Passed the Senate March 22, 1976.

Approved by the Governor April 19, 1976.

Filed in Office of Secretary of State April 19, 1976.

CHAPTER 131

[Second Substitute House Bill No. 1316]

SENIOR CITIZENS SERVICES ACT

AN ACT Relating to senior citizens; adding a new chapter to Title 74 RCW; and making an appropriation.

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

NEW SECTION. Section 1. The legislature recognizes the need for the further development and expansion of alternative forms of care for senior citizens. These alternative forms should be developed to assure that senior citizens receive the level of care needed and that appropriate resources are available to match client needs. Furthermore, services received should be designed to restore individuals to, or maintain them at, the level of independent living they are capable of attaining. Such a system of alternative care should be designed to allow senior citizens to move within this system, thus allowing the appropriate services to be rendered according to the care needs. The provision of service should continue until the client is able to function independently, moves to an institution, moves from the state, dies, or withdraws from the program.

Therefore, the legislature deems it to be the public policy of this state that programs shall be developed in order to more appropriately meet the care needs of senior citizens through the creation and/or expansion of alternative care services and a resulting reduction in institutional care.

NEW SECTION. Sec. 2. As used in this chapter, the following words and phrases shall have the following meaning unless the content clearly requires otherwise:

(1) "Area agency" means an agency, other than a state agency, designated by the department to carry out programs or services approved by the department in a designated geographical area of the state.

(2) "Area plan" means the document submitted annually by an area agency to the department for approval which sets forth (a) goals and measurable objectives, (b) review of past expenditures and accounting of revenue for the previous year, (c) estimated revenue and expenditures for the ensuing year, and (d) the planning, coordination, administration, social services, and evaluation activities to be undertaken to carry out the purposes of the Older Americans Act of 1965 (42 U.S.C. Sec. 3024 et. seq.), as now or hereafter amended.

(3) "Department" means the department of social and health services.

(4) "Office" shall mean the office on aging which is the organizational unit within the department responsible for coordinating and administering aging problems.

(5) "Eligible persons" means senior citizens who are:

(a) Sixty years of age or more and are either (i) nonemployed, or (ii) employed for twenty hours per week or less; or

(b) Are sixty-five years or more of age;

(c) In need of services to enable them to remain in their customary homes because of physical, mental, or other debilitating impairments.

(6) "Low income" means initial resources or subsequent income at or below forty percent of the state median income as promulgated by the secretary of the United States department of health, education and welfare for Title XX of the Social Security Act, or, in the alternative, a level determined by the department and approved by the legislature.

(7) "Income" shall have the same meaning as RCW 74.04.005(12), as now or hereafter amended; except, that money received from section 6 of this act shall be excluded from this definition.

(8) "Resource" shall have the same meaning as RCW 74.04.005(11), as now or hereafter amended.

(9) "Need" shall have the same meaning as RCW 74.04.005(13), as now or hereafter amended.

NEW SECTION. Sec. 3. (1) The program of community based services authorized under this chapter shall be administered by the department. Such services may be provided by the department or through purchase of service contracts, vendor payments or direct client grants.

The department shall, under stipend or grant programs provided under section 6 of this act, utilize, to the maximum staffing level possible, eligible persons in its administration, supervision, and operation.

(2) The department shall be responsible for planning, coordination, monitoring and evaluation of services provided under this chapter but shall avoid duplication of services.

(3) The department may designate area agencies in cities of not less than twenty thousand population or in regional areas within the state. These agencies

shall submit area plans, as required by the department. They shall also submit, in the manner prescribed by the department, such other program or fiscal data as may be required.

(4) The department shall develop an annual state plan pursuant to the Older Americans Act of 1965, as now or hereafter amended. This plan shall include, but not be limited to:

- (a) Area agencies' programs and services approved by the department;
- (b) Other programs and services authorized by the department; and
- (c) Coordination of all programs and services.

(5) The department shall establish rules and regulations for the determination of low income eligible persons. Such determination shall be related to need based on the initial resources and subsequent income of the person entering into a program or service. This determination shall not prevent the eligible person from utilizing a program or service provided by the department or area agency. However, if the determination is that such eligible person is non-low income, the provision of section 5 of this act shall be applied as of the date of such determination.

NEW SECTION. Sec. 4. The community based services for low income eligible persons provided by the department or the respective area agencies may include:

(1) Access services designed to provide identification of eligible persons, assessment of individual needs, reference to the appropriate service, and follow-up service where required. These services shall include information and referral, outreach, transportation and counseling;

(2) Day care offered on a regular, recurrent basis. General nursing, rehabilitation, personal care, nutritional services, social casework, mental health as provided pursuant to chapter 71.24 RCW and/or limited transportation services may be made available within this program;

(3) Night services offered on a regular, recurrent basis which provide therapeutic programs at other than regular working hours;

(4) In-home care for persons, including basic health care; performance of various household tasks and other necessary chores, or, a combination of these services;

(5) Counseling on death for the terminally ill and care and attendance at the time of death; except, that this is not to include reimbursement for the use of life-sustaining mechanisms;

(6) Health services which will identify health needs and which are designed to avoid institutionalization; assist in securing admission to medical institutions or other health related facilities when required; and, assist in obtaining health services from public or private agencies or providers of health services. These services shall include periodic health screening and evaluation, in-home services, health education, and such health appliances which will further the independence and well-being of the person;

(7) The provision of low cost, nutritionally sound meals in central locations or in the person's home in the instance of incapacity. Also, supportive services may be provided in nutritional education, shopping assistance, diet counseling and other services to sustain the nutritional well-being of these persons;

(8) The provisions of services to maintain a person's home in a state of adequate repair, insofar as is possible, for their safety and comfort. These services shall be limited, but may include housing counseling, minor repair and maintenance, and moving assistance when such repair will not attain standards of health and safety, as determined by the department;

(9) Civil legal services, as limited by RCW 2.50.100, for counseling and representation in the areas of housing, consumer protection, public entitlements, property, and related fields of law.

Sections 1 through 8 and section 10 of this act shall constitute a new chapter in Title 74 RCW and shall terminate January 1, 1978.

NEW SECTION. Sec. 5. The services provided in section 4 of this act may be provided to non-low income eligible persons: PROVIDED, That volunteer workers and public assistant recipients shall be utilized to the maximum extent possible to provide the services provided in section 4 of this act: PROVIDED FURTHER, That when volunteer workers and public assistance recipients are not available, the department shall utilize the bid procedure pursuant to chapter 43.19 RCW for providing such services to low income and non-low income persons whenever the services to be provided are available through private agencies at a cost savings to the department. The department shall establish a fee schedule based on the ability to pay and graduated to full recovery of the cost of the service provided; except, that nutritional services provided in section 4 of this act shall not be based on need.

NEW SECTION. Sec. 6. The department may expand the foster grandparent, senior companion and retired senior volunteer programs funded under the Federal Volunteer Agency (ACTION) (P.L. 93-113 Title II), or its successor agency, which provide senior citizens with volunteer stipends, out-of-pocket expenses, or wages to perform services in the community.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall be known and may be cited as the "Senior Citizens Services Act".

****NEW SECTION. Sec. 8. In the event federal funds are applied for the purposes of obtaining a demonstration project relative to the implementation of this chapter, the department shall submit the demonstration proposal first to the social and health services standing committees of the legislature for review and approval and to the ways and means standing committees of the legislature for review and approval as to costs.***

*Sec. 8. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 9. There is hereby appropriated from the general fund seven million five hundred thousand dollars, of which five million six hundred thousand dollars shall be from federal sources, to carry out the provisions of this act; except, that funds shall be expended only upon approval and receipt of federal funds.

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.

Passed the House March 24, 1976.

Passed the Senate March 24, 1976.

Approved by the Governor April 19, 1976 with the exception of section 8 which is vetoed.

Filed in Office of Secretary of State April 19, 1976.

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

"I am returning herewith without my approval as to one section Second Substitute House Bill No. 1316 entitled:

"AN ACT Relating to senior citizens."

Section 8 of the bill requires the Department of Social and Health Services to submit any demonstration project proposals involving use of federal funds to the standing committees on Social and Health Services and Ways and Means for prior review and approval.

It is essential in our system of government that the Legislature be fully informed on the activities of state agencies carrying out legislative delegations of authority. It is equally important that the executive branch of government, once given legislative guidelines by statute, not be hampered in its administration of the laws by having to seek legislative approval of program decisions at every turn. Section 8 violates this elementary principle of good government by requiring the Department of Social and Health Services, in carrying out the provisions of the bill, to seek prior approval of one phase in its decision-making process from four separate legislative committees. Moreover, there is no question that the process of seeking such approval would involve unnecessary delay in the programs for senior citizens provided by the bill.

I am confident that should federal funds be available, the department can rapidly channel those funds into programs authorized by the bill and do so in a manner consistent with legislative intent.

With the exception of section 8 which I have vetoed for the reasons stated, the remainder of Second Substitute House Bill No. 1316 is approved."

CHAPTER 132

[House Bill No. 1443]

DEPARTMENT OF FISHERIES— CAPITAL PROJECTS BOND ISSUE

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, improving, and equipping of fisheries 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 acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for the department of fisheries, 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 five million one hundred thirty-two thousand nine hundred dollars, or so much thereof as shall be required to finance the capital projects relating to the department of fisheries as determined by the legislature in its capital appropriations act, chapter ..., Laws of 1975-76 2nd ex. sess. 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.

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 1976 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 the principal and redemption premium, if any, 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 1976 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 1976 act, the proceeds from the sale of the bonds and/or bond anticipation notes authorized in sections 1 through 6 of this 1976 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 fisheries capital projects account of the general fund hereby created in the state treasury. All such proceeds shall be used exclusively for the purposes specified in sections 1 through 6 of this 1976 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 1976 fisheries bond retirement fund is hereby created in the state treasury for the purpose of the payment of the principal of and interest on the bonds authorized to be issued pursuant to sections 1 through 6 of this 1976 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 1976 fisheries 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 1976 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 1976 act are added to Title 28B RCW as a new chapter thereof.

NEW SECTION. Sec. 8. If any provision of this 1976 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 1976 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 25, 1976.

Passed the Senate March 26, 1976.

Approved by the Governor April 19, 1976.

Filed in Office of Secretary of State April 19, 1976.

CHAPTER 133

[House Bill No. 1624]

SUPPLEMENTAL BUDGET

AN ACT Relating to expenditures by state agencies and offices of the state; making appropriations for the fiscal biennium beginning July 1, 1975 and ending June 30, 1977; amending section 11, chapter 269, Laws of 1975 1st ex. sess. (uncodified); amending section 67, chapter 269, Laws of 1975 1st ex. sess. (uncodified); amending section 149, chapter 269, Laws of 1975 1st ex. sess. (uncodified); amending section 152, chapter 269, Laws of 1975 1st ex. sess. (uncodified); amending section 157, chapter 269, Laws of 1975 1st ex. sess. (uncodified); amending section 160, chapter 269, Laws of 1975 1st ex. sess. (uncodified); amending section 5, chapter 276, Laws of 1975 1st ex. sess. (uncodified); amending section 9, chapter 276, Laws of 1975 1st ex. sess. (uncodified); amending section 10, chapter 276, Laws of 1975 1st ex. sess. (uncodified); amending section 187, chapter 269, Laws of 1975 1st ex. sess. (uncodified); making other appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. A supplemental budget as set forth in this 1976 amendatory act is hereby adopted and subject to the provisions set forth in this 1976 amendatory act, the several amounts specified in this 1976 amendatory act, or so much thereof as may be necessary 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, including operations and capital improvements, 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.

The appropriations contained in this act for state agencies include such amounts as are reasonably necessary to obtain information from such agencies by the legislature, its committees or its members, or to represent the official request of such agencies to the legislature, its committees or its members.

*NEW SECTION. Sec. 2. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation	\$	1,592,500
Total Appropriation	\$	1,592,500

The appropriation contained in this section shall be subject to the following conditions and limitations: This appropriation may be expended for, but not be limited to (1) a study of the feasibility of creating an

inflation index for expenditure analysis; (2) *implementation of a state-wide property tax study*; (3) employment of counsel pursuant to Senate Resolution 122; (4) continuation of present Public Service Broadcasting television coverage; (5) for hiring attorneys and other additional staff people as may be necessary to defend the state of Washington relative to its position in regards to chapter 125, Laws of 1975 1st ex. sess. (ESHB 527), in which the regulation of the size of tankers entering Puget Sound was passed; and (6) notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess. the house of representatives 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.

*Sec. 2. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 3. FOR THE SENATE

General Fund Appropriation	\$	589,647
Total Appropriation	\$	589,647

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess. the senate 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. Not more than \$287,147 shall be expended by the senate for the purposes of this section.

(2) Not more than \$27,500 shall be expended for the continuation of present Public Service Broadcasting Television coverage of legislative activity and events.

(3) An amount, not to exceed \$25,000 of this appropriation, may be utilized, but not be limited to, senate expenses for hiring attorneys and other additional staff people as may be necessary to defend the State of Washington relative to its position in regards to chapter 125, Laws of 1975 1st ex. sess. (ESHB 527), in which the regulation of the size of tankers entering Puget Sound was passed.

(4) Not more than \$250,000 of this appropriation may be expended for, but not be limited to, senate expenses related to actuarial and other expert staff and services directed toward resolution of problems relating to post retirement cost-of-living adjustments and the effect of proposed pension reform measures now before the legislature.

NEW SECTION. Sec. 4. FOR THE SUPREME COURT

General Fund Appropriation	\$	103,808
Total Appropriation	\$	103,808

The appropriation contained in this section shall be expended solely for expenses incurred in perfecting appellate review of indigent cases.

NEW SECTION. Sec. 5. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation	\$	38,771
Total Appropriation	\$	38,771

The appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively for the additional superior court judge in Whatcom county provided for in chapter 49, Laws of 1975 1st ex. sess.

NEW SECTION. Sec. 6. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation—State	\$	24,687,358
General Fund Appropriation—Federal	\$	1,050,486
Special Fund Salary Increase Revolving Fund Appropriation	\$	9,058,466
Total Appropriation	\$	34,796,310

The appropriations contained in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated herein and shall be subject to the following conditions and limitations:

(1) Not more than \$11,830,552 of general fund moneys (including \$1,040,365 in federal funds) shall be expended to effect, beginning July 1, 1976, partial implementation of the 1975-76 salary survey findings, assuming no reduction in current salaries, (using the indexing system which most directly relates pay for individual state job classifications with prevailing rates determined in the salary survey) for state classified employees and for comparable salary increases for state employees exempt from the classified service.

(2) Not more than \$4,095,485 of general fund moneys shall be expended to effect, beginning July 1, 1976,

partial implementation of the 1975-76 salary survey findings, assuming no reduction in current salaries, (using the indexing system which most directly relates pay for individual state job classifications with prevailing rates determined in the salary survey) for state higher education classified employees.

(3) Not more than \$9,777,624 of general fund moneys shall be expended to provide effective July 1, 1976, an average 5% salary increase for faculty and exempt employees of the four year units of higher education and the community college system: PROVIDED, That no community college district or four year unit of higher education may grant from any fund source any additional salary increase greater than that authorized in this 1976 amendatory act.

(4) Not more than \$34,183 of general fund moneys (including \$10,121 in federal funds) shall be expended to provide, effective July 1, 1976, an average 5% salary increase for commissioned members of the Washington State Patrol.

(5) Not more than \$9,058,466 of Special Fund Salary Increase Revolving Fund moneys shall be expended to provide an average 5% salary increase effective July 1, 1976, to faculty and exempt employees of the four year units of higher education and the community college system, and commissioned members of the Washington State Patrol and to effect, beginning July 1, 1976, partial implementation of the 1975-76 salary survey findings, assuming no reduction in current salaries, (using the indexing system which most directly relates pay for individual state job classifications with prevailing rates determined in the salary survey) for state classified employees and comparable salary increases for state employees exempt from the classified service and for state higher education classified employees. 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.

NEW SECTION. Sec. 7. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation	\$	1,030,220
Total Appropriation	\$	1,030,220

The appropriation contained in this section shall be expended exclusively to implement the provisions of

sections 1 through 4 of chapter 263, Laws of 1975 1st ex. sess.

Sec. 8. Section 11, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

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 Appropriation	\$	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: PROVIDED, That not more than \$150,000 shall be used as matching funds for individual and family grants qualifying under regulations established by the Federal Disaster Assistance Administration.

(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.

NEW SECTION. Sec. 9. FOR THE WASHINGTON STATE WOMEN'S COUNCIL

General Fund Appropriation	\$	11,988
Total Appropriation	\$	11,988

NEW SECTION. Sec. 10. FOR THE OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT

General Fund Appropriation	\$	400,000
Total Appropriation	\$	400,000

The appropriation contained in this section shall be expended exclusively within the Supplies and Services Furnished in Previous Biennia program. Allocations shall be made to state agencies in accordance with instructions from OPP&FM.

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF PERSONNEL

State Employees' Insurance Fund Appropriation	\$	295,892
Total Appropriation	\$	295,892

NEW SECTION. Sec. 12. FOR THE DATA PROCESSING AUTHORITY

General Fund Appropriation	\$	522,254
General Fund—Resource Management Cost Account Appropriation	\$	85,000
Total Appropriation	\$	607,254

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$126,901 of the \$464,254 general fund appropriation contained in this section shall be expended to assist agencies in transferring to a consolidated data processing environment.

(2) The resource management cost account appropriation contained in this section shall be expended to assist the Department of Natural Resources in transferring to a consolidated data processing environment.

(3) \$337,353 of the \$464,254 general fund appropriation contained in this section shall be expended for completion of the payroll/personnel project.

(4) Not more than \$18,000 of the general fund appropriation shall be expended for establishing a higher education common physical inventory system.

(5) Not more than \$40,000 of the general fund appropriation shall be expended for developing a common business identifier system.

NEW SECTION. Sec. 13. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$	228,262
Total Appropriation	\$	228,262

NEW SECTION. Sec. 14. FOR THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Retirement System Expense Fund Appropriation	\$	90,209
Total Appropriation	\$	90,209

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$21,116 shall be expended for creating a new position of internal audit supervisor, including related employee benefits, equipment and supplies.

(2) \$45,085 shall be expended for the implementation of the provisions of chapter 73, Laws of 1975 1st ex. sess. for all retired members of the system who apply.

(3) Not more than \$24,008 shall be expended for additional actuarial services on proposed legislation.

NEW SECTION. Sec. 15. FOR THE TEACHERS' RETIREMENT SYSTEM

General Fund Appropriation—State	\$	500,000
Total Appropriation	\$	500,000

The appropriation contained in this section shall be expended exclusively for the purpose of granting an ad hoc increase for one year in the minimum pension provided in RCW 41.32.497, to seven dollars and fifty cents per month for each year of creditable service to all members who retired prior to April 25, 1973. Such increase shall take effect July 1, 1976.

NEW SECTION. Sec. 16. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation	\$	372,968
General Fund—Motor Transport Account Appropriation	\$	271,477
Total Appropriation	\$	644,445

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$210,000 of the \$372,968 general fund appropriation contained in this section shall be expended for

the maintenance and up-keep of the Northern State Hospital facility.

(2) The department of general administration shall perform minimal maintenance and upkeep of the Northern State Hospital facility from April 1, 1976, through December 31, 1976, or until a lease agreement is completed prior to December 31, 1976.

(3) \$25,000 of the \$372,968 general fund appropriation contained in this section shall be used to terminate employees at the Northern State Hospital facility if a lease agreement is completed prior to December 31, 1976, and to terminate employees at the Northern State Hospital facility if a reduction in force occurs.

(4) \$30,000 of the \$372,968 general fund appropriation contained in this section shall be expended solely to provide for the premium costs of insurance coverage for all state-owned, state-chartered, state-rented or state employee-owned aircraft being used on authorized state business, including passengers. This coverage shall be in force for all such aircraft, whether piloted by a state employee or by an employee or employees of a charter or rental firm.

(5) \$107,968 of the general fund appropriation shall be expended exclusively by the Division of Banking.

NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

State Funding Sources	\$	13,516,519
Federal Funding Sources	\$	8,070,952
Total Funding Sources	\$	21,587,471

The appropriations contained in sections 18 through 22 of this 1976 amendatory act shall be subject to the following conditions and limitations:

(1) The department shall be deemed to have received the necessary approval for the release of funds appropriated by section 62, chapter 269, Laws of 1975 1st ex. sess. (uncodified).

(2) The department shall not implement a twice monthly payment program.

(3) The department may make payment of proper claims for service rendered in the 1973-75 biennium which have been timely filed pursuant to RCW 74.09.160.

(4) The department shall implement the requirements of Initiative 316.

(5) The department shall revise such rules and regulations as pertain to the cost reimbursement system for skilled nursing and intermediate care facilities to allow

vendors under such system to utilize any savings achieved in cost centers other than nursing services without subsequent penalty, within:

(a) The cost centers of (i) restorative care and recreational activities; (ii) dietary services; (iii) facility and patient services; and (iv) nursing services; and

(b) The heat portion of the operation of plant cost center.

(6) The department shall develop and implement an accounting procedure which will provide, in a timely manner, for potential encumbrances of claims filed pursuant to RCW 74.09.160, so that belated claims may be more accurately forecast.

(7) Notwithstanding the limitations contained within Sec. 58(1)(d) of chapter 269, Laws of 1975, 1st ex. sess. (uncodified), if the department finds such action necessary to meet the requirements of section 62 of this 1976 amendatory act, it may reduce the average length of stay below the 75th percentile of the national professional activity survey (PAS) standards for selected surgical procedures.

(8) The department shall develop short and long term comprehensive plans for the entire state correctional system in the form of a substantive legislative proposal which shall be submitted to the 45th Legislature. Such proposal shall include, but not be limited to, the following:

(a) Use of one of the two proposed new facilities for offenders who are mentally ill and/or in need of protective custody;

(b) Use of one of the two proposed new facilities for offenders who are dangerous and/or disruptive;

(c) Significant reduction in incidents of violence and illegal drug trafficking within the facilities;

(d) Restructuring of present and new facilities to provide for a continuum of security ranging from maximum to minimum status. Such a system shall be structured so as to provide for the proper environment for training, treatment, and self-help programs. Restructuring shall include the expansion of the honor camp system or equivalent minimum security units for non-dangerous offenders who are able to function in a minimum security environment;

(e) Extensive development or self-help programs within each facility;

(f) Extensive development of prison industries and the utilization of inmates in prison maintenance;

(g) Expansion of vocational training programs to provide inmates with the certification necessary for transition to employment in the community;

(h) Development of program and job performance standards, and an evaluation process for all adult correction programs operated and/or funded by the department;

(i) Development of a staff recruitment and training policy, the main objective of which is to limit the role of personnel as custodians to the minimum amount necessary to maintain order, and to expand the role of personnel as facilitators for training, treatment, and self-help programs;

(j) Expansion of community resources, to include, but not be limited to, probation and parole services, court diversion, restitution centers, halfway houses, drug and alcoholism treatment centers, and training and employment placement services; and

(k) Thorough examination of the needs for health, dental, and psychological care within the system.

(9) The department shall develop short and long term comprehensive plans for both institutional and community rehabilitative services within the developmental disabilities program in the form of a substantive legislative proposal which shall be submitted to the 45th Legislature. Such proposal shall include, but not be limited to, the following:

(a) The deinstitutionalization of existing facilities, including the priority of residents to be deinstitutionalized;

(b) The level and type of treatment and training both within the institution and in the community;

(c) The roles of both the community colleges and institutions of higher education;

(d) The role of the community and various advocate groups; and

(e) The operational level in funding and full time equivalent staff years.

(10) General assistance for unemployed, employable persons may be provided in accordance with eligibility requirements and standards established by the department to an applicant who:

(a) Meets the eligibility requirements of RCW 74-.08.025; and

(b) Is a resident of the State of Washington; and

(c) Is either:

(i) A single person who is fifty years of age or over;
or

(ii) A married couple when one of the spouses is fifty years of age or older; or

(iii) A minor dependent child living in the home with one or both parents, who are not eligible for aid to families with dependent children or continuing general assistance; or

(iv) A minor child living outside the parental home and enrolled in high school or a vocational training plan approved by the local office of the department.

(11) The department, through the Special Investigations Division, shall utilize up to \$3,900 for the purpose of establishing and publicizing a toll free welfare fraud hotline as a pilot project during the last year of the 1975-77 biennium.

NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADULT CORRECTIONS AND REHABILITATION PROGRAM

(1) COMMUNITY REHABILITATION SERVICES

General Fund Appropriation—State	\$	286,000
Total Appropriation	\$	286,000

The appropriation contained in this subsection shall be subject to the following condition and limitation: Beginning on November 1, 1976, the department shall provide a grant of \$60,000 for the purpose of continuation of the Yakima work training release project;

Beginning April 1, 1977, the department shall provide a grant of \$45,000 for the purpose of continuation of the King County Women's Community program;

Beginning January 1, 1977, the department shall provide a grant of \$45,000 for the purpose of continuation of the Snohomish County Preprosecutorial Diversion program;

Beginning April 1, 1977, the department shall provide a grant of \$60,000 for the purpose of continuation of Progress House, Pierce County; and

Beginning March 1, 1977, the department shall provide a grant of \$76,000 for the purpose of continuation of the Clark County Community based corrections program.

(2) SPECIAL PROJECTS PROGRAM

General Fund Appropriation—State	\$	100,000
Total Appropriation	\$	100,000

The appropriation contained in this subsection shall be subject to the following condition and limitation:

The department shall perform a study in cooperation with private industry to determine the feasibility of a cooperative effort by both the department and private industry in the joint operation of a moderate security facility in a specialized prison work-training program.

NEW SECTION. Sec. 19. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME MAINTENANCE PROGRAM

(1) MAINTENANCE GRANTS

General Fund Appropriation—State	\$	8,451,556
General Fund Appropriation—Federal	\$	4,057,140
Total Appropriation	\$	12,508,696

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) \$12,322,860 (including \$4,057,140 from federal funds) shall be utilized for upgrading maintenance grant standards by 4.0 percent for fiscal year 1977.

(b) \$185,836 shall be utilized for an inflationary increase in congregate care vendor rates for fiscal year 1977.

(2) INTERMEDIATE CARE FACILITIES

General Fund Appropriation—State	\$	304,596
General Fund Appropriation—Federal	\$	320,869
Total Appropriation	\$	625,465

The appropriations contained in this subsection shall be utilized only for vendor rate increases in intermediate care facility vendor rates for fiscal year 1977.

NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM—FAMILY AND CHILDREN SERVICES

General Fund Appropriation—State	\$	260,193
General Fund Appropriation—Federal	\$	105,827
Total Appropriation	\$	366,020

The appropriations contained in this subsection shall be utilized for inflationary increases in vendor rates for fiscal year 1977.

NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

(1) GENERAL MEDICAL ASSISTANCE

General Fund Appropriation—State	\$	3,689,174
General Fund Appropriation—Federal	\$	3,587,116
Total Appropriation	\$	7,276,290

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) \$2,342,860 (including \$1,085,716 from federal funds) shall be utilized to provide medical assistance to new cases resulting from upgrading maintenance grant standards by 4.0 percent for fiscal year 1977.

(b) \$4,183,433 (including \$2,179,554 from federal funds) shall be utilized for vendor rate increases in skilled nursing facility vendor rates for fiscal year 1977.

(c) \$749,997 (including \$321,846 from federal funds) shall be utilized for inflationary increases in vendor rates.

(2) SPECIAL PROJECTS

General Fund Appropriation—State	\$	395,000
Total Appropriation	\$	395,000

The appropriation contained in this subsection shall be subject to the following conditions and limitations:

(a) \$335,000 contained in this subsection shall be expended exclusively by the department for a contract for purchase of research with the Fred Hutchinson Cancer Research Center.

(b) \$60,000 shall be used to purchase services relating to rural health manpower requirements from the Clearinghouse.

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM—ENVIRONMENTAL HEALTH IMPROVEMENT

General Fund Appropriation—State	\$	30,000
Total Appropriation	\$	30,000

The appropriation contained in this section shall be expended exclusively to fund 1.0 FTE staff years for the purposes of investigating wastewater pollution, particularly as it relates to aerobic devices.

NEW SECTION. Sec. 23. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY

General Fund Appropriation—State	\$	15,000
Total Appropriation	\$	15,000

The appropriation contained in this section shall be expended exclusively for a grant to the City of Bremerton to coordinate and study the impact of the Trident Submarine Support Base upon the city as it relates to current and future law enforcement program efforts toward traffic control and the public peace and safety.

*Sec. 24. Section 67, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

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))
		19,142,054
Medical Aid Fund Appropriation	\$	((16,577,497))
		17,261,707
Plumbing Certificate Fund Appropriation	\$	74,100
Electrical License Account Appropriation	\$	3,035,849
Total Appropriation	\$	((43,601,320))
		<u>44,969,740</u>

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))~~ \$2,200,000 shall be expended for the Automated Records Management System (ARMS) under the Industrial Insurance Program, and that the department shall abolish ~~((sixty-five))~~ twenty-six positions in the Industrial Insurance Program ~~((not later than January 30, 1977, as the result of such implementation of ARMS))~~ not later than November 30, 1976, as the result of such implementation of the Automated Records Management System (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 ~~((--))~~ 176, Laws of 1975 1st ex. sess. ~~((~~(SB 2070)~~))~~

(3) Upon the enactment of chapter ~~((--))~~ 296, Laws of 1975 1st ex. sess. ~~((~~(ESSB 2408), \$315,743~~))~~ \$225,245 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.

(4) Not more than \$19,265 of the general fund appropriation contained in this section shall be expended within the Building and Construction Safety program for contractor registration.

*Sec. 24. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 25. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation	\$	600,000
Total Appropriation	\$	600,000

The appropriation contained in this section shall be expended exclusively within the Employment Orientation program.

NEW SECTION. Sec. 26. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Reappropriation	\$	383,920
Total Reappropriation	\$	383,920

The reappropriation contained in this section shall be expended exclusively for the continuation of the Program for Local Service through June 30, 1977.

NEW SECTION. Sec. 27. FOR THE AERONAUTICS COMMISSION

General Fund Aeronautics Account Appropriation	\$	126,000
Total Appropriation	\$	126,000

The appropriation contained in this section shall be expended exclusively for improvement of state owned emergency landing fields.

*Sec. 28. Section 149, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—GENERAL APPORTIONMENT

General Fund Appropriation:

For General Apportionment	\$	((1,073,195,265))
		<u>1,134,954,530</u>
Total Appropriation	\$	((1,073,195,265))
		<u>1,134,954,530</u>

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))~~ (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))~~ (3) 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 or 1977 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))~~ (4) 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 for the 1975-76 school year exceed the average salary increase amount authorized for state employees during the 1974-75 fiscal year and in no event shall such additional allocation for the 1976-77 school year exceed the 5% indicated salary increase amount authorized for state employees during the 1975-76 fiscal year.

~~((6))~~ (5) 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.

(6) Not more than three million dollars of such funds appropriated by this section shall be allocated to districts, during the 1976-77 school year, which have submitted but failed to authorize one or more excess levies for maintenance and operations for collection in 1976 and with a relatively high percentage of urban, rural, racial, and disadvantaged children, to continue quality educational programs for the 1976-77 school year at approximately the same student-teacher ratio that existed during the 1975-76 school year for any such districts or schools within such districts.

(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.

(10) During the 1976-77 fiscal year the superintendent of public instruction may contract for services relating to proprietary educational clinics as an alternative education program for high school dropouts in an amount of not more than \$192,800 of the funds appropriated by this section. The superintendent shall adopt rules and regulations to carry out the provisions of this subsection.

(11) Not more than \$125,000 of such funds appropriated by this section shall be expended for conversion of first class school district financial reports into machine readable form; to assist second class school districts in subscribing to data processing cooperative services and implementing financial accounting changes; and to pay expenses of state-wide school data processing task force and staff coordinator necessary for developing uniform reporting and processing systems for data processing cooperative usage.

NEW SECTION. Sec. 29. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL FUNDING FOR LOW ASSESSED VALUATION DISTRICTS

General Fund Appropriation	\$	4,500,000
Total Appropriation	\$	4,500,000

(1) Not more than \$4,500,000 of such funds appropriated by this section shall be allocated to districts during the 1976-77 school year, which are below the state average assessed valuation per full time equivalent student for excess levies collectible in 1976. Such distribution shall be based upon the following schedule:

<u>ASSESSED VALUATION PER FTE STUDENT</u>	<u>PER FTE STUDENT ALLOCATION</u>
\$30,000 & Below	\$ 25.00
30,001 – 35,000	20.00
35,001 – 40,000	15.00
40,001 – 45,000	10.00
45,001 – 50,000	5.00

(2) Any school district which has been authorized to levy an excess levy for collection in 1977 and which fails to certify and roll back such excess levy to the amount determined to be available under this distribution shall not receive any allotment of the funds made available under this section.

(3) The Superintendent of Public Instruction shall adopt rules and regulations to carry out the provisions of this section.

***NEW SECTION. Sec. 30. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

General Fund—Common School Financial Loan Account

Account Appropriation	\$	120,000,000
Total Appropriation	\$	120,000,000

No portion of the funds appropriated in this section shall be expended until available from the common school financing loan account of the general fund as provided for in chapter ... (SB ...), Laws of 1975-'76 2nd ex. sess.: PROVIDED FURTHER, That all funds shall be advanced to those school districts wishing to participate and in such amounts as in accordance with the common school financing advancement program pursuant to chapter (SB ...), Laws of 1975-'76 2nd ex. sess. and as hereinafter set forth in this section:

(1) The maximum levy eligible for partial advancement reimbursement and to enable any school district to participate in the common school financing advancement program for any school district which submitted excess levies for maintenance and operation purposes in 1974 for 1975 collection and/or in 1975 for 1976 collection

shall be computed by the following formula: **PROVIDED**, That the superintendent of public instruction shall exercise, up to the limitation determined in subsection (1), the discretion permitted him under the provision of RCW 28A.65.095 in such a manner as to allow districts, upon petition, to budget a portion of the total amount of such district's special levy collectable in 1976-77 school year where it appears necessary or desirable to prevent substantial reduction in educational services rendered by such district during the 1976-77 school year.

(a) Such district's per FTE anticipated revenue as determined by the levy submitted in 1974 for 1975 collection or 1975 for 1976 collection, whichever is the greater.

PLUS

(b) An inflation factor of ten percent per year as applied to the base as determined in subdivision (a) of this subsection.

MULTIPLIED BY

(c) Such district's most recent year available actual spring property tax collection rate as determined by the superintendent of public instruction.

MULTIPLIED BY

(d) Such district's estimated annual FTE for the school year for which the advancement program is to be applied: **PROVIDED**, That any district entering the common school financing advancement program for the 1976-77 school year which levied an excess levy for collection in 1976, shall be allowed a maximum levy for the tax collection year 1978 and any subsequent year equal to the amount of revenue derived during the preceding school year from excess levies and the common school financing advancement program with the inflationary factor of ten percent provided for in subsection (1)(b) above.

(2) The maximum levy eligible for partial advancement reimbursement and to enable any school district to participate in the common school financing advancement program for any school district which did not submit excess levies for maintenance and operation purposes in 1974 for 1975 collection or in 1975 for 1976 collection shall be computed by the following formula:

(a) Such district's per FTE 1975-76 apportionment revenue from state and local sources.

PLUS

(b) An inflation factor of ten percent per year as applied to the base as determined in subdivision (a) of this subsection.

MULTIPLIED BY

(c) Such district's most recent years available actual spring property tax collection rate as determined by the superintendent of public instruction.

MULTIPLIED BY

(d) Such district's estimated annual FTE for the school year for which the advancement program is to be applied.

(3) The maximum dollar amount per district which can be advanced by the state to any such district which determines to participate in the financing advancement program and is otherwise qualified under subsections (1) and (2) above shall be determined by the following formula:

Maximum eligible levy established pursuant to subsection (1) or (2) above, as the case may be.

MINUS

The anticipated spring collection property tax within such collection year.

Notwithstanding any other provision of this section, no school district shall be required to enter into the common school financing advancement program as a prerequisite to the receipt of state apportionment funds pursuant to chapter 28A.41 RCW: PROVIDED, That any school district which has entered into said school financing advancement program for one year shall not be required to continue in such program in any subsequent year: PROVIDED FURTHER, That any district which has entered into the school financing advancement program shall be required to transfer to the state general fund the entire amount of any such advancement upon receipt of their fall excess levy collection and in the event such fall levy collection is not sufficient to pay the full amount of the advancement, the district shall provide for the payment of such unpaid balance from other district resources, subject to the withholding of state apportionment funds otherwise due pursuant to chapter 28A.41 RCW: AND PROVIDED FURTHER, That the superintendent of public instruction shall develop rules and regulations to carry out the provisions of this section: AND, PROVIDED FURTHER, That notwithstanding any other provision of this section, any school district desiring to participate in the school financing advancement program which has certified a levy in excess of the

maximum allowable under the provisions of subsections (1) or (2) of this section may participate in such program but shall in no event receive an amount which together with the excess levy spring collection for such year will be greater than the maximum receivable if coming within the provisions of subsections (1) or (2) above.

Distribution of funds pursuant to this section and chapter ... (SB ...), Laws of 1975-'76 2nd ex. sess. shall be subject to rules and regulations of the superintendent of public instruction in accordance therewith.

In the event that any school district shall elect to reduce, pursuant to the provisions of this section, the amount of any 1976 special levy request for collection in 1977 heretofore presented to a county auditor or comparable elected official for special election purposes under the provisions of RCW 29.13.020 prior to the effective date of this section, said county auditor or comparable elected official shall deem the request for such reduced amount to be an emergency matter necessitated by the provisions of this section and shall accordingly reduce the amount of such special levy request for election purposes as requested by a school district in accordance herewith.

*Sec. 30. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 31. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE PACIFIC SCIENCE CENTER

General Fund Appropriation	\$	70,000
Total Appropriation	\$	70,000

The appropriation contained in this section shall be expended exclusively for the purpose of implementing the contract for educational services between the Pacific Science Center and the superintendent of public instruction.

Sec. 32. Section 152, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

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.

(3) The superintendent of public instruction is hereby authorized to expend not more than \$25,456 of the appropriation contained in this section to support the driver's safety training program.

Sec. 33. Section 157, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE GIFTED PUPIL PROGRAM

General Fund Appropriation	\$	(913,000)
		953,000
Total Appropriation	\$	(913,000)
		<u>953,000</u>

The appropriation contained in this section shall be subject to the following conditions ~~((or))~~ and limitations:

(1) 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) A state-wide needs assessment which shall be a six year projection;
- ~~((2))~~ (b) Quantifiable definitions of intellectually and creatively gifted students who are determined eligible for excess cost funding;
- ~~((3))~~ (c) An explanation of screening techniques relating to gifted students;
- ~~((4))~~ (d) A description of instructional methods relating to gifted students;
- ~~((5))~~ (e) Program cost data; and
- ~~((6))~~ (f) Program success data.

(2) During the 1976-77 fiscal year the superintendent of public instruction shall contract for services to support an approved gifted program to be conducted at Fort Worden state park in an amount not to exceed \$65,000 of the appropriation contained in this section.

NEW SECTION. Sec. 34. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation	\$	398,952
Total Appropriation	\$	398,952

The appropriation contained in this section shall be expended exclusively within the Plant Operations and

Maintenance program for inflationary cost increases in fuel.

NEW SECTION. Sec. 35. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation	\$	12,768
Total Appropriation	\$	12,768

The appropriation contained in this section shall be expended exclusively for an inventory of museum holdings.

NEW SECTION. Sec. 36. FOR THE STATE LIBRARY

General Fund Appropriation	\$	55,000
Total Appropriation	\$	55,000

The appropriation contained in this section shall be expended exclusively for the Radio Talking Book program for the blind: PROVIDED, That the program directors develop recommendations regarding common media procedures toward state-wide and expanded individual use.

NEW SECTION. Sec. 37. FOR THE COMMISSION FOR VOCATIONAL EDUCATION

General Fund Appropriation	\$	202,125
Total Appropriation	\$	202,125

The appropriation contained in this section shall be expended exclusively in the Fire Service Training Program.

NEW SECTION. Sec. 38. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund—Indian Cultural Center		
Construction Account Appropriation	\$	1,000,000
Total Appropriation	\$	1,000,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) The appropriation contained in this section shall be expended exclusively for a grant to the City of Seattle for planning, design, construction, furnishing, and landscaping of a regional Indian cultural and educational facility designated as the "People's Lodge" and located at Discovery Park in Seattle.

(2) No bonds, authorized for this purpose upon the enactment of chapter —, Laws of 1975-76 2nd ex. sess. (HB 1527), shall be sold until not less than \$2,700,000 in additional federal and private funding is provided or secured.

NEW SECTION. Sec. 39. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	75,000
Total Appropriation	\$	75,000

The appropriation contained in this section shall be expended exclusively for the development of a viable operatic program in this state.

NEW SECTION. Sec. 40. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation	\$	530,760
Total Appropriation	\$	530,760

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Expenditure of the funds shall be contingent upon the Washington state parks and recreation commission increasing the fees for overnight camping in state parks by one dollar, effective on or before May 1, 1976.

(2) The first \$530,760 collected from the increased fees required by subsection (1) of this section shall be deposited in the state general fund, notwithstanding the provisions of RCW 43.51.270. Any moneys collected by the commission in excess of \$530,760 from the increased fees required by subsection (1) of this section shall be placed in the Trust Land Purchase Account provided for in RCW 43.51.280.

(3) Not more than \$20,000 shall be used to match available federal funds for the support of the Youth Development and Conservation Corps or the Youth Conservation Corps.

NEW SECTION. Sec. 41. FOR THE DEPARTMENT OF GAME

Game Fund Appropriation	\$	62,000
Total Appropriation	\$	62,000

The appropriation contained in this section shall be expended exclusively for increased staffing in the Environmental Management program and for increased costs in the Administrative and Supporting Services program.

NEW SECTION. Sec. 42. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation	\$	255,000
Total Appropriation	\$	255,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$135,000 shall be expended exclusively for an operations review to develop workload standards for the department of fisheries: PROVIDED, That the standing committees on ways and means and natural resources of the legislature shall approve the requirements and results of the study.

(2) Not more than \$120,000 shall be expended for the operation of new salmon rearing facilities becoming operational during the current biennium.

NEW SECTION. Sec. 43. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation	\$	162,500
Total Appropriation	\$	162,500

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) This appropriation shall be expended only for forest insect control and shall be transferred to the Forest Insect and Disease Control Fund only as such funds are actually needed for insect control costs.

(2) On and after the effective date of this 1976 amendatory act, the first \$81,250 of reimbursement received by the department for forest insect control work shall be repaid to the general fund.

NEW SECTION. Sec. 44. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation	\$	19,628
Total Appropriation	\$	19,628

The appropriation contained in this section shall be expended exclusively for starling control the purposes designated herein and shall be subject to the following conditions and limitations:

(1) Not more than \$3,000 shall be expended for starling control.

(2) Not more than \$16,628 shall be expended for beehive inspection in the Regulatory Services program.

NEW SECTION. Sec. 45. FOR THE STATE ENERGY OFFICE

General Fund Appropriation	\$	100,000
Total Appropriation	\$	100,000

The appropriation contained in this section is contingent upon the enactment of chapter 108, Laws of 1975-76, 2nd ex. sess. (ESSB 3172).

NEW SECTION. Sec. 46. FOR THE DEPARTMENT OF MOTOR VEHICLES

General Fund Appropriation	\$	231,231
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General Fund—Professional Engineer's Account Ap- propriation	\$	34,511
Highway Safety Fund Appropriation	\$	199,661
Motor Vehicle Fund Appropriation	\$	159,316
General Fund—Marine Fuel Tax Refund Account Appropriation	\$	12,671
Total Appropriation	\$	637,390

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$12,671 from the general fund—marine fuel tax refund account appropriation shall be expended exclusively for a study of motor vehicle fuel use under the provisions of RCW 43.99.030.

(2) \$78,340 of the general fund appropriation shall be expended exclusively to implement the provisions of chapter 280, Laws of 1975 1st ex. sess.

(3) \$24,698 of the general fund appropriation shall be expended exclusively to implement the provisions of chapter 171, Laws of 1975 1st ex. sess.

(4) \$28,193 of the general fund appropriation shall be expended exclusively to implement the provisions of chapter 190, Laws of 1975 1st ex. sess.

(5) \$90,000 may be expended by the Medical Disciplinary Board to enter into personal services contracts with physicians at the usual, customary, and reasonable fees to perform physical and/or mental examinations ordered by the board under the terms of section 3, chapter 61, Laws of 1975 (RESB 2058) and to enter into personal services contracts with such organizations or individuals as the board deems to be necessary and competent to prepare specific management plans for administrative, investigative, adjudicative, communications, and medical evaluative procedures in order to obtain full implementation of chapter 61, Laws of 1975.

(6) Up to \$10,000 may be expended by the Chiropractic Disciplinary Board to carry out the purposes of RCW 18.26.

(7) \$59,981 of the highway safety fund appropriation shall be expended exclusively to implement the provisions of chapter 244, Laws of 1975 1st ex. sess.

NEW SECTION. Sec. 47. FOR BELATED CLAIMS

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

1976 amendatory act to June 30, 1977, except as otherwise noted.

To reimburse the General Fund for Expenditures from Appropriation for Belated Claims to be disbursed on vouchers approved by the office of program planning and fiscal management:

General Fund—General Contingency Forest Fire Suppression Account Appropriation	\$	10,435.74
General Fund—Professional Engineers Account Appropriation	\$	105.64
General Fund—Land Owner Forest Fire Suppression Account Appropriation	\$	883.38
General Fund—Resources Management Cost Account Appropriation	\$	43,687.82
General Fund—Real Estate Commission Account Appropriation	\$	499.61
General Fund—Litter Control Account Appropriation	\$	4,421.19
Mineral and Lime Fund Appropriation	\$	38.96
Commercial Feed Fund Appropriation	\$	38.96
Seed Fund Appropriation	\$	395.95
Nursery Inspection Fund Appropriation	\$	75.73
Game Fund Appropriation	\$	1,798.74
Grain and Hay Inspection Fund Appropriation	\$	3,574.12
Highway Safety Fund Appropriation	\$	16,052.08
Motor Vehicle Fund Appropriation	\$	62,559.90
Public Service Revolving Fund Appropriation	\$	76.20
State Treasurer's Service Fund Appropriation	\$	941.29
Department of General Administration Facilities and Services Revolving Fund Appropriation	\$	1,174.89
Higher Education Personnel Board Service Fund Appropriation	\$	195.72
Retirement System Expense Fund Appropriation	\$	1,263.12
Teachers' Retirement Fund Appropriation	\$	209.99
Voluntary Firemen's Relief and Pension Fund Appropriation	\$	748.00
Total Appropriation	\$	149,177.03

NEW SECTION. Sec. 48. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

	Reappropriations	From the Fund Designated
(1) To landscape east capital campus Capitol Building Construction Account		268,148
(2) Replace existing fuel oil tank to expand storage capability of central heating plant and improve unloading area Capitol Building Construction Account		132,624

NEW SECTION. Sec. 49. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

	Reappro- priations	From the Fund Designated
(1) Repair and improve utilities and facilities - (omnibus) DSHS Construction Account (HJR 52)		1,500,000
(2) To research, design, and implement dem- onstration projects on energy conservation and solar heating principles in new DSHS construction DSHS Construction Account (HJR 52)		283,337
(3) For the Adult Correction program Completion of environmental impact state- ments for two maximum security facilities and two moderate facilities: PROVIDED, That the environmental impact statements shall not be required for either Walla Walla or Monroe: PROVIDED FURTHER, That the department shall provide a report sub- stantiating community involvement and ac- ceptance of the site selection DSHS Construction Account (HJR 52)		100,000
(4) Construct and equip a maximum security facility, Washington state reformatory: PRO- VIDED, That no existing major buildings or structures, other than a wall, shall be demolished DSHS Construction Account (HJR 52)		10,300,000
(5) For the Developmental Disabilities Program Completion of environmental impact state- ments for eight residential training groups, each consisting of one training center and three state residential homes, which are ge- ographically separated: PROVIDED, That the department shall provide a report substanti- ating community involvement and accept- ance of the site selection DSHS Construction Account (HJR 52)		200,000
(6) For the Veterans' Services Program Repair storm sewer, Soldiers' Home and Colony DSHS Construction Account (HJR 52)		217,000
(7) For the construction of a perimeter secu- rity fence, Western State Hospital DSHS Construction Account (HJR 52)		200,000

Sec. 50. Section 5, chapter 276, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

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		
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
Implementation of a minimum-to-moderate correctional center at Firlands pursuant to section 51(4)(b)(i), chapter 269, Laws of 1975, 1st ex. sess. shall be reviewed by the 1977 legislature (and approved or disapproved at that time).		
(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 facilities, 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		

<u>General Fund</u>	<u>253,452))</u>
<u>(i) (1) Renovate, construct and equip residential units at Lakeland Village, including dietary, road and parking areas, and repair of floors</u>	
<u>(2) Construct and equip small residential and training units at or near Lakeland Village to provide a demonstration of the appropriateness of expanding this concept to other institutions</u>	
DSHS Construction Account (HJR 52)	8,992,049
((f)) <u>(j) Install new elevator, Yakima Valley School</u>	
General Fund	134,540
((m)) <u>(k) Kitchen renovation, School for the Blind</u>	
General Fund	9,524
((n)) <u>(l) Renovate kitchen, primary area, and Administration Building, School for the Blind</u>	
General Fund	320,000
((o)) <u>(m) Install fire alarms and smoke detectors for four cottages and the primary school at the School for the Blind</u>	
General Fund	50,000
((p)) <u>(n) Install exterior freight only elevator on the existing commissary building at the School for the Blind</u>	
General Fund	12,500
((q)) <u>(o) Construct and equip Advanced Classroom Building, School for the Deaf</u>	
General Fund	493,921
((r)) <u>(p) Construct a covered outdoor area, School for the Deaf</u>	
General Fund	21,316
((s)) <u>(q) Remodel kitchen-dining room building at the School for the Deaf</u>	
General Fund	61,287
((t)) <u>(r) Provide secondary source of power, School for the Deaf</u>	
CEP & RI Account	43,680
((u)) <u>(s) Provide fire and safety improvements, School for the Deaf</u>	
General Fund	46,900
((v)) <u>(t) Remodel superintendent's residence for Student Union Building and activate the closed circuit TV system, School for the Deaf</u>	

CEP & RI Account		30,000
((w)) (u) Demolish Watson Hall at State School for the Deaf		
General Fund		44,000
((x)) (v) 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)) (w) Replace boilers, Phase II, Fircrest School		
DSHS Construction Account (HJR 52)		367,700
((z)) (x) 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)) for fire, safety, ((and)) health, and expanded facility standards of the Veterans' Administration, and to construct a ((100)) 78-bed nursing facility at the Veterans' Home and a 40-bed nursing addition at the Soldiers' Home and Colony. Facilities will meet state licensing and Federal Social Security Act, Title XIX standards ((5,250,142)) (7,399,816)		
General Fund—State	369,927*	
DSHS Construction Account (HJR 52)		((1,183,075)) 1,935,461
General Fund—Federal	1,300,000	((2,197,140))
		<u>3,594,428</u>
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. 51. FOR THE STATE PARKS AND RECREATION COMMISSION		

	Reappropriations	From the Fund Designated
Modernization and improvements at state parks to provide safe storage for flammable liquids as set forth in subsections (1) through (3) of this section pursuant to the provisions of section 4(3), chapter 129, Laws of 1972 ex. sess.		
State and Local Improvement Revolving Account—Public Recreation Facilities		
(1) Region I		27,500
(2) Region II		56,000
(3) Region III		30,900

Sec. 52. Section 9, chapter 276, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

	Reappro- priations	From the Fund Designated
(1) Safety installations to meet WISHA requirements ((General Fund—State)) <u>Fisheries Capital Projects Account</u>		270,350
(2) Improved domestic water supplies— ((Nemah)) <u>Nemah and Willapa hatcheries</u> ((General Fund—State)) <u>Fisheries Capital Projects Account</u>		21,000
(3) Pollution abatement facilities for state hatcheries ((General Fund—State)) <u>Fisheries Capital Projects Account</u>		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
<u>Fisheries Capital Projects Account</u>		<u>1,883,800</u>
(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 appropria- tion pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess.	570,189
(8) Spawning habitat improvement projects	
((General Fund—State)) <u>Fisheries Capital Projects Account</u>	235,000
(9) Land acquisition—Columbia River hatcheries	
((General Fund—State)) <u>Fisheries Capital Projects Account</u>	192,000
(10) Exploration, land purchase and design of new production facilities	
((General Fund—State)) <u>Fisheries Capital Projects Account</u>	300,000
(11) Land acquisition for release ponds and pollution abatement facilities	
((General Fund—State)) <u>Fisheries Capital Projects Account</u>	141,000
(12) Release ponds	
(a) George Adams hatchery	
((General Fund—State)) <u>Fisheries Capital Projects Account</u>	((87,500))
	350,000
((General Fund—Federal	87,500))
(b) Green River hatchery	
((General Fund—State)) <u>Fisheries Capital Projects Account</u>	((50,000))
	32,500
General Fund—Federal	32,500
(c) Icy Creek	
((General Fund—State)) <u>Fisheries Capital Projects Account</u>	137,500
General Fund—Federal	137,500
(d) ((Samish)) <u>Nooksack hatchery</u>	
((General Fund—State)) <u>Fisheries Capital Projects Account</u>	90,000
General Fund—Federal	90,000
(e) ((Soleduck hatchery)) <u>Bear Springs Ponds</u>	
((General Fund—State)) <u>Fisheries Capital Projects Account</u>	((650,000))
	87,500
General Fund—Federal	87,500
(f) Skykomish hatchery	

((General Fund—State)) <u>Fisheries Capital Projects Account</u>	((35,000)) 22,500 <u>22,500</u>
General Fund—Federal	<u>22,500</u>
(g) <u>McAllister Springs</u>	
<u>Fisheries Capital Projects Account</u>	<u>100,000</u>
(h) <u>Johns Creek</u>	
<u>Fisheries Capital Projects Account</u>	<u>200,000</u>
General Fund—Federal	<u>200,000</u>
(13) <u>Clam Pond-Point Whitney</u>	
((General Fund—State)) <u>Fisheries Capital Projects Account</u>	30,000
(14) ((Green River hatchery=water system improvement)) <u>Minter Creek Hatchery-Hupp Springs acquisition and development</u>	
((General Fund—State)) <u>Fisheries Capital Projects Account</u>	120,000
(15) <u>Facilities improvement project</u>	
((General Fund—State)) <u>Fisheries Capital Projects Account</u>	289,750
(16) <u>Lewis River hatchery-residence</u>	
((General Fund—State)) <u>Fisheries Capital Projects Account</u>	30,000
(17) <u>Toutle hatchery water supply improvement, release ponds, and freezer replacement</u>	
General Fund—Federal	1,075,000
(18) <u>Klickitat hatchery-rebuild rearing ponds</u>	
General Fund—Federal	75,000
(19) <u>Elokomin hatchery release pond</u>	
General Fund—Federal	275,000

Sec. 53. Section 10, chapter 276, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

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)) (3,782,096)		
Game Fund—State	((1,160,848))	1,215,848
Game Fund—Federal (Reimbursable)		2,179,648
Game Fund—Local (Reimbursable)		386,600
(2) Purchase and develop lands for outdoor recreation ((3,405,500)) (3,868,679)		
Outdoor Recreation Account	((758,000))	472,500
	<u>1,221,179</u>	

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. 54. FOR THE UNIVERSITY OF WASHINGTON

	Reappro- priations	From the Fund Designated
(1) Complete Phase II renovation of Bagley Hall University of Washington Building Account		1,700,000
(2) Complete renovation of Smith Hall University of Washington Building Account		1,550,000
(3) Provide working drawings for locker room space addition to Edmundson Pavilion University of Washington Building Account		67,000
(4) Complete construction and equipping of basement in Kane Hall University of Washington Building Account		924,000

NEW SECTION. Sec. 55. FOR WASHINGTON STATE UNIVERSITY

	Reappro- priations	From the Fund Designated
(1) Construct and equip a chemical storage facility Washington State University Building Account		323,800
(2) Construct and equip a centralized animal laboratory for teaching and research activities Washington State University Building Account		1,521,200
(3) Construct and equip swine facilities at Hastings farm for teaching and research Washington State University Building Account		1,617,200
(4) Provide planning funds for the Intercollegiate Center for Nursing Education State Higher Education Construction Account		183,500
(5) Complete working drawings on Phase I Computer Services-Martin Stadium/Academic Center Washington State University Building Account		272,700

Sec. 56. Section 14, chapter 276, Laws of 1975, 1st ex. sess. (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON STATE COLLEGE

	Reappro- priations	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: <u>PROVIDED,</u>		

That only expenditures related to the working drawings are authorized and that construction shall not commence without the approval of the Legislative Budget Committee

State Higher Education Construction Account	2,456,600
(11) Complete working drawings on aquatics portion of physical education complex Eastern Washington State College Capital Projects Account	60,000
(12) <u>Construct and equip renovations to Science/Isle buildings</u> <u>Eastern Washington State College Capital Projects Account</u>	75,000

NEW SECTION. Sec. 57. FOR CENTRAL WASHINGTON STATE COLLEGE

	Reappropriations	From the Fund Designated
(1) Complete working drawings for remodeling of Bouillion Library State Higher Education Construction Account		170,000
(2) Complete working drawings for remodeling of theatre and drama facilities in McConnell Hall State Higher Education Construction Account		174,000
(3) Provide air conditioning system in Dean Hall Central Washington State College Capital Projects Account		105,675

NEW SECTION. Sec. 58. FOR WESTERN WASHINGTON STATE COLLEGE

	Reappropriations	From the Fund Designated
Construct and equip an addition to and remodel the auditorium/music building State Higher Education Construction Account		1,874,925

NEW SECTION. Sec. 59. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

	Reappropriations	From the Fund Designated
(1) Emergency capital repairs Community College Capital Construction Account		846,349

(2) Construct and equip addition to learning resource center and structural improvements at Clark Community College Community College Capital Construction Account	778,502
(3) Construct and equip utility distribution tunnels at Highline Community College Community College Capital Construction Account	1,220,839
(4) Renovation for fine arts and office space in Old Broadway High School auditorium at Central Seattle Community College Community College Capital Construction Account	2,351,339
(5) Remodel Ehret Hall at Centralia Community College Community College Capital Construction Account	391,973
(6) Construct and equip maintenance shops at Green River Community College Community College Capital Construction Account	430,208
(7) Remodel Art and Music Building for handicapped students at Olympic Community College Community College Capital Construction Account	205,224
(8) Construct and equip greenhouse and science laboratory at Everett Community College Community College Capital Construction Account	81,163
(9) Remodel vocational facilities at Clark Community College Community College Capital Construction Account	905,863
(10) Remodel vocational facilities for flight planning program at Big Bend Community College Community College Capital Construction Account	52,287
(11) Purchase and remodel of dormitory space to office space at Olympic Community College Community College Capital Construction Account	889,788

(12) Construct and equip welding lab, and remodel existing storage facility at Everett Community College Community College Capital Construction Account	441,565
(13) Construct and equip science laboratories and fine arts instructional facility and remodel existing space at Edmonds Community College Community College Capital Construction Account	2,624,299
(14) Construct and equip addition to physical education facility for locker space at Fort Steilacoom Community College Community College Capital Construction Account	229,943
(15) Construct and equip a new learning resource center, central storage facility and remodel existing facilities at Highline Community College Community College Capital Construction Account	6,835,718
(16) Construct and equip instructional space for music at Shoreline Community College Community College Capital Construction Account	1,023,464
(17) Construct and equip learning resource center, vocational, fine arts, and skills lab as well as storage and student activity facility at South Seattle Community College Community College Capital Construction Account	6,023,676
(18) Remodel existing bookstore for geology instruction at Highline Community College Community College Capital Construction Account	142,521
(19) Construct and equip fine arts and office facility and complete lecture hall space at Fort Steilacoom Community College Community College Capital Construction Account	1,011,283
The funds appropriated for the projects in subsections (2) through (19) of this section shall be released only after the Department of General Administration and the Office of Program Planning and Fiscal Management	

have accepted and approved working drawings for the designated projects.

NEW SECTION. Sec. 60. FOR THE LIQUOR CONTROL BOARD

Liquor Board Revolving Fund Appropriation \$ 1,000

The Washington State Liquor Control Board is authorized in its discretion to negotiate for and exchange its warehouse site and building, located at 4201 East Marginal Way South, Seattle, for a warehouse site and building which, with this appropriated amount, shall be of equal or greater value to be provided by the Port of Seattle at a different location in King County.

Sec. 61. Section 187, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

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 base, and the "base level" is defined as the formula entitlement level corresponding to the prior years' contract or actual enrollment level, whichever is lower(~~Controls~~): PROVIDED, That for the initial year of the biennium for community colleges the base for implementing the contract level shall be the budgeted enrollment level as determined by the state board for community college education at which each college district was funded for the 1974-75 year. The provisions of contract enrollment 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 withhold during the same or subsequent year and shall revert to the state general fund following the close of the 1975-77 biennium.))

****NEW SECTION. Sec. 62. If on the basis of revenue estimates and projections effective May 1, 1976, the Governor determines that general fund expenditures are***

likely to exceed general fund revenues for the current biennium, he shall order reductions in expenditure by agencies in the executive branch, excluding higher education faculty and the state common school system, up to an aggregate amount not to exceed \$20,000,000. For the purposes of this section, the 1975-77 general fund appropriations made to state agencies headed by persons elected or appointed pursuant to Article III of the Washington State Constitution or RCW 48.02.010, including the office budget of the superintendent of public instruction and the appropriation to the educational service districts within the superintendent of public instruction's budget, shall be reduced proportionally to those reductions required of executive agencies by the standing committees on ways and means of the House and Senate under the provision of RCW 43.88.115. The office of program planning and fiscal management, at the direction of the Governor, shall determine the amount of savings by each agency: PROVIDED, That if a reduction in force is required to implement the provisions of this section, such reduction shall be based proportionally among merit system classifications and exempt personnel without prohibiting a higher percentage of reductions among exempt or administrative personnel: PROVIDED, That 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 or settled in whole or in part, there is hereby appropriated \$20,000,000, or so much thereof as may be necessary, to the general fund from Suspense Fund 705 which may be used in lieu of the reduction in expenditures provided by this section: PROVIDED FURTHER, That the reduction in expenditures provided for in the above must be initiated as of July 1, 1976, and the reimbursement may be used, after receipt thereof and to the extent available, to return the expenditure level to a level no higher than that in existence as of July 1, 1976.

*Sec. 62. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 63. There is hereby appropriated to the general fund the sum of \$5,508,264 from Suspense Fund 705.

NEW SECTION. Sec. 64. If any provision of this 1976 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. 65. This 1976 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, 1976.

Passed the Senate March 26, 1976.

Approved by the Governor April 19, 1976 with the exception of certain sections and items which are vetoed.

Filed in Office of Secretary of State April 19, 1976.

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

"I am returning herewith without my approval as to certain sections and items House Bill No. 1624 entitled:

"AN ACT Relating to expenditures by state agencies and offices of the state; making appropriations for the fiscal biennium beginning July 1, 1975 and ending June 30, 1977."

The specific sections and items which I have vetoed are as follows:

1. House of Representatives – property tax study.

On page 2, section 2, I have vetoed subsection (2) which provides for implementation of a statewide property tax study.

There comes a time for every problem when action, not further study, is required to resolve the problem. Property taxes in this state have been subjected to the most thorough study in the past few years. The problems with our property tax system have been pinpointed in these studies, and recommendations have been made accordingly. This administration, with the help of county officials across the state has sought from the Legislature for the past two sessions funding to implement the key recommendations of past studies, including an annual revaluation program. Further study at this time is, in my opinion, unmitigated waste of public funds.

2. Labor & Industries – restriction on building and construction safety program.

On page 21, section 24, I have vetoed subsection (4) which limits to \$19,265 the amount which may be expended for the building and construction safety program for contractor registration.

The apparent intent of this subsection, according to the chairmen of the House and Senate Ways and Means Committees, was to direct the Department of Labor and Industries to expend the sum of \$19,265 for the hiring of a contract compliance officer within the building and construction safety program. As drafted, however, the language very clearly bars the department from spending any more than that amount on the entire program, which has a total biennial budget in excess of \$400,000.

3. SPI – proprietary education clinics.

On page 26, section 28, I have vetoed subsection (10) which permits the Superintendent of Public Instruction to contract with proprietary education clinics for alternative education programs for high school dropouts.

The provisions of this subsection are similar to the concept contained in House Bill 1422 and Senate Bill 3166, neither of which passed in its house of origin. I am advised by the Superintendent that while the concept of alternative education systems may be worthy of state support, he believes public subsidy of proprietary education clinics should not be instituted without specific legislative direction and guidelines. The action taken in this subsection could well lead to significant financial commitment over the next several years. I agree with the Superintendent's concerns, and join in his suggestion that the Legislature consider this issue in depth at its next regular session.

4. SPI – Common school financial loan program.

On page 27, I have vetoed section 30 which authorizes school districts to borrow from the state an amount equal to the anticipated second half collections from an approved special levy for use during the proceeding school year.

The funds which would have been used by the state to make such loans to school districts were to have come from issuance of general obligation bonds of the state pursuant to an authorization contained in Substitute Senate Bill No. 2967, which failed to pass the Legislature.

I have said in past weeks, in reiterate at this time, that this scheme constitutes a fiscally irresponsible and wholly inadequate means for the solution of our state's school financing crisis. At its best, it provided an expedient escape for its supporters from having to pass an honest and forthright program which may have required additional taxes. At its worst, it constituted the first and disastrous step toward abusing the credit of the state by funding current operational expenses from general obligation bond proceeds. The bitter experience of other states and the consequent burden on their taxpayers for millions of dollars in additional interest costs apparently did not concern the supporters of this scheme. As long as I have been associated with state government, I have never seen a more deplorable example of expedience being

substituted for wisdom on an issue of the magnitude of school funding. It is my fervent hope that the people of this state shall not see the likes of this scheme again.

5. Expenditure reductions.

On page 64, I have vetoed section 62 which provides for reductions in expenditures in the event there are insufficient revenues to support the spending program authorized by the Legislature.

The language of this section makes it very apparent that the Legislature itself is convinced of the likelihood of revenues not meeting expenditures notwithstanding public declarations to the contrary by majority leadership. Indeed, it amounts to not less than an unsolicited admission of the fact. For I see no other good reason why the Legislature has chosen to restate in this budget document the essential elements of RCW 43.88.110 and .115 of the Budget and Accounting Act. The two cited sections deal specifically with the contingency of expenditures exceeding anticipated revenues and the responsibility of the Governor under those circumstances to reduce expenditures to the extent necessary. There is no need to re-enact those provisions in this budget document, and I am fully prepared to make the necessary reductions pursuant to the provisions of the Budget and Accounting Act.

I take this opportunity also to point out my concern over the recent trend by legislative drafters of incorporating substantive legislation into budget bills. One example of such drafting is found in Section 17, subsection (6), which relates to accounting procedures on claims by public assistance vendors, and another in subsection (7), which deals with average lengths of stay of persons receiving aid under the medical assistance program. I believe that provisions such as these involve policy considerations that should be dealt with by the Legislature in separate bills, rather than inserting them into budget bills, where substantive changes in policy will not receive adequate study and consideration, and where they tend to create confusion for the appropriation provisions of the budget bill. While I am not vetoing these and other similar items, I strongly urge the Legislature to put an end to this kind of drafting.

I am also directing the Office of Program Planning and Fiscal Management to exercise strict supervision through the allotment process over the expenditure of \$202,125 authorized in section 37 for the Fire Service Training Program under the Commission for Vocational Education. While there may be some merit to that program, I am not convinced of its urgency in a time when all state agencies are being cut back because of our difficult fiscal straits. If at any time the actual expenditure of any portion of the appropriation is found not to be justified, I will expect that appropriate action be taken to withhold the funds from the program.

With the exception of the foregoing sections and items which I have vetoed for the reasons stated, the remainder of House Bill No. 1624 is approved."

PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED
AT THE 1975-76 2ND EXTRAORDINARY SESSION
FOR SUBMISSION TO THE VOTERS AT THE
STATE GENERAL ELECTION, NOVEMBER 1976

SENATE JOINT RESOLUTION NO. 137

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 Article VII of the Constitution of the state of Washington by amending section 2 thereof, as amended by Amendments 55 and 59, to read as follows:

Article VII, section 2. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one per centum of the true and fair value of such property in money: PROVIDED, HOWEVER, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election: PROVIDED, That notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools may provide such support for a two year period;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to

do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: PROVIDED, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, AND PROVIDED FURTHER, That the provisions of this section shall also be subject to the limitations contained in Article VIII, section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

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 Senate January 22, 1976.

Passed the House February 24, 1976.

Filed in Office of Secretary of State February 25, 1976.

PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED
AT THE 1975-76 2ND EXTRAORDINARY SESSION
FOR SUBMISSION TO THE VOTERS AT THE
STATE GENERAL ELECTION, NOVEMBER 1976

SUBSTITUTE SENATE JOINT RESOLUTION NO. 139

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 amending Article II, section 25 (Amendment 35) to read as follows:

Article II, section 25. The legislature shall never grant any extra compensation to any public officer, agent, employee, servant, or contractor, after the services shall have been rendered, or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office: PROVIDED, That notwithstanding the provisions of section 13 of Article II, section 1 of Article XXVIII (Amendment 20), and section 1 of Article XXX (Amendment 54), when a salary increase or decrease first becomes effective for a majority of the

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members of the legislature, such increase or decrease shall then apply to all members of the legislature. Nothing in this section shall be deemed to prevent increases in pensions after such pensions shall have been granted.

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 Senate March 26, 1976.

Passed the House March 26, 1976.

Filed in Office of Secretary of State March 26, 1976.

**PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED
AT THE 1975-76 2ND EXTRAORDINARY SESSION
FOR SUBMISSION TO THE VOTERS AT THE
STATE GENERAL ELECTION, NOVEMBER 1976**

HOUSE JOINT RESOLUTION NO. 64

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 section 17 to Article XI to read as follows:

NEW SECTION. Article XI, section 17. In addition to the methods of framing a "Home Rule" charter which are contained in section 4 of this Article, a charter may be framed as provided in this section. The legislature shall without delay enact legislation that creates the county home rule commission which under the supervision of the legislature shall draft at least three but not more than five model "Home Rule" charters, any one or more of which may be submitted to voters of the county for approval and ratification, or rejection, by either: (1) A resolution of the county legislative authority; or (2) the filing of a petition calling for such an election which is signed by registered voters of any such county equal in number to ten per centum of the voters voting at the last preceding general election in the county. The county home rule commission shall be a temporary commission which shall be appointed by the governor with one-third of the commissioners being members of the legislature, one-third of the commissioners being incumbent elected county officials, and one-third of the commissioners being members of the general public of the state. A new county home rule commission with the same membership qualifications shall be appointed by the governor to redraft any of the model "Home Rule" charters upon the adoption of a resolution by the legislature calling for such appointment.

Upon the approval and ratification of such a proposed "Home Rule" charter by a majority of the voters of the county who vote on such a proposition, the charter shall become the organic law of the county and supersede any existing charter, including amendments thereto, or any existing form of county government, and all special laws inconsistent with such charter.

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 20, 1976.

Passed the Senate February 19, 1976.

Filed in Office of Secretary of State February 24, 1976.

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 1975-76 2nd Ex. Sess. (2nd 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 fourteenth day of May, 1976.



Richard O. White

RICHARD O. WHITE
Code Reviser

TABLE: BILL NO. TO CHAPTER NO.

Bill Number	Chapter Number of Laws of 1975-76	Bill Number	Chapter Number of Laws of 1975-76
Init. No.			
316	9 E2	SSB 3267	86 E2
SENATE		SSB 3268	70 E2
SSB 2006	115 E2	SSB 3271	68 E2
SSB 2038	101 E2	SSB 3274	69 E2
SB 2060	21 E2	SB 3281	103 E2
SSB 2088	40 E2	HOUSE	
SSB 2130	41 E2	HB 38	47 E2
SSB 2243	42 E2	HB 70	48 E2
SB 2440	63 E2	SHB 75	129 E2
SB 2537	102 E2	SHB 90	87 E2
SSB 2635	43 E2	SHB 77	120 E2
SB 2660	22 E2	HB 271	130 E2
SB 2742	81 E2	HB 425	49 E2
SSB 2963	116 E2	SHB 455	50 E2
SB 2971	2 E2	HB 671	33 E2
SB 2978	3 E2	SHB 676	51 E2
SB 2980	4 E2	SHB 721	58 E2
SB 2989	111 E2	HB 739	59 E2
SB 2994	23 E2	SHB 769	62 E2
SSB 2996	24 E2	SHB 771	74 E2
SB 3000	25 E2	SHB 779	106 E2
SSB 3001	44 E2	SHB 802	34 E2
SSB 3003	82 E2	HB 840	75 E2
SB 3009	26 E2	HB 971	61 E2
SB 3017	93 E2	HB 1166	10 E2
SB 3026	90 E2	HB 1229	1 E2
SB 3032	78 E2	HB 1230	5 E2
SB 3033	13 E2	HB 1237	52 E2
SB 3036	91 E2	HB 1240	6 E2
SB 3038	100 E2	HB 1242	7 E2
SB 3040	83 E2	HB 1243	8 E2
SB 3047	45 E2	HB 1244	60 E2
SB 3056	46 E2	HB 1255	76 E2
SB 3058	27 E2	HB 1257	35 E2
SB 3061	14 E2	HB 1259	36 E2
SB 3066	28 E2	HB 1266	79 E2
SB 3067	29 E2	HB 1272	121 E2
SB 3070	64 E2	HB 1291	53 E2
SB 3074	65 E2	SHB 1299	11 E2
SB 3076	30 E2	HB 1311	94 E2
SB 3091	92 E2	HB 1313	110 E2
SB 3094	31 E2	HB 1314	97 E2
SSB 3097	117 E2	SHB 1316	131 E2
SB 3116	71 E2	SHB 1329	112 E2
SSB 3127	118 E2	HB 1340	95 E2
SB 3129	72 E2	HB 1342	96 E2
SB 3138	32 E2	HB 1343	113 E2
SB 3148	66 E2	HB 1344	37 E2
SB 3149	84 E2	SHB 1345	98 E2
SSB 3158	73 E2	SHB 1347	38 E2
SSB 3172	108 E2	HB 1355	122 E2
SSB 3226	124 E2	HB 1356	15 E2
SSB 3233	12 E2	HB 1357	16 E2
SSB 3246	105 E2	HB 1358	17 E2
SB 3247	67 E2	HB 1359	18 E2
SB 3257	85 E2	HB 1360	19 E2
SB 3261	104 E2	HB 1361	20 E2
		SHB 1364	114 E2

"E2" Denotes 2nd ex. sess.

TABLE: BILL NO. TO CHAPTER NO.

Bill Number		Chapter Number Laws of 1975-76
SHB	1366	88 E2
HB	1376	77 E2
HB	1382	54 E2
HB	1403	125 E2
HB	1404	80 E2
HB	1434	55 E2
HB	1436	39 E2
HB	1440	126 E2
HB	1441	107 E2
HB	1443	132 E2
SHB	1470	56 E2
HB	1496	89 E2
HB	1497	109 E2
HB	1502	123 E2
HB	1505	127 E2
HB	1527	128 E2
HB	1529	57 E2
SHB	1544	119 E2
SHB	1612	99 E2
HB	1624	133 E2

TABLE OF RCW SECTIONS AFFECTED BY 1975-76 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
1.16.030	AMD	118 E2	21	15.44.038	AMD	34 E2	15
1.16.050	AMD	24 E2	1	15.60.010	AMD	34 E2	16
2.08	ADD	34 E2	1	15.60.020	AMD	34 E2	17
2.08.062	AMD	79 E2	1	15.63.110	AMD	34 E2	18
2.28	ADD	34 E2	2	15.65.270	AMD	34 E2	19
2.52.080	AMD	34 E2	5	15.66.130	AMD	34 E2	20
2.56.060	AMD	34 E2	6	15.76.170	AMD	34 E2	21
3.34.050	AMD	120 E2	8	16.67.070	AMD	34 E2	22
3.50.040	AMD	35 E2	1	17.10.030	AMD	34 E2	23
4.16.350	AMD	56 E2	1	17.21.270	AMD	34 E2	24
4.24.240	AMD	56 E2	4	18.04.080	AMD	34 E2	25
4.28	ADD	56 E2	2	18.04.230	AMD	34 E2	26
4.28.185	AMD	42 E2	22	18.08.120	AMD	34 E2	27
4.56	ADD	56 E2	5	18.15.055	AMD	34 E2	28
4.84.080	AMD	30 E2	2	18.15.140	AMD	34 E2	29
5	ADD	56 E2	3	18.18.104	AMD	34 E2	30
7	ADD	56 E2	6-13	18.18.251	AMD	34 E2	31
9.01.040	REP	38 E2	19	18.25.017	AMD	34 E2	32
9.46	ADD	87 E2	1	18.26.070	AMD	34 E2	33
9.46.020	AMD	87 E2	2	18.32.050	AMD	34 E2	34
9.46.030	AMD	87 E2	3	18.35.150	AMD	34 E2	35
9.46.050	AMD	34 E2	7	18.37.010	AMD	39 E2	1
9.46.070	AMD	87 E2	4	18.37.020	AMD	39 E2	2
9.48.030	REP	38 E2	19	18.37.030	AMD	39 E2	3
9.76.030	REP	38 E2	19	18.37.040	AMD	39 E2	4
9.87.010	AMD	100 E2	2	18.37.050	AMD	39 E2	5
9.94.040	REEN	38 E2	18	18.37.060	AMD	39 E2	6
9.94.060	REP	38 E2	19	18.37.080	AMD	39 E2	7
9.95.003	AMD	34 E2	8	18.37.090	AMD	39 E2	8
9.95.007	AMD	63 E2	1	18.37.100	AMD	34 E2	36
9.95.040	AMD	63 E2	2	18.43.030	AMD	34 E2	37
9A.08.020	AMD	38 E2	1	18.52.060	AMD	34 E2	38
9A.20.020	AMD	38 E2	2	18.54.130	AMD	34 E2	39
9A.32	ADD	9 E2	1-4	18.64.003	AMD	34 E2	40
9A.32.030	AMD	38 E2	3	18.71.015	AMD	34 E2	41
9A.32.050	AMD	38 E2	4	18.72.100	AMD	34 E2	42
9A.36.020	AMD	38 E2	5	18.73.040	AMD	34 E2	43
9A.48.010	AMD	38 E2	6	18.74.020	AMD	34 E2	44
9A.52.030	AMD	38 E2	7	18.78.040	AMD	34 E2	45
9A.56.010	AMD	38 E2	8	18.78.110	AMD	34 E2	46
9A.56.020	AMD	38 E2	9	18.78.120	AMD	34 E2	47
9A.56.110	AMD	38 E2	10	18.83.051	AMD	34 E2	48
9A.56.180	AMD	38 E2	11	18.85.080	AMD	34 E2	49
9A.60.010	AMD	38 E2	12	18.88.080	AMD	34 E2	50
9A.60.020	AMD	38 E2	13	18.88.090	AMD	34 E2	51
9A.60.030	AMD	38 E2	14	18.90.020	AMD	34 E2	52
9A.60.050	AMD	38 E2	15	18.92.040	AMD	34 E2	53
9A.72.060	AMD	38 E2	16	18.96.050	AMD	34 E2	54
9A.80.010	AMD	38 E2	17	18.104.090	AMD	34 E2	55
10.01	ADD	96 E2	1-3	18.106.110	AMD	34 E2	56
10.85.030	AMD	25 E2	1	18.108.020	AMD	34 E2	57
11.02.005	AMD	42 E2	23	19.16.310	AMD	34 E2	58
11.04.081	AMD	42 E2	24	19.27	ADD	11 E2	1
12.20.060	AMD	30 E2	1	19.27	ADD	37 E1	1,2
13.04.095	AMD	71 E2	2	19.27.070	AMD	34 E2	59
14.04	ADD	73 E2	1	19.28.065	AMD	34 E2	60
14.04.030	AMD	34 E2	9	19.28.070	AMD	34 E2	61
14.04.040	AMD	34 E2	10	19.28.123	AMD	34 E2	62
15.04.040	AMD	34 E2	11	19.28.270	AMD	34 E2	63
15.24.050	AMD	34 E2	12	21.20.470	AMD	34 E2	64
15.26.100	AMD	34 E2	13	21.20.590	AMD	34 E2	65
15.28.090	AMD	34 E2	14	26	ADD	42 E2	2-21

"E2" Denotes 2nd ex. sess.

TABLE OF RCW SECTIONS AFFECTED BY 1975-76 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
			42-45				
26.04.060	AMD	42 E2	25	28A.57.357	REEN	15 E2	7
26.24.010	REP	42 E2	41	28A.57.358	REEN	15 E2	8
26.24.020	REP	42 E2	41	28A.57.415	REEN	15 E2	9
26.24.030	REP	42 E2	41	28A.58	ADD	23 E2	1
26.24.040	REP	42 E2	41	28A.58	ADD	32 E2	1
26.24.050	REP	42 E2	41	28A.58	ADD	90 E2	1
26.24.060	REP	42 E2	41	28A.58	ADD	97 E2	3
26.24.070	REP	42 E2	41	28A.58	ADD	114 E2	5
26.24.080	REP	42 E2	41	28A.58.0461	AMD	80 E2	1
26.24.090	REP	42 E2	41	28A.58.101	AMD	97 E2	2
26.24.100	REP	42 E2	41	28A.58.130	REP	118 E2	29
26.24.110	REP	42 E2	41	28A.58.135	AMD	26 E2	1
26.24.120	REP	42 E2	41	28A.58.137	REEN	15 E2	10
26.24.130	REP	42 E2	41	28A.58.137	AMD	114 E2	10
26.24.140	REP	42 E2	41	28A.58.150	AMD	118 E2	30
26.24.150	REP	42 E2	41	28A.58.450	AMD	114 E2	2
26.24.160	REP	42 E2	41	28A.58.480	AMD	114 E2	6
26.24.170	REP	42 E2	41	28A.58.490	AMD	114 E2	7
26.24.180	REP	42 E2	41	28A.58.515	AMD	114 E2	8
26.24.190	REP	42 E2	41	28A.60.070	REEN	15 E2	11
26.28.110	REP	42 E2	41	28A.60.186	REP	15 E2	19
26.32.030	AMD	42 E2	26	28A.60.210	REEN	15 E2	12
26.32.040	AMD	42 E2	27	28A.65.010	REP	118 E2	34
26.32.050	AMD	42 E2	28	28A.65.020	REP	118 E2	34
26.32.070	AMD	42 E2	29	28A.65.030	REP	118 E2	34
26.32.080	AMD	42 E2	30	28A.65.040	REP	118 E2	34
26.32.085	AMD	42 E2	31	28A.65.050	REP	118 E2	34
26.32.300	AMD	42 E2	32	28A.65.060	REP	118 E2	34
26.32.310	AMD	42 E2	33	28A.65.070	REP	118 E2	34
26.37.010	AMD	42 E2	34	28A.65.075	REP	118 E2	34
26.37.015	AMD	42 E2	35	28A.65.080	REEN	15 E2	13
27	ADD	31 E2	1,2	28A.65.080	REP	118 E2	34
27.04.020	AMD	34 E2	66	28A.65.090	REP	118 E2	34
27.53.020	AMD	82 E2	1	28A.65.095	REP	118 E2	34
27.53.060	AMD	82 E2	2	28A.65.100	REEN	15 E2	14
27.53.070	AMD	82 E2	3	28A.65.100	REP	118 E2	34
27.53.090	AMD	82 E2	4	28A.65.110	REP	118 E2	34
28A	ADD	118 E2	34	28A.65.120	REEN	15 E2	15
28A.01.020	AMD	118 E2	22	28A.65.120	REP	118 E2	34
28A.02.061	AMD	24 E2	2	28A.65.141	REP	118 E2	34
28A.03	ADD	98 E2	1	28A.65.142	REP	118 E2	34
28A.03.050	REP	15 E2	19	28A.65.150	REEN	15 E2	16
28A.03.350	AMD	118 E2	23	28A.65.150	REP	118 E2	34
28A.04.110	AMD	34 E2	67	28A.65.153	REP	118 E2	34
28A.04.120	AMD	92 E2	1	28A.65.155	REP	118 E2	34
28A.04.132	AMD	97 E2	1	28A.65.160	REP	118 E2	34
28A.21.060	AMD	34 E2	68	28A.65.170	REP	118 E2	34
28A.21.130	AMD	34 E2	69	28A.65.175	REP	118 E2	34
28A.44.080	AMD	118 E2	24	28A.65.180	REP	118 E2	34
28A.44.085	AMD	118 E2	25	28A.65.190	REP	118 E2	34
28A.44.090	AMD	118 E2	26	28A.66.070	AMD	118 E2	31
28A.48.010	AMD	118 E2	27	28A.66.100	AMD	118 E2	32
28A.48.050	REP	15 E2	19	28A.67	ADD	114 E2	1
28A.48.090	REP	15 E2	19	28A.67	ADD	114 E2	9
28A.48.100	AMD	118 E2	28	28A.67.065	AMD	114 E2	3
28A.57.032	REEN	15 E2	1	28A.67.070	AMD	114 E2	4
28A.57.050	REEN	15 E2	2	28A.70.005	AMD	92 E2	2
28A.57.140	REEN	15 E2	3	28A.70.110	REEN	15 E2	17
28A.57.200	REEN	15 E2	4	28A.70.110	REEN	92 E2	3
28A.57.328	REEN	15 E2	5	28A.70.130	AMD	92 E2	4
28A.57.356	REEN	15 E2	6	28A.70.140	AMD	92 E2	5
				28A.71.100	REEN	15 E2	18

TABLE OF RCW SECTIONS AFFECTED BY 1975-76 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
28A.72.020	REP	5 E2	7	41	ADD	105 E2	4-17
28A.72.060	REP	5 E2	7	41.04	ADD	34 E2	3
28A.72.080	REP	5 E2	7	41.04	ADD	106 E2	1
28A.72.100	REP	5 E2	7	41.04.260	AMD	34 E2	84
28A.87	ADD	100 E2	1	41.05.010	AMD	106 E2	2
28A.91.050	AMD	34 E2	70	41.05.020	AMD	34 E2	85
28A.92.050	AMD	34 E2	71	41.05.020	AMD	106 E2	3
28B	ADD	107 E2	1-9	41.05.050	AMD	106 E2	4
28B	ADD	132 E2	1-6	41.05.070	AMD	106 E2	5
28B.10	ADD	81 E2	1	41.05.080	AMD	106 E2	6
28B.10.525	AMD	34 E2	72	41.06	ADD	43 E2	4
28B.14.010	AMD	126 E2	1	41.06	ADD	108 E2	10
28B.16.060	AMD	34 E2	73	41.06	ADD	115 E2	7
28B.20	ADD	12 E2	1-3	41.06.110	AMD	34 E2	86
28B.50.050	AMD	34 E2	74	41.06.110	AMD	43 E2	1
28B.50.060	AMD	34 E2	75	41.06.120	AMD	43 E2	2
28B.50.245	AMD	34 E2	76	41.06.170	AMD	43 E2	3
28B.80.110	AMD	34 E2	77	41.16.145	AMD	44 E2	1
28B.81.090	AMD	34 E2	78	41.18.104	AMD	44 E2	2
28C.04.070	AMD	34 E2	79	41.24.050	AMD	67 E2	1
28C.04.510	AMD	86 E2	1	41.24.150	AMD	76 E2	1
29.01	ADD	120 E2	14	41.24.160	AMD	76 E2	2
29.04	ADD	46 E2	2,3	41.24.180	AMD	76 E2	3
29.04	ADD	129 E2	1,2	41.24.220	AMD	76 E2	4
29.04.040	AMD	129 E2	3	41.24.230	AMD	76 E2	5
29.04.050	AMD	129 E2	4	41.24.270	AMD	34 E2	87
29.04.100	AMD	46 E2	1	41.24.310	AMD	34 E2	88
29.13.010	AMD	3 E2	1	41.26.060	AMD	44 E2	3
29.13.010	AMD	111 E2	1	41.32	ADD	85 E2	1
29.13.020	AMD	111 E2	2	41.32.060	AMD	34 E2	89
29.13.047	AMD	4 E2	1	41.32.420	REEN	16 E2	1
29.18.040	AMD	112 E2	1	41.40	ADD	34 E2	4
29.21	ADD	120 E2	13	41.40.050	AMD	34 E2	90
29.21.010	AMD	120 E2	1	41.56.440	AMD	14 E2	1
29.21.015	AMD	120 E2	2	41.56.450	AMD	14 E2	2
29.21.060	AMD	120 E2	3	41.58.015	AMD	34 E2	91
29.21.140	AMD	120 E2	4	41.59.040	AMD	34 E2	92
29.21.150	AMD	120 E2	5	41.60	ADD	122 E2	5
29.21.160	AMD	120 E2	6	41.60.020	AMD	122 E2	1
29.21.170	REP	120 E2	15	41.60.040	AMD	122 E2	2
29.21.230	REP	120 E2	15	41.60.050	AMD	122 E2	3
29.21.350	AMD	120 E2	9	41.60.070	AMD	122 E2	4
29.21.360	AMD	120 E2	10	41.60.900	AMD	122 E2	6
29.21.370	AMD	120 E2	11	42.17	ADD	112 E2	9-15
29.21.380	AMD	120 E2	12	42.17.090	AMD	112 E2	3
29.24.110	REP	120 E2	15	42.17.100	AMD	112 E2	4
29.33.220	AMD	46 E2	4	42.17.110	AMD	112 E2	5
29.79.490	AMD	112 E2	2	42.17.130	AMD	112 E2	6
29.80.010	AMD	4 E2	2	*42.17.240	AMD	104 E2	1
29.82.010	AMD	47 E2	1				
29.82.015	AMD	47 E2	2				
35.20.150	AMD	120 E2	7	42.17.240	AMD	112 E2	7
36.32.400	AMD	106 E2	7	42.17.310	AMD	82 E2	5
36.58	ADD	58 E2	1-4	42.17.350	AMD	34 E2	93
36.78.080	AMD	34 E2	80	42.17.350	AMD	112 E2	8
38.24.050	AMD	34 E2	81	43	ADD	108 E2	1-7
38.52.040	AMD	34 E2	82	43	ADD	108 E2	15-24
39.12	ADD	49 E2	2	43	ADD	115 E2	1-6
39.12.040	AMD	49 E2	1	43	ADD	115 E2	8-17
39.72.010	AMD	77 E2	1	43	ADD	117 E2	1-4
40.14.050	AMD	34 E2	83	43.03.010	AMD	113 E2	1
41	ADD	5 E2	1-6,8	43.03.050	AMD	34 E2	94

*Subject to referendum
vote by the people

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RCW		CH.	SEC.	RCW		CH.	SEC.
43.03.060	AMD	34 E2	95	43.83G.020	REP	125 E2	7
43.03.130	AMD	34 E2	96	43.83G.030	REP	125 E2	7
43.06	ADD	108 E2	28	43.83G.040	REP	125 E2	7
43.06.010	AMD	108 E2	25	43.83G.050	REP	125 E2	7
43.06.130	AMD	34 E2	97	43.83G.060	REP	125 E2	7
43.06.200	AMD	108 E2	26	43.83G.900	REP	125 E2	7
43.06.210	AMD	108 E2	27	43.84.090	AMD	123 E2	1
43.08.064	AMD	77 E2	2	43.84.150	REEN	17 E2	2
43.09.310	REEN	17 E2	1	43.86.090	REP	83 E2	5
43.17.010	AMD	105 E2	24	43.86.100	REP	83 E2	5
43.17.010	AMD	115 E2	19	43.86.130	REP	83 E2	5
43.17.020	AMD	105 E2	25	43.86.140	REP	83 E2	5
43.17.020	AMD	115 E2	20	43.88	ADD	83 E2	1-3
43.19	ADD	21 E2	5	43.88.020	AMD	83 E2	4
43.19.180	AMD	21 E2	1	43.97.060	AMD	34 E2	124
43.19.190	AMD	21 E2	2	43.99.030	AMD	50 E2	1
43.19.1902	AMD	21 E2	3	43.99.090	REP	50 E2	2
43.19.1904	AMD	21 E2	4	43.99.110	AMD	34 E2	125
43.19.1906	AMD	21 E2	8	43.101.070	AMD	34 E2	126
43.19.1917	AMD	21 E2	9	43.101.080	REEN	17 E2	3
43.19.1918	AMD	21 E2	10	43.101.140	AMD	34 E2	127
43.19.1919	AMD	21 E2	11	43.105	ADD	110 E2	1-14
43.19.1923	AMD	21 E2	12	43.105.032	AMD	34 E2	128
43.19.1937	AMD	21 E2	13	43.110.010	AMD	34 E2	129
43.20.090	AMD	42 E2	36	43.115.030	AMD	34 E2	130
43.20A.360	AMD	34 E2	98	43.117.040	AMD	34 E2	131
43.20A.380	AMD	34 E2	99	43.125.010	AMD	34 E2	132
43.21A.180	AMD	34 E2	100	43.126.070	AMD	34 E2	133
43.21B.050	AMD	34 E2	101	44	ADD	105 E2	19-22
43.21C	ADD	99 E2	1	44.28.040	AMD	34 E2	134
43.21E.030	AMD	34 E2	102	44.60.050	AMD	34 E2	135
43.22.420	AMD	34 E2	103	46.12	ADD	91 E2	1-7
43.22.475	AMD	34 E2	104	46.16.070	AMD	64 E2	1
43.24.060	AMD	34 E2	105	46.16.100	REP	64 E2	24
43.24.110	AMD	34 E2	106	46.16.115	AMD	64 E2	2
43.30.150	AMD	34 E2	107	46.16.130	AMD	54 E2	1
43.31	ADD	68 E2	1-8	46.16.135	AMD	64 E2	3
43.31.090	AMD	34 E2	108	46.16.137	AMD	64 E2	4
43.31.110	AMD	34 E2	109	46.16.145	AMD	64 E2	5
43.31.130	AMD	34 E2	110	46.16.160	AMD	64 E2	6
43.31.300	AMD	108 E2	11	46.16.380	AMD	102 E2	1
43.31A.020	AMD	34 E2	111	46.20	ADD	29 E2	1-4
43.33.050	AMD	34 E2	112	46.44	ADD	64 E2	22,23
43.33.070	AMD	105 E2	26	46.44.020	AMD	64 E2	7
43.38.010	AMD	34 E2	113	46.44.030	AMD	53 E2	1
43.41.120	AMD	34 E2	114	46.44.036	AMD	64 E2	8
43.43.250	AMD	116 E2	1	46.44.037	AMD	64 E2	9
43.43.858	AMD	34 E2	115	46.44.040	REP	64 E2	24
43.51.020	AMD	34 E2	116	46.44.042	AMD	64 E2	10
43.51.810	AMD	34 E2	117	46.44.044	REP	64 E2	24
43.56.040	AMD	34 E2	118	46.44.045	REP	64 E2	24
43.57.020	AMD	34 E2	119	46.44.046	AMD	64 E2	24
43.59.050	AMD	34 E2	120	46.44.047	AMD	64 E2	11
43.61.030	AMD	115 E2	21	46.44.050	AMD	64 E2	12
43.61.040	AMD	115 E2	22	46.44.090	AMD	64 E2	13
43.61.050	AMD	115 E2	23	46.44.091	AMD	64 E2	14
43.61.070	AMD	115 E2	24	46.44.092	AMD	64 E2	15
43.62.010	AMD	34 E2	121	46.44.0941	AMD	64 E2	16
43.63A.120	AMD	34 E2	122	46.44.095	AMD	64 E2	17
43.74.015	AMD	34 E2	123	46.44.096	AMD	64 E2	18
43.83B.210	AMD	36 E2	1	46.44.097	REP	64 E2	24
43.83G.010	REP	125 E2	7	46.44.098	AMD	64 E2	19

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RCW		CH.	SEC.	RCW		CH.	SEC.
46.44.099	REP	64 E2	24	66.28.010	AMD	74 E2	3
46.44.130	AMD	64 E2	20	66.28.025	AMD	62 E2	1
46.44.160	AMD	64 E2	21	66.28.050	AMD	74 E2	2
46.52.020	REEN	18 E2	1	67.08	ADD	48 E2	5
46.61.010	AMD	95 E2	1	67.08.003	AMD	34 E2	153
46.61.580	AMD	102 E2	2	67.08.003	AMD	48 E2	1
46.64.015	AMD	95 E2	2	67.08.010	AMD	48 E2	2
46.64.050	AMD	95 E2	3	67.08.015	AMD	48 E2	3
46.68.100	AMD	57 E2	1	67.08.040	AMD	48 E2	4
46.82.140	AMD	34 E2	136	67.08.060	AMD	34 E2	154
46.85.030	AMD	34 E2	137	67.08.070	REP	48 E2	6
47.01.040	AMD	34 E2	138	67.16.017	AMD	34 E2	155
47.04	ADD	64 E2	1	68.05.060	AMD	34 E2	156
47.10	ADD	66 E2	1-9	68.08	ADD	60 E2	1,2
47.26.130	AMD	34 E2	139	68.08.106	AMD	28 E2	1
47.26.140	AMD	34 E2	140	68.08.107	AMD	84 E2	1
47.42.045	AMD	55 E2	2	69.32.070	REP	103 E2	3
47.42.080	AMD	55 E2	1	69.32.080	REP	103 E2	3
47.56.023	AMD	34 E2	141	69.32.090	REP	103 E2	3
47.56.725	AMD	57 E2	2	69.32.100	REP	103 E2	3
47.60	ADD	69 E2	1	69.32.110	REP	103 E2	3
48.01.050	AMD	13 E2	1	69.32.120	REP	103 E2	3
48.14.021	AMD	119 E2	1	69.32.130	REP	103 E2	3
48.17.135	AMD	34 E2	142	69.50.410	AMD	103 E2	1
48.18.290	AMD	119 E2	2	70	ADD	101 E2	1-11
48.30	ADD	109 E2	9,10	70.37.030	AMD	34 E2	157
48.30	ADD	119 E2	7	70.38.050	AMD	34 E2	158
48.30.140	AMD	119 E2	3	70.44	ADD	78 E2	1
48.30.150	AMD	119 E2	4	70.58.095	AMD	42 E2	38
48.30.280	REP	119 E2	8	70.58.200	AMD	42 E2	39
48.30.290	REP	119 E2	8	70.58.210	AMD	42 E2	40
48.31	ADD	109 E2	10	70.79.020	AMD	34 E2	159
48.31.280	AMD	109 E2	1	70.83.020	AMD	27 E2	1
48.32	ADD	109 E2	11	70.93.020	AMD	41 E2	7
48.32.020	AMD	109 E2	2	70.93.190	AMD	41 E2	8
48.32.030	AMD	109 E2	3	70.95	ADD	41 E2	10,11
48.32.040	AMD	109 E2	4	70.95	ADD	41 E2	5,6
48.32.050	AMD	109 E2	5	70.95.010	AMD	41 E2	1
48.32.060	AMD	109 E2	6	70.95.020	AMD	41 E2	2
48.32.080	AMD	109 E2	7	70.95.030	AMD	41 E2	3
48.32.160	AMD	109 E2	8	70.95.040	AMD	34 E2	160
48.32A.080	AMD	119 E2	5	70.95.040	AMD	41 E2	9
48.56.080	AMD	119 E2	6	70.95.070	AMD	41 E2	4
49.04.010	AMD	34 E2	143	70.95B.070	AMD	34 E2	161
49.08.040	AMD	34 E2	144	70.98.010	AMD	108 E2	12
49.60.070	AMD	34 E2	145	70.98.020	AMD	108 E2	13
49.60.130	AMD	34 E2	146	70.98.070	AMD	34 E2	162
49.66.120	AMD	34 E2	147	70.98.070	REP	108 E2	43
50.12.031	AMD	34 E2	148	70.98.210	AMD	108 E2	14
50.12.200	AMD	34 E2	149	70.106.130	AMD	34 E2	163
51.04.110	AMD	34 E2	150	70.107.040	AMD	34 E2	164
51.08.030	AMD	42 E2	37	71.24.190	AMD	34 E2	165
51.32.050	AMD	45 E2	2	72.01.180	AMD	34 E2	166
51.32.073	REEN	19 E2	1	72.41.060	AMD	34 E2	167
51.52.010	AMD	34 E2	151	72.42.060	AMD	34 E2	168
54.44.010	AMD	72 E2	1	72.48.010	REP	103 E2	3
54.44.020	AMD	72 E2	2	72.48.020	REP	103 E2	3
58.24.020	AMD	34 E2	152	72.48.030	REP	103 E2	3
63.28.080	AMD	59 E2	1	72.48.040	REP	103 E2	3
66.12.110	REEN	20 E2	1	72.48.050	REP	103 E2	3
66.20.010	AMD	62 E2	2	72.48.060	REP	103 E2	3
66.24.310	AMD	74 E2	1	72.48.070	REP	103 E2	3

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RCW		CH.	SEC.	RCW		CH.	SEC.
72.48.080	REP	103 E2	3	84.34	ADD	22 E2	4
72.48.090	REP	103 E2	3	84.34.210	AMD	22 E2	1
72.48.100	REP	103 E2	3	84.34.220	AMD	22 E2	2
72.48.110	REP	103 E2	3	84.36	ADD	61 E2	14
72.49.020	AMD	103 E2	2	84.36.260	AMD	22 E2	3
72.60.060	AMD	34 E2	169	84.36.450	REP	61 E2	20
73.32.040	AMD	123 E2	2	84.36.455	REP	61 E2	20
73.34.040	AMD	123 E2	3	84.36.460	REP	61 E2	20
73.34.060	AMD	123 E2	4	84.36.820	AMD	127 E2	1
73.34.100	AMD	123 E2	5	84.36.825	AMD	127 E2	2
73.34.110	AMD	123 E2	6	84.36.830	AMD	127 E2	3
74	ADD	131 E2	1-8, 10	84.40.175	AMD	61 E2	15
74.08.044	AMD	52 E2	1	84.52.020	AMD	118 E2	33
74.13.020	AMD	71 E2	3	84.56.010	AMD	10 E2	1
74.13.031	AMD	71 E2	4	84.56.070	AMD	10 E2	2
74.32.120	AMD	34 E2	170	88.04.020	AMD	34 E2	177
75.28	ADD	40 E2	1,3	88.16.020	AMD	34 E2	178
75.28.081	AMD	40 E2	2	89.08.040	AMD	34 E2	179
75.28.475	AMD	34 E2	171	90.08.050	AMD	34 E2	180
75.28.530	AMD	34 E2	172	90.48.262	AMD	108 E2	41
76.09.030	AMD	34 E2	173	90.58.140	AMD	51 E2	1
76.09.220	AMD	34 E2	174	90.58.180	AMD	51 E2	2
77.04.060	AMD	34 E2	175	91.12.030	AMD	34 E2	181
80.50	ADD	108 E2	42				
80.50.010	AMD	108 E2	29				
80.50.020	AMD	108 E2	30				
80.50.030	AMD	108 E2	31				
80.50.040	AMD	108 E2	32				
80.50.050	AMD	108 E2	33				
80.50.060	AMD	108 E2	34				
80.50.070	AMD	108 E2	35				
80.50.100	AMD	108 E2	36				
80.50.110	AMD	108 E2	37				
80.50.120	AMD	108 E2	38				
80.50.170	AMD	108 E2	39				
80.50.175	AMD	108 E2	40				
81.68.010	AMD	121 E2	1				
82	ADD	61 E2	1-13, 16-18				
82.03.050	AMD	34 E2	176				
82.04	ADD	130 E2	3				
82.04.291	AMD	33 E2	1				
82.04.291	AMD	123 E2	7				
82.08.020	AMD	130 E2	1				
82.12.010	AMD	1 E2	1				
82.12.020	AMD	1 E2	2				
82.12.020	AMD	130 E2	2				
82.29.010	REP	61 E2	20				
82.29.020	REP	61 E2	20				
82.29.030	REP	61 E2	20				
82.29.040	REP	61 E2	20				
82.29.050	REP	61 E2	20				
82.29.060	REP	61 E2	20				
82.29.070	REP	61 E2	20				
82.29.080	REP	61 E2	20				
82.29.090	REP	61 E2	20				
82.32	ADD	70 E2	1				
82.44.060	AMD	54 E2	2				
82.50.510	AMD	75 E2	1				
84.08.030	AMD	94 E2	1				
84.33.080	AMD	123 E2	7				

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LAWS 1854			LAWS 1975-76		LAWS 1913			LAWS 1975-76	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
Pg. 78	12	REP	38 E2	19	167	1	REP	38 E2	19
Pg. 202	374	AMD	30 E2	2					
Pg. 237	85	AMD	30 E2	1	LAWS 1915			LAWS 1975-76	
Pg. 405	6	AMD	42 E2	25	Ch.	Sec.	Action	Ch.	Sec.
					43	1	AMD	30 E2	1
LAWS 1859			LAWS 1975-76		LAWS 1919			LAWS 1975-76	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
Pg. 129	126	REP	38 E2	19	112	1	REP	38 E2	19
					203	1-8	REP	42 E2	41
LAWS 1869			LAWS 1975-76		203	9	REP	42 E2	41
Ch.	Sec.	Action	Ch.	Sec.	203	10-18	REP	42 E2	41
Pg. 200	12	REP	38 E2	19	203	19	REP	42 E2	41
Pg. 229	135	REP	38 E2	19					
LAWS 1873			LAWS 1975-76		LAWS 1925 EX.			LAWS 1975-76	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
Pg. 182	12	REP	38 E2	19	45	8	AMD	34 E2	5
Pg. 213	141	REP	38 E2	19	162	2	AMD	34 E2	180
LAWS 1875			LAWS 1975-76		LAWS 1927			LAWS 1975-76	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
Pg. 85	1	AMD	100 E2	2	51	1	AMD	24 E2	1
Code 1881			LAWS 1975-76		LAWS 1933			LAWS 1975-76	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
	512	AMD	30 E2	2	62	21-1	AMD	74 E2	1
	786	REP	38 E2	19	184		ADD	48 E2	5
	957	REP	38 E2	19	184	2	AMD	34 E2	153
	1267	REP	38 E2	19	184	2	AMD	48 E2	1
	2388	AMD	42 E2	25	184	7	AMD	48 E2	2
					184	10	AMD	48 E2	4
					184	12	AMD	34 E2	154
					184	13	REP	48 E2	6
LAWS 1886			LAWS 1975-76		LAWS 1933 EX.			LAWS 1975-76	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
Pg. 124	1	AMD	25 E2	1	62	12	AMD	62 E2	2
					62	42	AMD	74 E2	2
					62	90	AMD	74 E2	3
LAWS 1891			LAWS 1975-76		LAWS 1935			LAWS 1975-76	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
69	1	REP	38 E2	19	18	2	AMD	34 E2	178
					98	2	AMD	34 E2	40
					169	3	AMD	34 E2	61
					169	12	AMD	34 E2	63
LAWS 1903			LAWS 1975-76		LAWS 1937			LAWS 1975-76	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
49	1	AMD	42 E2	34	217	1	AMD	74 E2	1
58	4	AMD	34 E2	144					
LAWS 1907			LAWS 1975-76		LAWS 1939			LAWS 1975-76	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
124	13	AMD	34 E2	53	133	1	AMD	42 E2	40
200	27	AMD	34 E2	177					
LAWS 1909			LAWS 1975-76						
Ch.	Sec.	Action	Ch.	Sec.					
76	13	AMD	118 E2	21					
249	9	REP	38 E2	19					
249	140	REP	38 E2	19					
249	245	REP	38 E2	19					

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LAWS 1941			LAWS 1975-76		LAWS 1953			LAWS 1975-76	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
5	1	AMD	34 E2	66	93	3	AMD	34 E2	34
231	1	AMD	34 E2	143	168	2	AMD	34 E2	30
252	14	AMD	34 E2	49	188	10	AMD	28 E2	1
					188	13	AMD	84 E2	1
					235	4	AMD	34 E2	49
					290	33	AMD	34 E2	156
LAWS 1943			LAWS 1975-76		LAWS 1953 EX.			LAWS 1975-76	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
12	1	AMD	42 E2	40	8	4	AMD	34 E2	149
130	43	AMD	34 E2	81					
LAWS 1945			LAWS 1975-76		LAWS 1955			LAWS 1975-76	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
35	59	AMD	34 E2	149	36	77.04.060	AMD	34 E2	175
63		ADD	49 E2	2	133	5	AMD	63 E2	2
63	4	AMD	49 E2	1	202	10	AMD	34 E2	42
159	6	AMD	42 E2	39	241	4	REEN	38 E2	18
261	5	AMD	67 E2	1	241	6	REP	38 E2	19
261	15	AMD	76 E2	1	263	4	AMD	34 E2	87
261	16	AMD	76 E2	2	263	8	AMD	34 E2	88
261	22	AMD	76 E2	4	270	4	AMD	34 E2	145
261	23	AMD	76 E2	5	270	9	AMD	34 E2	146
					291	3	AMD	42 E2	26
					291	4	AMD	42 E2	27
					291	5	AMD	42 E2	28
					291	7	AMD	42 E2	29
					291	8	AMD	42 E2	30
					304	4	AMD	34 E2	179
					340	9	AMD	34 E2	8
					385	2	AMD	59 E2	1
LAWS 1947			LAWS 1975-76		LAWS 1957			LAWS 1975-76	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
79		ADD	109 E2	9,10	101	5	AMD	34 E2	29
79	.01.05	AMD	13 E2	1	101	11	AMD	34 E2	28
79	.18.29	AMD	119 E2	2	193	18	AMD	119 E2	4
79	.30.14	AMD	119 E2	3	246	5	AMD	34 E2	83
79	.30.15	AMD	119 E2	4	259	6	AMD	34 E2	6
79	.31.28	AMD	109 E2	1					
80	6	AMD	34 E2	89					
80	42	REEN	16 E2	1					
123	1	AMD	34 E2	180					
137	1	AMD	34 E2	177					
165	3	AMD	34 E2	9					
165	4	AMD	34 E2	10					
274	5	AMD	34 E2	90					
283	3	AMD	34 E2	37					
LAWS 1949			LAWS 1975-76		LAWS 1959			LAWS 1975-76	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
180	3	AMD	123 E2	2	27	69.32.070	REP	103 E2	3
202	8	AMD	34 E2	50	27	69.32.080	REP	103 E2	3
202	9	AMD	34 E2	51	27	69.32.090	REP	103 E2	3
222	4	AMD	34 E2	45	27	69.32.100	REP	103 E2	3
222	12	AMD	34 E2	46	27	69.32.110	REP	103 E2	3
222	13	AMD	34 E2	47	27	69.32.120	REP	103 E2	3
226	7	AMD	34 E2	25	27	69.32.130	REP	103 E2	3
226	22	AMD	34 E2	26	28	72.01.180	AMD	34 E2	166
239	2	AMD	34 E2	44	28	72.48.010	REP	103 E2	3
					28	72.48.020	REP	103 E2	3
					28	72.48.030	REP	103 E2	3
					28	72.48.040	REP	103 E2	3
					28	72.48.050	REP	103 E2	3
					28	72.48.060	REP	103 E2	3
					28	72.48.070	REP	103 E2	3
					28	72.48.080	REP	103 E2	3
					28	72.48.090	REP	103 E2	3
					28	72.48.100	REP	103 E2	3
					28	72.48.110	REP	103 E2	3
LAWS 1951			LAWS 1975-76						
Ch.	Sec.	Action	Ch.	Sec.					
32	2	AMD	34 E2	159					
43	14	AMD	34 E2	134					
48	2	AMD	48 E2	3					
125	4	AMD	79 E2	1					
178	5	AMD	34 E2	82					
224	3	AMD	34 E2	152					

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LAWS 1959 (cont.)			LAWS 1975-76		LAWS 1961 (cont.)			LAWS 1975-76	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
28	72.60.060	AMD	34 E2	169	15		ADD	61 E2	1-13
32	3	AMD	63 E2	1					16-18
53	2	AMD	34 E2	32	15		ADD	61 E2	14
111	2	AMD	62 E2	2	15		ADD	130 E2	3
127	2	AMD	34 E2	148	15	82.08.020	AMD	130 E2	1
131	2	AMD	42 E2	22	15	82.12.010	AMD	1 E2	1
200	2	AMD	34 E2	52	15	82.12.020	AMD	1 E2	2
282	47	AMD	34 E2	64	15	82.12.020	AMD	130 E2	2
282	59	AMD	34 E2	65	15	82.44.060	AMD	54 E2	2
305	1	AMD	34 E2	153	15	84.08.030	AMD	94 E2	1
305	1	AMD	48 E2	1	15	84.40.175	AMD	61 E2	15
305	4	AMD	34 E2	154	15	84.52.020	AMD	118 E2	33
323	3	AMD	34 E2	27	15	84.56.010	AMD	10 E2	1
					15	84.56.070	AMD	10 E2	2
					23	51.08.030	AMD	42 E2	37
					23	51.32.050	AMD	45 E2	2
					23	51.52.010	AMD	34 E2	151
					57	6	AMD	76 E2	5
					61	8	AMD	34 E2	21
					87	11	AMD	34 E2	18
					96	8	AMD	55 E2	1
					128	1	AMD	102 E2	1
					128	2	AMD	102 E2	2
					138	2	AMD	63 E2	2
					207	1	AMD	108 E2	12
					207	2	AMD	108 E2	13
					207	7	AMD	34 E2	162
					207	7	REP	108 E2	43
					207	24	AMD	108 E2	14
					249	27	AMD	34 E2	24
					256	27	AMD	34 E2	19
					278	4	AMD	34 E2	141
					284	2	AMD	34 E2	41
					299	14	AMD	120 E2	8
					299	53	AMD	35 E2	1
					302	6	AMD	71 E2	2
					307	9	AMD	34 E2	175
					<u>LAWS 1961 EX.</u>			<u>LAWS 1975-76</u>	
					Ch.	Sec.	Action	Ch.	Sec.
					5	21	AMD	42 E2	38
					21	34	REP	64 E2	24
					<u>LAWS 1963</u>			<u>LAWS 1975-76</u>	
					Ch.	Sec.	Action	Ch.	Sec.
					4	36.32.400	AMD	106 E2	7
					25	13	AMD	34 E2	39
					38	17	AMD	34 E2	40
					106	3	AMD	34 E2	137
					166	1	AMD	119 E2	1
					207	5	AMD	34 E2	60
					<u>LAWS 1965</u>			<u>LAWS 1975-76</u>	
					Ch.	Sec.	Action	Ch.	Sec.
					5	3	AMD	50 E2	1
					5	9	REP	50 E2	2
					5	11	AMD	34 E2	125
					7	35.20.150	AMD	120 E2	7
					8	43.03.010	AMD	113 E2	1
					8	43.03.050	AMD	34 E2	94
					8	43.03.060	AMD	34 E2	95

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
8	43.06.010	AMD	108 E2	25	88	4	REP	108 E2	43
8	43.08.064	AMD	77 E2	2	100	3	AMD	34 E2	105
8	43.09.310	REEN	17 E2	1	100	5	AMD	34 E2	106
8	43.19.180	AMD	21 E2	1	121		ADD	29 E2	1-4
8	43.19.1902	AMD	21 E2	3	123	5	AMD	111 E2	2
8	43.19.1904	AMD	21 E2	4	123	7	AMD	120 E2	1
8	43.19.1906	AMD	21 E2	8	137	2	AMD	64 E2	16
8	43.19.1917	AMD	21 E2	9	145	11.02.005	AMD	42 E2	23
8	43.19.1919	AMD	21 E2	11	145	11.04.081	AMD	42 E2	24
8	43.19.1923	AMD	21 E2	12					
8	43.19.1937	AMD	21 E2	13					
8	43.20.090	AMD	42 E2	36					
8	43.24.060	AMD	34 E2	105					
8	43.24.110	AMD	34 E2	106					
8	43.30.150	AMD	34 E2	107					
8	43.31.090	AMD	34 E2	108					
8	43.31.110	AMD	34 E2	109					
8	43.31.130	AMD	34 E2	110					
8	43.38.010	AMD	34 E2	113					
8	43.43.250	AMD	116 E2	1					
8	43.51.020	AMD	34 E2	116					
8	43.56.040	AMD	34 E2	118					
8	43.57.020	AMD	34 E2	119					
8	43.61.030	AMD	115 E2	21					
8	43.61.040	AMD	115 E2	22					
8	43.61.050	AMD	115 E2	23					
8	43.61.070	AMD	115 E2	24					
8	43.62.010	AMD	34 E2	121					
8	43.74.015	AMD	34 E2	123					
8	43.84.090	AMD	123 E2	1					
8	43.86.090	REP	83 E2	5					
8	43.86.100	REP	83 E2	5					
8	43.86.130	REP	83 E2	5					
8	43.86.140	REP	83 E2	5					
8	43.88.020	AMD	83 E2	4					
9		ADD	129 E2	1,2					
9	29.04.040	AMD	129 E2	3					
9	29.04.050	AMD	129 E2	4					
9	29.13.010	AMD	3 E2	1					
9	29.13.010	AMD	111 E2	1					
9	29.13.020	AMD	111 E2	2					
9	29.18.040	AMD	112 E2	1					
9	29.21.010	AMD	120 E2	1					
9	29.21.015	AMD	120 E2	2					
9	29.21.060	AMD	120 E2	3					
9	29.21.140	AMD	120 E2	4					
9	29.21.160	AMD	120 E2	6					
9	29.21.170	REP	120 E2	15					
9	29.21.230	REP	120 E2	15					
9	29.24.110	REP	120 E2	15					
9	29.33.220	AMD	46 E2	4					
9	29.79.490	AMD	112 E2	2					
9	29.80.010	AMD	4 E2	2					
9	29.82.010	AMD	47 E2	1					
9	29.82.015	AMD	47 E2	2					
10	5	AMD	108 E2	11					
30	3	AMD	71 E2	3					
38	1	AMD	64 E2	19					
38	2	REP	64 E2	24					
70	21	AMD	34 E2	48					
86	3	AMD	76 E2	4					
88	1	AMD	108 E2	13					

<u>LAWS 1965 EX.</u>			<u>LAWS 1975-76</u>	
Ch.	Sec.	Action	Ch.	Sec.
3	8	AMD	34 E2	30
3	14	AMD	34 E2	31
	2	AMD	10 E2	1
61	1	AMD	77 E2	2
61	4	AMD	77 E2	1
120	8	AMD	34 E2	80
123	3	AMD	34 E2	181
133	3	AMD	49 E2	1
142	2	AMD	122 E2	1
142	4	AMD	122 E2	2
142	5	AMD	122 E2	3
142	7	AMD	122 E2	6
155	2	AMD	95 E2	1
156	6	AMD	46 E2	1
164	1	AMD	34 E2	119
170	31	AMD	34 E2	138
170	32	AMD	34 E2	141
170	37	AMD	64 E2	9
170	48	AMD	34 E2	136

<u>LAWS 1967</u>			<u>LAWS 1975-76</u>	
Ch.	Sec.	Action	Ch.	Sec.
15	1	AMD	34 E2	178
32	50	REP	64 E2	24
32	113	AMD	34 E2	137
36	1	AMD	34 E2	181
38	1	REEN	20 E2	1
67	1	AMD	34 E2	143
68	1	AMD	34 E2	9
68	2	AMD	34 E2	10
74	12	AMD	34 E2	122
82	2	AMD	27 E2	1
88	1	AMD	34 E2	61
137	1	AMD	71 E2	2
150	14	AMD	34 E2	142
159	1	AMD	72 E2	1
159	2	AMD	72 E2	2
171	7	AMD	34 E2	33
172	17	AMD	71 E2	4
188	1	AMD	34 E2	28
188	2	AMD	34 E2	34
188	3	AMD	34 E2	39
188	4	AMD	34 E2	45
188	5	AMD	34 E2	52
188	6	AMD	34 E2	123
191	5	AMD	34 E2	14
198	1	AMD	34 E2	66
223	20	AMD	34 E2	29
240	26	AMD	34 E2	12

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16	3	AMD	34 E2	96	119	34	REP	118 E2	34
19	7	AMD	34 E2	117	119	35	REP	118 E2	34
26	34	AMD	34 E2	176	119	36	REP	118 E2	34
41	2	AMD	34 E2	97	123	2	AMD	103 E2	2
83	19	AMD	34 E2	139	134		ADD	41 E2	5,6
83	20	AMD	34 E2	140	134		ADD	41 E2	10,11
104	4	AMD	21 E2	4	134	1	AMD	41 E2	1
104	5	AMD	21 E2	12	134	2	AMD	41 E2	2
104	6	AMD	21 E2	10	134	3	AMD	41 E2	3
104	103	AMD	21 E2	3	134	4	AMD	34 E2	160
109	1	AMD	129 E2	3	134	4	AMD	41 E2	9
111	19	AMD	34 E2	165	134	7	AMD	41 E2	4
147	6	AMD	34 E2	120	152	4	AMD	122 E2	1
149	30	AMD	94 E2	1	152	5	AMD	122 E2	2
149	43	AMD	22 E2	3	152	6	AMD	122 E2	3
150	5	AMD	34 E2	135	152	8	AMD	122 E2	4
					157	1	AMD	56 E2	4
					158	5	AMD	34 E2	54
					170	5	REP	64 E2	24
					170	8	AMD	64 E2	6
					170	15	AMD	64 E2	2
					171	3	AMD	34 E2	140
					172	11	AMD	52 E2	1
					176	6	AMD	34 E2	68
					176	13	AMD	34 E2	69
					176	103	REP	15 E2	19
					176	110	REP	15 E2	19
					176	113	REP	15 E2	19
					186	1	AMD	108 E2	26
					186	2	AMD	108 E2	27
					186	8	AMD	108 E2	25
					190	8	AMD	119 E2	6
					199	19	AMD	34 E2	48
					199	22	REP	64 E2	24
					203	3	AMD	34 E2	170
					209	6	AMD	44 E2	3
					209	33	AMD	44 E2	2
					209	38	AMD	44 E2	1
					210	10	AMD	121 E2	1
					223		ADD	23 E2	1
					223		ADD	32 E2	1
					223		ADD	81 E2	1
					223		ADD	90 E2	1
					223		ADD	98 E2	1
					223		ADD	100 E2	1
					223		ADD	114 E2	1
					223		ADD	114 E2	5
					223		ADD	114 E2	9
					223		ADD	118 E2	1-20
					223	28A.01.020	AMD	118 E2	22
					223	28A.03.050	REP	15 E2	19
					223	28A.04.110	AMD	34 E2	67
					223	28A.04.120	AMD	92 E2	1
					223	28A.44.080	AMD	118 E2	24
					223	28A.44.090	AMD	118 E2	26
					223	28A.48.050	REP	15 E2	19
					223	28A.48.090	REP	15 E2	19
					223	28A.48.100	AMD	118 E2	28
					223	28A.57.020	REEN	15 E2	4
					223	28A.57.032	REEN	15 E2	1
					223	28A.57.050	REEN	15 E2	2
					223	28A.57.140	REEN	15 E2	3

LAWS 1969			LAWS 1975-76	
Ch.	Sec.	Action	Ch.	Sec.
12	3	AMD	116 E2	1
32	3	AMD	21 E2	2
44	1	REP	108 E2	43
50	1	AMD	123 E2	1
98	9	AMD	34 E2	8
108	2	AMD	34 E2	129
118	4	AMD	76 E2	1
118	8	AMD	34 E2	87
118	10	AMD	34 E2	88
129	10	AMD	34 E2	13
131	3	REP	120 E2	15
133	6	AMD	34 E2	22

LAWS 1969 EX.			LAWS 1975-76	
Ch.	Sec.	Action	Ch.	Sec.
21	8	AMD	74 E2	2
21	14	AMD	62 E2	1
31	1	AMD	34 E2	116
34	15	AMD	114 E2	6
34	16	AMD	114 E2	7
34	18	AMD	114 E2	8
34	22	AMD	114 E2	3
36	6	AMD	34 E2	73
49	2	AMD	26 E2	1
53	2	AMD	21 E2	9
71	1	AMD	34 E2	60
74	1	AMD	50 E2	1
113	3	AMD	34 E2	23
119	20	REP	118 E2	34
119	21	REP	118 E2	34
119	22	AMD	118 E2	34
119	23	REP	118 E2	34
119	24	REP	118 E2	34
119	25	REP	118 E2	34
119	26	REP	118 E2	34
119	27	REP	118 E2	34
119	28	REP	118 E2	34
119	29	REP	118 E2	34
119	30	REP	118 E2	34
119	31	REP	118 E2	34
119	32	REP	118 E2	34
119	33	REP	118 E2	34

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<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>
223	28A.57.328	REEN	15 E2	5	15	15	AMD	118 E2	27
223	28A.57.415	REEN	15 E2	9	15	16	AMD	114 E2	4
223	28A.58.101	AMD	97 E2	2	18	18	AMD	34 E2	162
223	28A.58.130	REP	118 E2	29	18	18	REP	108 E2	43
223	28A.58.135	AMD	26 E2	1	18	35	AMD	115 E2	23
223	28A.58.137	REEN	15 E2	10	18	36	AMD	115 E2	24
223	28A.58.150	AMD	118 E2	30	24	1	AMD	84 E2	1
223	28A.58.450	AMD	114 E2	2	25	1	AMD	42 E2	36
223	28A.58.480	AMD	114 E2	6	34	1	AMD	34 E2	94
223	28A.58.490	AMD	114 E2	7	39	1	AMD	106 E2	2
223	28A.60.070	REEN	15 E2	11	39	2	AMD	34 E2	85
223	28A.60.186	REP	15 E2	19	39	2	AMD	106 E2	3
223	28A.60.210	REEN	15 E2	12	39	5	AMD	106 E2	4
223	28A.65.010	REP	18 E2	34	39	7	AMD	106 E2	5
223	28A.65.020	REP	118 E2	34	39	8	AMD	106 E2	6
223	28A.65.030	REP	118 E2	34	44	6	AMD	34 E2	104
223	28A.65.040	REP	118 E2	34	45	1	AMD	108 E2	29
223	28A.65.050	REP	118 E2	34	45	2	AMD	108 E2	30
223	28A.65.060	REP	118 E2	34	45	3	AMD	108 E2	31
223	28A.65.070	REP	118 E2	34	45	4	AMD	108 E2	32
223	28A.65.080	REEN	15 E2	13	45	5	AMD	108 E2	33
223	28A.65.080	REP	118 E2	34	45	6	AMD	108 E2	34
223	28A.65.090	REP	118 E2	34	45	7	AMD	108 E2	35
223	28A.65.100	REEN	15 E2	14	45	10	AMD	108 E2	36
223	28A.65.100	REP	118 E2	34	45	11	AMD	108 E2	37
223	28A.65.110	REP	118 E2	34	45	12	AMD	108 E2	38
223	28A.65.120	REEN	15 E2	15	57	6	AMD	34 E2	38
223	28A.65.120	REP	118 E2	34	62	18	AMD	34 E2	100
223	28A.65.150	REEN	15 E2	16	62	35	AMD	34 E2	101
223	28A.65.150	REP	118 E2	34	62	60	AMD	41 E2	3
223	28A.65.160	REP	118 E2	34	65	2	AMD	34 E2	176
223	28A.65.170	REP	118 E2	34					
223	28A.66.070	AMD	118 E2	31	<u>LAWS 1971</u>			<u>LAWS 1975-76</u>	
223	28A.66.100	AMD	118 E2	32	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
223	28A.70.005	AMD	92 E2	2	11	1	AMD	105 E2	24
223	28A.70.110	REEN	15 E2	17	11	1	AMD	115 E2	19
223	28A.70.110	AMD	92 E2	3	11	2	AMD	105 E2	25
223	28A.70.130	AMD	92 E2	4	11	2	AMD	115 E2	20
223	28A.70.140	AMD	92 E2	5	17	1	REP	64 E2	24
223	28A.71.100	REEN	15 E2	18	48	36	REP	15 E2	19
223	28A.72.020	REP	5 E2	7	48	38	REP	118 E2	34
223	28A.72.060	REP	5 E2	7	48	39	REP	118 E2	34
223	28A.72.080	REP	5 E2	7	48	40	REP	118 E2	34
223	28A.92.050	AMD	34 E2	71	48	41	REP	118 E2	34
223	28B.10.525	AMD	34 E2	72	48	42	REP	118 E2	34
223	28B.50.050	AMD	34 E2	74	48	43	REP	118 E2	34
223	28B.50.060	AMD	34 E2	75	48	44	REP	118 E2	34
229	3	AMD	34 E2	103	60	1	AMD	34 E2	125
233	2	AMD	34 E2	155	62	5	AMD	55 E2	2
239	12	AMD	34 E2	114	67	4	REEN	15 E2	6
263	9	AMD	34 E2	78	67	5	REEN	15 E2	7
277	12	AMD	34 E2	77	67	6	REEN	15 E2	8
279	2	AMD	42 E2	39	80	1	AMD	56 E2	1
281	54	AMD	64 E2	1	81	110	AMD	21 E2	2
283	13	AMD	24 E2	2	292	66	AMD	71 E2	3
283	52	AMD	34 E2	76					
283	56	AMD	120 E2	3	<u>LAWS 1971 EX.</u>			<u>LAWS 1975-76</u>	
<u>LAWS 1970 EX.</u>			<u>LAWS 1975-76</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>	34	3	AMD	34 E2	130
9	1	AMD	64 E2	15	62	10	AMD	55 E2	1
10	1	AMD	120 E2	5	82	1	AMD	34 E2	103

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83	4	AMD	79 E2	1	117	2	AMD	34 E2	111
93	1	REP	118 E2	34	122	29	AMD	100 E2	2
93	2	REP	118 E2	34	124	2	AMD	118 E2	25
93	3	REP	118 E2	34	154	4	AMD	123 E2	3
109		ADD	99 E2	1	154	6	AMD	123 E2	4
138	1	AMD	74 E2	1	154	11	AMD	123 E2	5
140	2	REP	50 E2	2	154	12	AMD	123 E2	6
174	1	REP	119 E2	8	156	12	AMD	34 E2	147
174	2	REP	119 E2	8					
189	2	AMD	34 E2	98	<u>LAWS 1973</u>			<u>LAWS 1975-76</u>	
189	5	AMD	115 E2	21	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
189	6	AMD	115 E2	22	1		ADD	112 E2	9-15
189	15	AMD	34 E2	99	1	9	AMD	112 E2	3
198	6	AMD	34 E2	158	1	10	AMD	112 E2	4
212	9	AMD	34 E2	55	1	11	AMD	112 E2	5
216	1	AMD	44 E2	3	1	13	AMD	112 E2	6
231	10	REP	64 E2	24	*1	24	AMD	104 E2	1
243	2	AMD	22 E2	1	*Subject to referendum vote by the people				
243	3	AMD	22 E2	2	1	24	AMD	112 E2	7
244	1	REP	64 E2	24	1	31	AMD	82 E2	5
248	1	AMD	64 E2	7	1	35	AMD	34 E2	93
248	4	AMD	64 E2	18	1	35	AMD	112 E2	8
249	1	REP	64 E2	24	4	2	AMD	4 E2	1
253	22	AMD	34 E2	58	4	8	AMD	4 E2	2
259	8	AMD	119 E2	5	29	1	REP	42 E2	41
265		ADD	109 E2	11	32	1	AMD	24 E2	2
265	2	AMD	109 E2	2	49	1	AMD	114 E2	2
265	3	AMD	109 E2	3	49	3	AMD	114 E2	8
265	4	AMD	109 E2	4	53	1	AMD	48 E2	3
265	5	AMD	109 E2	5	62	13	AMD	34 E2	74
265	6	AMD	109 E2	6	102	1	AMD	46 E2	4
265	8	AMD	109 E2	7	106	13	AMD	34 E2	67
265	16	AMD	109 E2	8	112	1	AMD	22 E2	3
268	2	AMD	97 E2	1	118	6	AMD	34 E2	167
281	9	AMD	130 E2	1	131	3	AMD	14 E2	1
281	10	AMD	1 E2	2	131	4	AMD	14 E2	2
282	39	REP	15 E2	19	133	7	AMD	34 E2	50
283	14	AMD	40 E2	2	133	8	AMD	34 E2	51
286	14	AMD	51 E2	1	134	1	REP	42 E2	41
286	18	AMD	51 E2	2	134	2	AMD	42 E2	26
289	17	REEN	19 E2	1	134	3	AMD	42 E2	27
289	67	AMD	34 E2	150	134	4	AMD	42 E2	28
289	68	AMD	34 E2	151	134	5	AMD	42 E2	30
294	7	AMD	33 E2	1	134	6	AMD	42 E2	31
294	8	AMD	123 E2	7	134	7	AMD	42 E2	34
299	66	AMD	75 E2	1	134	8	AMD	42 E2	35
307	2	AMD	41 E2	7	134	9	REP	42 E2	41
307	19	AMD	41 E2	8	134	10	AMD	42 E2	32
					134	11	AMD	42 E2	33
					139	7	AMD	34 E2	161
					155	5	AMD	108 E2	41
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26	1	REP	118 E2	34	1	1	AMD	64 E2	20
26	2	REP	118 E2	34	7	1	AMD	72 E2	1
61	1	AMD	120 E2	9	22	4	AMD	34 E2	104
61	2	AMD	120 E2	10	46	8	AMD	34 E2	75
61	3	AMD	120 E2	11	101	2	AMD	71 E2	4
61	4	AMD	120 E2	12	103	7	AMD	34 E2	112
65	1	AMD	42 E2	37					
76	1	AMD	34 E2	132					
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103	12	REEN	17 E2	2	27	2	AMD	46 E2	1
106	15	AMD	34 E2	35	44	3	AMD	34 E2	53
115	1	REP	5 E2	7	46	1	AMD	34 E2	81
124	1	AMD	57 E2	1	49	13	AMD	34 E2	163
147	1	AMD	34 E2	85	72	1	AMD	72 E2	2
147	1	AMD	106 E2	3	76	1	AMD	64 E2	17
147	7	AMD	106 E2	6	76	2	AMD	53 E2	1
147	12	AMD	106 E2	2	86	1	REP	64 E2	24
150	1	REP	64 E2	24	91	6	REP	118 E2	34
150	2	AMD	64 E2	11	94	7	AMD	34 E2	126
150	4	AMD	64 E2	2	94	8	REEN	17 E2	3
154	74	AMD	76 E2	2	94	14	AMD	34 E2	127
175	11	AMD	34 E2	56	96	7	AMD	34 E2	59
178	7	AMD	34 E2	133	97	8	AMD	34 E2	32
184	5	AMD	34 E2	179	97	14	AMD	34 E2	33
187	2	REP	61 E2	20	110	1	AMD	108 E2	39
187	3	REP	61 E2	20	110	2	AMD	108 E2	40
187	4	REP	61 E2	20	132	1	AMD	119 E2	1
187	5	REP	61 E2	20	137	3	AMD	34 E2	173
187	6	REP	61 E2	5	137	22	AMD	34 E2	174
187	7	REP	61 E2	20	140	4	AMD	34 E2	131
187	8	REP	61 E2	20	147	3	AMD	34 E2	157
187	9	REP	61 E2	20	154	1	AMD	55 E2	2
187	10	REP	61 E2	20	157	1	AMD	34 E2	95
187	11	REP	61 E2	20	171	6	AMD	34 E2	82
187	14	REP	61 E2	20	171	46	AMD	108 E2	31
187	15	REP	61 E2	20	183	4	AMD	34 E2	164
202	5	AMD	34 E2	115	184	7	AMD	34 E2	171
206	1	AMD	39 E2	1	187	1	AMD	33 E2	1
206	2	AMD	39 E2	2	187	2	AMD	123 E2	7
206	3	AMD	39 E2	3	188	2	AMD	34 E2	62
206	4	AMD	39 E2	4					
206	5	AMD	39 E2	5					
206	6	AMD	39 E2	6					
206	8	AMD	39 E2	7					
206	9	AMD	39 E2	8					
206	10	AMD	34 E2	36					
208	4	AMD	34 E2	43					
214	5	AMD	34 E2	146					
218		ADD	87 E2	1					
218	2	AMD	87 E2	2					
218	3	AMD	87 E2	3					
218	5	AMD	34 E2	7					
218	7	AMD	87 E2	4					
219	5	AMD	34 E2	128					

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2	2	AMD	T03 E2	1	25	18	REP	64 E2	24
3	8	AMD	34 E2	147	43	1	REEN	15 E2	3
17	1	AMD	34 E2	97	43	3	REEN	15 E2	1
21	9	REP	120 E2	15	43	4	REEN	15 E2	2
36	1	AMD	3 E2	1	43	7	REEN	15 E2	5
40	10	AMD	127 E2	1	43	10	REEN	15 E2	6
40	11	AMD	127 E2	2	43	11	REEN	15 E2	7
40	12	AMD	127 E2	3	43	12	REEN	15 E2	8
					43	13	REEN	15 E2	9
					43	15	REEN	15 E2	11
					43	18	REEN	15 E2	12
					43	22	REEN	15 E2	13
					43	22	REP	118 E2	34
					43	23	REP	118 E2	34
					43	24	REEN	15 E2	14
					43	24	REP	118 E2	34
					43	25	REEN	15 E2	15
					43	25	REP	118 E2	34
					43	26	REEN	15 E2	16
					43	26	REP	118 E2	34
					43	32	REEN	16 E2	1
					43	33	AMD	118 E2	33
					43	36	REP	15 E2	19
					56	1	AMD	95 E2	2
					62	14	REEN	18 E2	1

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1	1	AMD	34 E2	80	224	10	REEN	19 E2	1
1	2	AMD	34 E2	139	237	1	AMD	126 E2	1
5	1	AMD	118 E2	23	243	2	AMD	80 E2	1
7	10	AMD	34 E2	20	252	1	REEN	17 E2	2
7	11	AMD	34 E2	21	254	1	AMD	97 E2	2
7	12	AMD	34 E2	15	254	2	REEN	15 E2	10
21	1	AMD	57 E2	2	256	1	REEN	20 E2	1
23	1	REEN	15 E2	4	258	1	REP	125 E2	7
38	2	AMD	106 E2	4	258	2	REP	125 E2	7
44	3	AMD	34 E2	102	258	3	REP	125 E2	7
48	5	AMD	34 E2	124	258	4	REP	125 E2	7
53	1	REP	118 E2	34	258	5	REP	125 E2	7
60	1	REP	15 E2	19	258	6	REP	125 E2	7
66	3	REP	15 E2	19	258	7	REP	125 E2	7
70	1	AMD	39 E2	1	259	2	AMD	87 E2	2
70	2	AMD	39 E2	2	259	3	AMD	87 E2	3
70	3	AMD	39 E2	4	259	4	AMD	87 E2	4
81	1	REEN	17 E2	2	260	9A.08.020	AMD	38 E2	1
82	1	REEN	17 E2	3	260	9A.20.020	AMD	34 E2	2
90	4	AMD	1 E2	3	260	9A.32.030	AMD	38 E2	3
100	2	AMD	83 E2	4	260	9A.32.050	AMD	38 E2	4
103	1	REEN	17 E2	3	260	9A.36.020	AMD	38 E2	5
114	1	AMD	56 E2	4	260	9A.48.010	AMD	38 E2	6
118	5	AMD	54 E2	1	260	9A.52.030	AMD	38 E2	7
118	6	AMD	64 E2	3	260	9A.56.010	AMD	38 E2	8
118	7	AMD	64 E2	4	260	9A.56.020	AMD	38 E2	9
118	14	AMD	54 E2	2	260	9A.56.110	AMD	38 E2	10
134	2	AMD	82 E2	1	260	9A.56.180	AMD	38 E2	11
134	6	AMD	82 E2	2	260	9A.60.010	AMD	38 E2	12
134	7	AMD	82 E2	3	260	9A.60.020	AMD	38 E2	13
134	9	AMD	82 E2	4	260	9A.60.030	AMD	38 E2	14
137	1	REEN	15 E2	10	260	9A.60.050	AMD	38 E2	15
151	1	REP	118 E2	34	260	9A.72.060	AMD	38 E2	16
151	2	REP	118 E2	34	260	9A.80.010	AMD	38 E2	17
168	1	AMD	64 E2	14	263	1	AMD	113 E2	1
168	2	AMD	64 E2	16	269	11	AMD	133 E2	8
168	3	AMD	64 E2	20	269	67	AMD	133 E2	24
171	2	AMD	34 E2	41	269	149	AMD	133 E2	28
173	2	REEN	20 E2	1	269	152	AMD	133 E2	32
173	6	AMD	74 E2	3	269	157	AMD	133 E2	33
173	7	AMD	62 E2	1	269	187	AMD	133 E2	61
174	8	AMD	34 E2	79	269	193	AMD	2 E2	2
174	12	AMD	86 E2	1	274	1	AMD	34 E2	84
178	1	AMD	44 E2	1	275	13	AMD	34 E2	68
178	2	AMD	44 E2	2	275	29	AMD	34 E2	69
179	1	AMD	45 E2	2	275	48	REP	15 E2	19
182	3	AMD	51 E2	1	275	50	AMD	92 E2	1
182	4	AMD	51 E2	2	275	63	AMD	118 E2	24
183	8	AMD	34 E2	172	275	64	AMD	118 E2	25
192	1	REEN	15 E2	17	275	65	AMD	118 E2	26
192	1	AMD	92 E2	3	275	67	AMD	118 E2	27
192	2	REEN	15 E2	18	275	69	REP	15 E2	19
193	1	REEN	17 E2	1	275	72	REP	15 E2	19
194	1	AMD	24 E2	1	275	73	AMD	118 E2	28
195	2	AMD	34 E2	62	275	80	REEN	15 E2	1
196	1	AMD	64 E2	21	275	83	REEN	15 E2	2
200	1	AMD	34 E2	173	275	89	REEN	15 E2	3
200	10	AMD	34 E2	174	275	94	REEN	15 E2	4
202	1	REP	118 E2	34	275	101	REEN	15 E2	5
210	1	REEN	18 E2	1	275	103	REEN	15 E2	6
218	1	AMD	34 E2	129	275	104	REEN	15 E2	7
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275	119	REEN	15 E2	11
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275	122	REEN	15 E2	13
275	122	REP	118 E2	34
275	123	REEN	15 E2	14
275	123	REP	118 E2	34
275	124	REP	118 E2	34
275	125	REEN	15 E2	15
275	125	REP	118 E2	34
275	126	REEN	15 E2	16
275	126	REP	118 E2	34
275	127	REP	118 E2	34
275	128	REP	118 E2	34
275	130	AMD	118 E2	32
275	133	AMD	114 E2	4
275	134	REEN	15 E2	17
275	135	AMD	92 E2	4
275	136	AMD	92 E2	5
275	139	REEN	15 E2	18
275	150	REEN	16 E2	1
276	5	AMD	133 E2	50
276	9	AMD	133 E2	52
276	10	AMD	133 E2	53
276	14	AMD	133 E2	56
278	52	AMD	1 E2	1
280	2	AMD	34 E2	57
286	1	REEN	19 E2	1
288	5	AMD	34 E2	92
288	22	AMD	114 E2	3
291	19	AMD	127 E2	2
292	1	AMD	34 E2	108
293	1	REEN	17 E2	1
294	7	AMD	112 E2	3
*294	13	AMD	104 E2	1
*Subject to referendum vote by the people				
294	13	AMD	112 E2	7
294	17	AMD	82 E2	5
294	23	AMD	34 E2	93
295	3	AMD	36 E2	1
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296	9	REP	5 E2	7
296	10	REP	5 E2	7
296	11	REP	5 E2	7
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2	1	AMD	7 E2	1
3	1	AMD	111 E2	1
5	2	AMD	34 E2	91
15	10	AMD	114 E2	10
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